

THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

AN ORDINANCE

ACCEPTING THE LOWEST RESPONSIVE BID TO AWARD A CONSTRUCTION CONTRACT, INCLUDING TWO (2) ADDITIVE ALTERNATES, IN THE AMOUNT OF \$386,594.00, PAYABLE TO HARBORTH CONSTRUCTION, LLC, FOR THE BEACON HILL PARK PHASE II PROJECT, AN AUTHORIZED 2012–2017 BOND PROJECT, LOCATED IN COUNCIL DISTRICT 1.

* * * * *

WHEREAS, the Beacon Hill Park Improvement Project Phase II is a continuation of a previously approved and constructed Phase I project, initiated by the community and the Council Office in District 1; and

WHEREAS, Phase I and II proposed the re-development of existing drainage parcels into park spaces for the use of the community; and

WHEREAS, on May 12, 2011 City Council approved funding for the construction of Phase I, pursuant to ordinance number 2011-05-12-0371, with Certificate of Obligations and Housing Urban Development (HUD 108 loan program project) funds; and

WHEREAS, however, funding for the Phase II Improvements was not identified; and

WHEREAS, on May 12, 2012, San Antonio voters approved the 2012-2017 Bond Program, consisting of five propositions totaling \$596 Million to be used on various capital improvement projects, to address community infrastructures needs and improve the overall quality of life in San Antonio; and

WHEREAS, the Beacon Hill Park Improvement Phase II project was included in the 2012-2017 Bond Program and it allocated \$450,000.00; and

WHEREAS, the Beacon Hill Park Phase II improvements will include 1600 linear feet of walking trails, crosswalk, basket swing, a picnic unit and other park amenities; and

WHEREAS, this Project was advertised for construction bids in the San Antonio Hart Beat, on the City's website and the Texas Electronic State Business Daily in April 2013; and

WHEREAS, in addition, the bid announcement was made on TVSA and through the Small Business Economic Development Advocacy (SBEDA) Office; and

WHEREAS, plans were also available for review by potential bidders at the office of RVK Interior Designers, located at 745 E. Mulberry Ave., Suite 601, San Antonio, TX 78212; and

WHEREAS, bids for this project were opened on February 11, 2014 and six (6) bidders responded, of which two (2) bidders were deemed non-responsive and Harborth Construction, LLC, submitted the lowest responsive bid; and

WHEREAS, the Goal Setting Committee set a 23% Small Business Enterprise (SBE) subcontracting goal and a 17% Minority/Women Business Enterprise (M/WBE) subcontracting goal; and

WHEREAS, Harborth Construction, LLC has committed to 25% SBE and 25% M/WBE subcontractor participation; and

WHEREAS, this construction contract was developed utilizing the low bid process; therefore a Discretionary 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 qualified bid in the amount of \$386,594.00 from Harborth Construction, LLC, including two (2) additive alternates for the Beacon Hill Park Phase II project, is hereby accepted. The contract described herein shall become effective upon the deposit of all required bonds and insurance certificates so long as such deposits are accomplished within sixty (60) days from the effective date of this ordinance. All other bids will be considered rejected upon the contract becoming effective or the expiration of sixty (60) days from the effective date hereof, whichever occurs first. A copy of the contractor's executed Formal Invitation for Bids and Contract is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. Payment in the amount of \$386,594.00, in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00338, Beacon Hill Park, is authorized to be encumbered and made payable to Harborth Construction, LLC., for construction services.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. 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 _____.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney