

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

AN ORDINANCE

FOR DISTRICT 7 PARK IMPROVEMENTS AT FRENCH CREEK PARK AND NANI FALCONE PARK, BOTH 2012-2017 BOND-FUNDED PROJECTS, LOCATED IN COUNCIL DISTRICT 7, ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT PAYABLE TO MGB GROUP, INC. IN THE AMOUNT OF \$544,598.61 AND APPROPRIATING \$14,539.94 IN UNIFIED DEVELOPMENT CODE (UDC) FEES IN LIEU OF PARK DEDICATION FUNDS FROM THE PARKS AND RECREATION DEPARTMENT.

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WHEREAS, under the voter approved 2012-2017 Bond Program, \$87.15 million was allocated for Parks, Recreation and Open Space Improvements; and

WHEREAS, the Bond Program funds will be used on various capital improvement projects to address community infrastructure needs and improve the overall quality of life in San Antonio; and

WHEREAS, as part of that program, funds in the total amount of \$550,000.00 in Parks, Recreation and Open Space Improvements Bond funds were approved for park improvements at French Creek Park and Nani Falcone Park, located in Council District 7; and

WHEREAS, in addition, \$14,539.94 in Unified Development Code (UDC) funds will be used for the Nani Falcone Park project; and

WHEREAS, due to the proximity and geographical location of the parks, these projects were designed and bid as a package in order to make the contract attractive to local, small businesses and to help expedite the work; and

WHEREAS, the balance of the project funds will be used for design services, environmental services, advertising, and project management; and

WHEREAS, two separate public input meetings were held in September and November 2013 to gather feedback for each park; and

WHEREAS, as a result of the community input, French Creek Park improvements will provide for the construction of a park trailhead, sidewalks, loop walking trail and wayfinding signage; and

WHEREAS, Nani Falcone Park improvements will provide for the construction of a dog park with associated sidewalks, fencing, signage, trash receptacles and parking expansion; and

WHEREAS, project construction for each park is anticipated to begin in May 2015 and estimated to be completed by October 2015; and

WHEREAS, coordination with the Parks and Recreation Department will be made to allow portions of Nani Falcone Park to remain open for public use for the duration of construction; and

WHEREAS, French Creek Park is currently not open to the public and the planned improvements are a first step in creating access and establishing amenities for patrons and residents; and

WHEREAS, these projects were advertised as a package for construction bids in January 2015 in the San Antonio Hart Beat, on the City's website, on the Texas Electronic State Business Daily, on TVSA and through the Transportation and Capital Improvements' Small Business Office; and

WHEREAS, plans also were available to potential bidders at the office of Rialto Studio, Inc., located at 2425 Broadway Ave., San Antonio TX 78215; and

WHEREAS, bids were opened on February 24, 2015 and five (5) bids were received and of these, MGB Group, Inc. submitted the lowest responsive qualified bid; and

WHEREAS, this contract will be awarded in compliance with the Small Business Economic Development Advocacy (SBEDA) Program, which requires contracts be reviewed by a Goal Setting Committee to establish a requirement and/or incentive unique to the particular contract in an effort to maximize the amount of small, minority, and women-owned business participation on the contract; and

WHEREAS, the Goal Setting Committee set an 18% Minority/Women Business Enterprise (M/WBE) subcontracting goal and 1% African American Business Enterprise (AABE) subcontracting goal; and

WHEREAS, the Economic Development Department approved a partial waiver submitted by MGB Group, Inc., because the contractor demonstrated a good faith effort to provide subcontracting opportunities for small, minority, and women-owned businesses; 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 bid in the amount of \$544,598.61, from MGB Group, Inc. for the French Creek Park and Nani Falcone Park Improvements 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. 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. The amount of \$14,539.94 is appropriated in the listed SAP Funds. The amount of \$14,539.94 is authorized to be transferred to SAP Fund 45099000.

FUND NO. OR INTERNAL ORDER NO.	FUND NAME OR INTERNAL ORDER NAME	G/L	Fund	PLAN VERSION 0 REVISION/ Appropriation
226000000404	Trf to 40-00376-90-15-01	6102100	29088062	5,034.83
226000000440	Trf to 40-00376-90-15-02	6102100	29088088	4,231.47
226000000523	Trf to 40-00376-90-15-03	6102100	29088132	5,273.64
			Totals	14,539.94

SECTION 3. The budget in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00376, Nani Falcone Park, shall be revised by increasing SAP WBS Elements as follows:

FUND NO. OR INTERNAL ORDER NO.	FUND NAME OR INTERNAL ORDER NAME	G/L	G/L NAME	PLAN VERSION 0 REVISION/ Appropriation
40-00376-90-15-01	Trf Fr IO# 226000000404 (29088062)	6101100	Transfer In	-5,034.83
40-00376-90-15-02	Trf Fr IO# 226000000440 (29088088)	6101100	Transfer In	-4,231.47
40-00376-90-15-03	Trf Fr IO# 226000000523 (29088132)	6101100	Transfer In	-5,273.64
			Totals	-14,539.94

SECTION 4. The amount up to \$14,539.94 is appropriated in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00376, Nani Falcone Park, SAP WBS Element 40-00376-05-02-01, entitled Construction-City, SAP GL Account 5201140.

SECTION 5. Payment in the amount not to exceed \$19,459.05 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00376, Nani Falcone Park, is authorized to be encumbered and made payable to MGB Group, Inc., for construction services.

SECTION 6. Payment in the amount not to exceed \$259,139.56 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00352, French Creek Park, is authorized to be encumbered and made payable to MGB Group, Inc., for construction services.

SECTION 7. Payment in the amount not to exceed \$266,000.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00278, CD7 infrastructure Improvements, is authorized to be encumbered and made payable to MGB Group, Inc., for construction services.

SECTION 8. 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 9. 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
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney