

ORDINANCE 2020-01-16-0013

**APPROVING AN INTERGOVERNMENTAL SUPPORT AGREEMENT TO ESTABLISH TERMS AND CONDITIONS BETWEEN THE CITY OF SAN ANTONIO AND JOINT BASE SAN ANTONIO (JBSA) TO PROVIDE BULK MATERIAL PURCHASES THROUGH EXISTING CITY CONTRACTS IN SUPPORT OF JBSA MILITARY INSTALLATIONS FOR A TEN YEAR TERM; AND AUTHORIZING THE ACCEPTANCE OF FEDERAL FUNDS FROM JBSA FOR SAID PURCHASES.**

\* \* \* \* \*

**WHEREAS**, in 2013, the United States Department of Defense received new authority to partner with state and local government entities to seek efficiencies and cost savings in the provision and acquisition of common services; and

**WHEREAS**, as part of a collaborative effort between the City and JBSA to explore opportunities across city services that could enable a more cost effective operation of the military installations, JBSA identified use of the City's existing supply contracts for commodities as a potential cost-saving mechanism; and

**WHEREAS**, in September 2018, City Council authorized an agreement with JBSA and the City's Transportation and Capital Improvements Department to rehabilitate roadways on military installations utilizing City contractors; and

**WHEREAS**, Joint Base San Antonio now desires to enter into an agreement with the City of San Antonio for the procurement of bulk materials through existing City contracts in support of JBSA military installations; and

**WHEREAS**, these contracts are primarily for roadway and construction materials, including but not limited to, ready mix concrete, asphalt products, rocks, sand and soil products, **NOW THEREFORE:**

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

**SECTION 1.** The City Council approves the terms and conditions of the Intergovernmental Support Agreement between the City and Joint Base San Antonio which is attached hereto and incorporated herein, in substantially final form, for all purposes as **Exhibit I**. The City's Chief Financial Officer or Deputy Chief Financial Officer, or their designee, is authorized to establish and incorporate into the Agreement any City accounting and financial processes and fees. The City Manager, through the Director of the Office of Management and Budget, or designee, is authorized to establish funds and budgets and make appropriations as necessary to carry out the purpose of this ordinance. The City Manager, Chief Financial Officer, Deputy Chief Financial Officer, or their designee, is hereby authorized to execute the Agreement.

**SECTION 2.** Funding for this ordinance will be identified when work orders are issued. If funding for any work orders is not previously appropriated, additional appropriations will be

made by the Director of the Office of Management and Budget, or designee. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with Operating and/or Capital Budgets for current and future fiscal years.

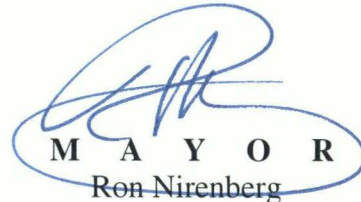
**SECTION 3.** The Finance Department will bill Joint Base San Antonio for all work orders completed along with a processing fee to recoup administrative effort incurred by the City. The revenue received will cover all appropriations authorized.

**SECTION 4.** Federal funds are authorized to be received from Joint Base San Antonio as per the Intergovernmental Support Agreement for the purchase of bulk materials.

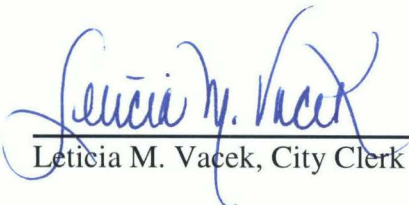
**SECTION 5.** The financial allocations in this ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or designee, correct allocations to specific SAP Fund Numbers, SAP Project 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 6.** This ordinance is effective immediately upon passage by eight affirmative votes; otherwise it is effective on the tenth day after passage.

**PASSED and APPROVED this 16<sup>th</sup> day of January, 2020.**

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Andrew Segovia, City Attorney

# Exhibit I



## Exhibit I



### DEPARTMENT OF THE AIR FORCE 502D AIR BASE WING JOINT BASE SAN ANTONIO



#### INTERGOVERNMENTAL SUPPORT AGREEMENT BETWEEN 502 CONTRACTING SQUADRON, JOINT BASE SAN ANTONIO AND CITY OF SAN ANTONIO, TEXAS FINANCE PURCHASING DEPARTMENT FOR BULK MATERIAL

SUBJECT: Intergovernmental Support Agreement (IGSA) Bulk Material located  
at Joint Base San Antonio, Texas

#### **PURPOSE:**

The 502d Contracting Squadron (CONS) located at Joint Base San Antonio (JBSA) and City of San Antonio (COSA) through its Finance Purchasing Division (together CONS and COSA may be referred to herein as the "Parties") mutually agree upon an IGSA to provide bulk material for military installations located at JBSA including JBSA - Lackland, JBSA - Camp Bullis, and JBSA Fort Sam Houston. Bulk materials referenced in this IGSA include roadway and construction materials, including but not limited to, ready mix concrete, asphalt products, rocks, sand and soil. This IGSA provides the authority, background, scope, minimum/maximum order amounts, and terms and conditions to implement this IGSA numbered **201912XX**.

The creation of this IGSA in no way obligates any funds on behalf of the Government. Future orders placed against this IGSA will only be placed subject to the availability of funds.

#### **AUTHORITY:**

Title 10 U.S.C. Section 2679

#### **BACKGROUND:**

1. 10 U.S.C. Section 2679 (Attachment 1) authorizes Service Secretaries to enter into IGSAs on a sole source basis, with a State or local government to provide, receive, or share installation-support services if the Secretary concerned determines that the agreement will serve the best interests of the department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs. This authority has been further delegated to Installation Commanders or Joint Base Commanders at Air Force led Joint Bases in accordance with (IAW) Secretary of Air Force Installation, Environment and Energy (SAF/IEI) Memorandum dated 30 January 2018 (Attachment 3).
2. The notice of intent to enter into an IGSA for bulk material was submitted to the 502d Air Base Wing Commander on 25 Apr 19 (Attachment 2).
3. In accordance with 10 U.S.C. Section 2679 an IGSA may be for a term not to exceed ten (10) years, provide for wage grades normally paid by that State or local government, the local Government already provides such services for its own use, and any contract for the

provision of installation-support services awarded by the Federal Government or local government pursuant to an intergovernmental support agreement shall be awarded on a competitive basis.

**SCOPE:**

1. The intent of this IGSA is for COSA to provide bulk material to Joint Base San Antonio for a 10-year ordering period with a maximum value of \$15M. COSA is a municipality that provides such services for its own use. COSA provides such work through its own contracting procedures in accordance with Texas law. This is a centralized IGSA that only 502 CONS may place orders against. The Parties may agree to make additional changes to this IGSA in the form of a written amendment approved by the Parties.

**CEILING MONITORING:**

1. Ceiling monitoring: the ceiling will be jointly enforced and tracked by COSA and 502 CONS. IGSA ceiling tracker (attachment 5) will be jointly used to track monetary ceiling limits. 502 CONS will provide COSA projected workload estimates for planning and budgetary purposes.
2. Contract type: All orders will be issued as a firm fixed price contract.

**TERMS AND CONDITIONS:**

1. Contract entered into pursuant to this IGSA will reflect the terms and conditions of a commercial contract subject to the Federal Acquisition Regulation (FAR) Part 12, Acquisition of Commercial Items. It is the goal of this IGSA to streamline and make more efficient and cost saving the procurement process. In an effort to lessen the administrative cost burden of performing the contract, JBBSA waives the reporting requirements of the herein referenced FARs. The project execution will be a commercial order using a Blanket Purchase Agreement (BPA) format. The term contractor is defined as the entity performing the work under each individual order. The following commercial provisions and clauses apply to all calls:
  - a. 52.212-1, Instructions to Offerors
  - b. 52.212-2, Evaluation – Commercial Items
  - c. 52.212-3, Offeror Representations and Certifications
  - d. 52.212-4, Contract Terms and Conditions
  - e. 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders – Commercial Items
2. Request for Quote (RFQ) process: RFQ's for bulk material will be issued to COSA by 502 CONS. The RFQ will provide definitive quantities for material and will include minimal commercial clauses. Certified funds shall be available prior to 502 CONS issuing the RFQ. The Unit of Issue will vary based on the RFQ. COSA has up to 15 calendar days to provide a quotation after receipt of the RFQ. The delivery schedule and



pricing will provided by COSA in response to the RFQ. All terms will be agreed to by the parties prior to issuance of a BPA call.

3. Inspection and Acceptance: 502 CONS and 502 Civil Engineering Squadron (CES) are responsible for inspecting and accepting all material provided under this IGSA. Inspection and acceptance of the bulk material will be conducted by 502 CES.
4. Quality Assurance: COSA is responsible for the quality of goods provided under this IGSA.
5. Insurance: COSA is not required to provide insurance documentation to 502 CONS. Contractors performing for COSA are required to maintain insurance IAW the following requirements:
  - a. Employer's liability coverage of at least \$100,000 shall be required.
  - b. General liability requires bodily injury liability insurance coverage written on the comprehensive form of policy of at least \$500,000 per occurrence
  - c. Automobile liability policy shall provide for bodily injury and property damage liability covering the operation of all automobiles used in connection with performing the contract. Policies covering automobiles operated in the United States shall provide coverage of at least \$200,000 per person and \$500,000 per occurrence for bodily injury and \$20,000 per occurrence for property damage. The amount of liability coverage on other policies shall be commensurate with any legal requirements of the locality and sufficient to meet normal and customary claims.
  - d. 52.228-5, Insurance
6. Payment Procedures: Invoices shall be submitted using Wide Area Workflow. Payment will be made after acceptance of the various goods. COSA shall follow the billing instructions below:
  - a. DFARS 252.204-7006, Billing Instructions
  - b. DFARS 252.232-7006, Wide Area Workflow Payment Instructions
7. Small Business: COSA small business policy will apply for the IGSA. Federal small business initiatives shall not apply, but COSA shall competitively acquire bulk material utilizing COSA's small business goals.
8. Price Fair and Reasonable: The prices quoted by COSA are considered fair and reasonable based on competitive quotes at the state and local government contract level. COSA shall comply with the requirements of 10 U.S.C. 2679 and compete and award all various goods utilizing COSA's applicable small business policy and goals. COSA will leverage economies of scale to provide a price fair and reasonable to the government.
9. Other: The following provisions and clauses apply to the IGSA and all calls:

- a. 52.204-7, System for Award Management
- b. 52.204-9, Personal Identity Verification of Contractor Personnel
- c. 52.204-13, System For Award Management Maintenance
- d. AFFARS 5352.201-9101, Ombudsman
- e. AFFARS 5352.242-9000, Contractor Access

### **ATTACHMENTS**

1.10 U.S.C. 2679	4 Pages	30 April 2018
2. IGSA Checklist	8 Pages	10 May 2018
3. SAF/IEI Memorandum	2 Pages	30 January 2018
4. COSA-JBSA Letter of Intent	1 Pages	25 April 2019
5. IGSA Ceiling Tracker	1 Page	1 September 2018

### **CONCLUSION**

This IGSA is hereby agreed upon by the City of San Antonio and the 502d Contracting Squadron. This agreement to enter into an IGSA is the most advantageous method of purchasing bulk material at Joint Base San Antonio including JBSA - Lackland, JBSA - Camp Bullis, and JBSA - Fort Sam Houston. The agreement shall not surpass ten years, effective XX XXX XX, with a maximum ceiling of \$15M. The City of San Antonio provides bulk material that will provide a fair and reasonable price for JBSA.

JOSEPH A. PREUSSER  
Contracting Officer