

ORDINANCE

APPROVING A CONSTRUCTION CONTRACT TO GARREN CONSTRUCTION, LLC IN THE AMOUNT OF \$2,508,410.00 FOR THE MARTIN LUTHER KING PARK PROJECT, A 2017 BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 2. FUNDS ARE AVAILABLE FROM THE 2017 - 2022 GENERAL OBLIGATION BOND PROGRAM AND THE 2015 PARKS DEVELOPMENT AND EXPANSION VENUE FUND AND ARE INCLUDED IN THE FY 2021 - FY 2026 CAPITAL IMPROVEMENT PROGRAM.

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WHEREAS, on May 6, 2017, voters approved the 2017 Bond Program which authorized \$3,100,000.00 for general park rehabilitation and improvements within Martin Luther King Park located in Council District 2; and

WHEREAS, in support of the Park's Concept Plan, the improvements to be completed as part of the Martin Luther King Park include the construction and installation of a splash pad, restroom, a nature pavilion, parking lot, and park trail along the south side of the Salado Creek; and

WHEREAS, the four additive alternates accepted as part of this contract will include the construction of a restroom at the nature pavilion, a fishing node with a connecting accessible sidewalk, an overlook of Salado Creek, and incorporation of Low Impact Development parking lot features; and

WHEREAS, construction is anticipated to begin in January 2021 and is estimated to be completed by October 2021; and

WHEREAS, this project was advertised on August 12, 2020, for construction bids in the following media: San Antonio Hart Beat, City's website, Texas Electronic State Business Daily, TVSA, and electronic bidding site CivCast. Bids were opened on September 15, 2020, and nine bids were received; and

WHEREAS, of these, the lowest bidder was deemed non-responsive for failure to provide a bid bond and other documentation required in the solicitation document; and

WHEREAS, the second lowest bidder was deemed non-responsive for not meeting the subcontracting requirements; and

WHEREAS, Garren Construction, LLC submitted the lowest responsive bid as indicated in the included matrix; and

WHEREAS, this contract will be awarded in compliance with the Small Business Economic Development Advocacy (SBEDA) Program, which requires contracts to be reviewed by a Goal Setting Committee to establish a requirement and/or incentive unique to the particular contract to maximize the amount of small, minority and women-owned business participation on the contract. The Goal Setting Committee set an 18% Minority/Women Business Enterprise (M/WBE) subcontracting goal and a 3% African-American Business Enterprise (AABE) subcontracting goal; and

WHEREAS, Garren Construction, LLC has committed to meeting these subcontractor participation goals; and

WHEREAS, this construction contract was developed utilizing the low bid process. Therefore, a Contracts Disclosure Form is not required **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The lowest responsive bid in the total amount of \$2,508,410.00 from Garren Construction, LLC for the Martin Luther King Park Project is hereby accepted. All other bids will be considered rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of ninety (90) days from the effective date hereof, whichever occurs first.

SECTION 2. Payment is authorized to be encumbered and made payable to Garren Construction, LLC in an amount not to exceed \$2,508,410.00.

SECTION 3. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 4. Payment of \$98,000.00 is in support of the Creekway Low Impact Development Project using Fund 40005000 with the WBS element 26-00653-05-02-03 and GL account 5201140. Funding for this project is provided by the Linear Parks 2015 Fund and is in the FY2021-FY2026 CIP Budget.

SECTION 5. Payment of \$2,410,410.00 is in support of the Martin Luther King Park 2017 Project using Fund 45099000 with the WBS element 23-01677-05-02-01 and GL account 5201140. Funding for this project is provided by Go Bonds and the Linear Parks 2015 Fund and is in the FY2021-FY2026 CIP Budget.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

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Xx/xx/xx
Item No. 20-6076

SECTION 8. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this _____ **day of November, 2020.**

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney