

AN ORDINANCE 2010-01-21-0036

AWARDING A CONSTRUCTION CONTRACT TO O’HAVER CONTRACTORS IN THE AMOUNT OF \$4,696,085.00; AND AMENDING THE FY 2010-2015 CAPITAL BUDGET TO REALLOCATE FUNDS FOR THE MISSION BRANCH LIBRARY PROJECT AND THE MISSION DRIVE-IN SITE DEVELOPMENT PROJECT, AUTHORIZED 2007-2012 GENERAL OBLIGATION, COMMUNITY DEVELOPMENT BLOCK GRANT AND 2009 TAX NOTE FUNDED PROJECTS LOCATED IN COUNCIL DISTRICT 3.

* * * * *

WHEREAS, the City Council has approved the use of 2007-2012 General Obligation (GO) Bond Program Funds and Community Development Block Grant (CDBG) funds for the Mission Drive-In Library Project (the “Project”), located in District 3; and

WHEREAS, the Project consists of construction of a new 16,500 square foot branch library at 3100 Roosevelt, San Antonio, Texas; and

WHEREAS, the competitive seal proposal was advertised in the Commercial Recorder, the San Antonio Observer, and the La Prensa in September 2009 and October 2009; and

WHEREAS, three proposals were received and O’Haver Contractors was selected as the successful proposer; **NOW THEREFORE:**

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

SECTION 1. The sealed proposal in the amount of \$4,696,085.00 from O’Haver Contractors for the performance of the above-described work in connection with the Mission Drive-In Library Project (the “Project”) is hereby accepted. The contractor’s proposal is incorporated herein to the extent that it does not conflict with the construction contract. All other proposals will be deemed rejected upon the execution of a contract by the successful proposer and the deposit of all required bonds and insurance certificates, or the expiration of sixty (60) days from the effective date of this Ordinance, whichever occurs first. The City Manager, or, in her stead, a Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of the Public Works Department is hereby authorized to execute a standard form public works construction contract for the job, which is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. The budget in Fund Number 45099000, General Obligation Capital Projects, Project Definition Number 40-00141, District 3 New Branch Library, shall be revised by decreasing WBS Element 40-00141-05-02 entitled Construction Costs, GL account number 5201140, by the amount of \$800,000.00.

SECTION 3. The budget in Fund Number 45099000, General Obligation Capital Projects, Project Definition 40-00141, District 3 New Branch Library, shall be revised by decreasing WBS element number 40-00141-90-16 entitled Transfer from I/O # 390000001119, GL account number 6101100, by the amount of \$800,000.00.

SECTION 4. The amount of \$800,000.00 is reverted in Fund Number 29070000, Stormwater Operating Fund, Internal Order # 390000001119, GL account number 6102100 – Interfund Transfer out entitled Transfer to 40-00141-90-16. The amount of \$800,000.00 is authorized to be transferred from Fund Number 45099000.

SECTION 5. The amount of \$237,589.06 is authorized to be transferred from Fund Number 28034000, CDBG 34th Year, Internal Order # 131000001704, GL account number 6102100 – Interfund Transfer out entitled Mission Drive-In FY 08-09 to Fund Number 45099000.

SECTION 6. The budget in Fund Number 45099000, General Obligation Capital Projects, Project Definition Number 40-00141, District 3 New Branch Library, shall be revised by increasing WBS Element 40-00141-90-12 entitled Transfer from I/O# 131000001704, GL Account Number 6101100 – Interfund Transfer In, by the amount \$237,589.06.

SECTION 7. The amount of \$237,589.06 is appropriated in Fund Number 45099000, General Obligation Capital Projects, Project Definition Number 40-00141, District 3 New Branch Library, and the budget shall be revised by increasing\decreasing the WBS Elements as follows:

WBS NO	WBS NAME	G/L	G/L NAME	CURRENT PLAN VERSION	PLAN VERSION REVISION	REVISED PLAN VERSION
40-00141-01-01	Project Initiation	5201100	Architectural Fees	\$0.00	\$6,036.25	\$6,036.25
40-00141-01-02	Design Costs	5201040	Fee to Prof Contractors	\$7,277.50	\$22,722.50	\$30,000.00
40-00141-01-02	Design Costs	5201100	Architectural Fees	\$583,705.13	-\$583,705.13	\$0.00
40-00141-01-02	Design Costs	5201170	Engineering Fees	\$201,642.00	\$423,809.46	\$625,451.46
40-00141-01-04	Design Capital Admin Costs	5101010	Regular Salaries	\$0.00	\$4,333.32	\$4,333.32
40-00141-01-04	Design Capital Admin Costs	5103005	FICA & Medicare Exp	\$0.00	\$332.02	\$332.02
40-00141-01-04	Design Capital Admin Costs	5105010	Retirement Exp	\$0.00	\$552.82	\$552.82
40-00141-01-04	Design Capital Admin Costs	5402010	Capital Program Admin Costs	\$40,859.36	\$26,606.92	\$67,466.28
40-00141-01-05	Program Management Cost	5201040	Fees to Prof Contractors	\$0.00	\$9,798.45	\$9,798.45
40-00141-01-06	Design Enhancement	5201040	Fees to Prof Contractors	\$52,750.00	\$52,750.00	\$0.00
40-00141-01-06	Design Enhancement	5201170	Engineering Fees	\$0.00	\$6,000.00	\$6,000.00
40-00141-01-07	\$30 Million Tax Nt	5201040	Fees to Prof Contrc	40.00	\$3,263.04	\$3,263.04
40-00141-01-07	\$30 Million Tax Nt	5201170	Engineering Fees	\$320,921.00	-\$4,246.70	\$316,674.30
40-00141-01-07	\$30 Million Tax Nt	5402010	Cap Prog Admin Costs	\$5,000.00	\$61,734.07	\$66,734.07

40-00141-04-01	Environmental Cap Admin Costs	5101010	Regular Salaries	\$0.00	\$132.69	\$132.69
40-00141-04-01	Environmental Cap Admin Costs	5103005	FICA & Medicare Exp	\$0.00	\$9.83	\$9.83
40-00141-04-01	Environmental Cap Admin Costs	5105010	Retirement Exp	\$0.00	\$16.63	\$16.63
40-00141-04-04	\$30 Million Tax Nt	5201040	Fees to Prof Contractors	\$0.00	\$7,173.22	\$7,173.22
40-00141-05-01	Advertising	5203040	Advertising & Publication	\$700.00	\$1,0606.00	\$1,760.00
40-00141-05-02	Construction Costs	5201140	Construction Cost	\$925,000.00	-\$925,000.00	\$0.00
40-00141-05-02-01	Construction-City	5201140	Construction Cost	\$4,337,100.94	\$358,984.06	\$4,696,085.00
40-00141-05-02-01	Construction-City	5304060	Library Resources	\$0.00	4491.50	\$491.50
40-00141-05-04	Construction Capital Admin Costs	5402010	Cap Prog Admin Cost	\$380,395.73	-\$245,256.25	\$135,139.48
40-00141-05-06	Project Contingency	5201140	Construction Cost	\$110,565.60	\$235,444.00	\$346,009.60
40-00141-05-06	Project Contingency	5201040	Fees to Prof Contractors	\$0.00	\$22,766.19	\$22,766.19
40-00141-05-06	Project Contingency	5402010	Cap Prog Admin Cost	\$0.00	\$813.80	\$813.80
40-00141-05-08	\$30 Million Tax Nt	5201140	Construction Cost	\$148,989.00	-\$148,989.00	\$0.00
40-00141-05-08	\$30 Million Tax Nt	5203040	Advertising & Publication	\$700.00	\$460.00	\$240.00
40-00141-05-08	\$30 Million Tax nt	5402010	Cap Prog Admin Cost	\$0.00	\$5,915.37	\$5,915.37
40-00141-06-01	Other	5304060	Library Resources	\$0.00	\$1,000,000.00	\$1,000,000.00
			TOTALS	\$7,115,606.26	\$237,589.06	\$7,353,195.32

SECTION 8. Payment in the amount of \$4,696,085.00 in Fund Number 45099000, General Obligation Capital Projects, Project Definition Number 40-00141, District 3 New Branch Library, is authorized to be encumbered and made payable to O’Haver Contractors for construction services.

SECTION 9. The amount of \$16,826.93 is authorized to be transferred from Fund Number 28034000, CDBG 34th Year, Internal Order # 131000001704, GL account number 6102100 – Interfund Transfer out entitled Mission Drive-In FY 08-09 to Fund Number 43099000.

SECTION 10. The budget in Fund Number 43099000, Certificates of Capital Projects, Project Definition Number 40-00199, Site Development at Mission Drive-In Pro, shall be revised by increasing WBS Element Number 40-00199-90-02 entitled Transfer from I/O# 131000001704, GL Account Number 6101100 – Interfund Transfer In, by the amount of \$16,826.93.

SECTION 11. The amount of \$800,000.00 is authorized to be transferred from Fund Number 29070000, Stormwater Operating Fund, Internal Order # 390000001133, GL account number 6102100 – Interfund Transfer out entitled From 29070000 TO 40-00199-90-03 to Fund Number 43099000.

SECTION 12. The budget in Fund Number 43099000, Certificates of Capital Projects, Project Definition Number 40-00199, Site Development at Mission Drive-In Pro, shall be revised by increasing WBS Element 40-00199-90-03 entitled Transfer from I/O# 390000001133, GL Account Number 6101100 – Interfund Transfer In, by the amount of \$800,000.00.

SECTION 13. The amount of \$175,280.00 is authorized to be transferred from Fund Number 28035000, CDBG 35th Year, Internal Order # 131000001749, GL account number 6102100 – Interfund Transfer out entitled District 3 Capital Improvement Fund FY09-10 to Fund Number 43099000.

SECTION 14. The budget in Fund Number 43099000, Certificates of Capital Projects, Project Definition Number 40-00199, Site Development at Mission Drive-In Pro, shall be revised by increasing WBS Element Number 40-00199-90-04 entitled Transfer from I/O# 131000001749, GL Account Number 6101100 – Interfund Transfer In, by the amount of \$175,280.00.

SECTION 15. The amount of \$992,106.93 is appropriated in Fund Number 43099000, Certificates of Capital Projects, Project Definition Number 40-00199, Site Development at Mission Drive-In Pro, and the budget shall be revised by increasing\decreasing the WBS Elements as follows:

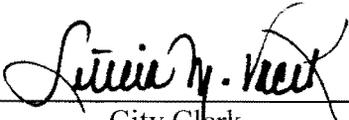
WBS NO	WBS NAME	G/L	G/L NAME	CURRENT PLAN VERSION	PLAN VERSION REVISION	REVISED PLAN VERSION
40-00199-01-07	\$30 Million Tax Nt	5201170	Engineering Fees	\$192,000.00	-\$295.00	\$191,705.00
40-00199-05-08	\$30 Million Tax Nt	5203040	Advertising & Publication	\$0.00	\$295.00	\$295.00
40-00199-05-02	Construction Costs	5201140	Construction Cost	\$0.00	\$992,106.93	\$992,106.93
			TOTALS	\$192,000.00	\$992,106.93	\$1,184,106.93

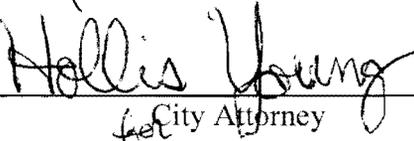
SECTION 16. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, or the City Manager’s designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, 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.

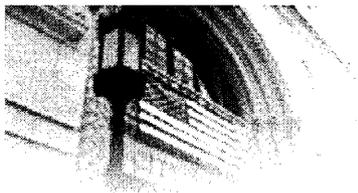
SECTION 17. This ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 21st day of January, 2010.

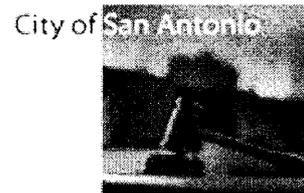

M A Y O R
JULIÁN CASTRO

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney



Request for
COUNCIL
ACTION



Agenda Voting Results - 12

Name:	12						
Date:	01/21/2010						
Time:	04:36:32 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance awarding a construction contract to O'Haver Contractors in the amount of \$4,696,085.00; and amending the FY 2010-2015 Capital Budget to reallocate funds for the Mission Branch Library Project and the Mission Drive-In Site Development Project, authorized 2007-2012 General Obligation, Community Development Block Grant and 2009 Tax Note funded projects located in Council District 3. [Pat DiGiovanni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7	x					
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10	x					



November 4, 2009

Mr. William Hensley
City of San Antonio
Capital Improvements Management Services
114 West Commerce Street, Room 405
San Antonio, Texas 78205

RE: Formal Request for Competitive Sealed Proposal (RFCSP) and Contract for the District 3 Mission Branch Library (Project No. 40-00141 & 40-00199)

Dear Mr. Hensley:

Thank you for this opportunity to participate in the Formal Request Competitive Sealed Proposal (RFCSP) and Contract for the District 3 Mission Branch Library project in San Antonio, Texas.

O'Haver Contractors is a closely held limited partnership established in 1996 by me, as founder and president. This company is located in San Antonio, Texas, and pursues work locally and throughout Texas in both the private and public sectors. We provide general contracting services, as well as construction management, design-build, construction cost estimating, and consulting.

We contract for commercial building projects and have related experience in a broad range of building types from warehouses to hospitals. The staff is experienced in projects from \$10,000 to over \$100,000,000. Our approach to building is to provide a service, which must be delivered professionally and expeditiously, with an eye on repeat business at all times.

Our corporate motto, *Building with Experience & Integrity*, is a testament to how we conduct our business. We perform our service with this philosophy at the forefront of all that we do. This is who we are and how we want to be known by all with whom we associate. Experience, honesty, fairness, professionalism and a desire to serve our community is what motivates us to build every project with the **pride of personal ownership**. This position assures the highest quality at the most competitive price and an on-time completion.

As you will see in the Contractor's Qualification Statement of this submission, O'Haver Contractors was the general contractor for the 30,000 sq. ft. Schertz Public Library in Schertz, Texas. We are therefore well versed in the requirements and expectations of this unique type of project and will not only meet those expectations and requirements; we will exceed them with this first-hand knowledge.

We look forward to working with the City of San Antonio and Kell Muñoz Architects.

Sincerely,

A handwritten signature in cursive script that reads "Donald R. O'Haver II".

Donald R. O'Haver II
President/General Partner

DRO/dmv

cc: File

Building with Experience & Integrity



O'Haver Contractors

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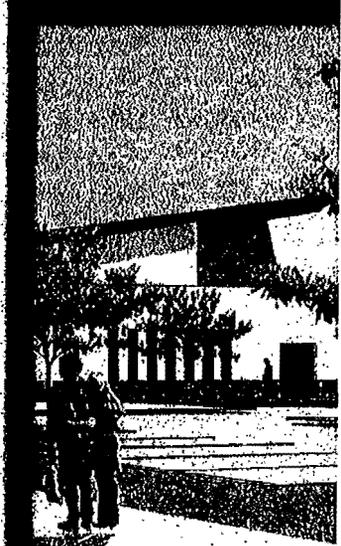
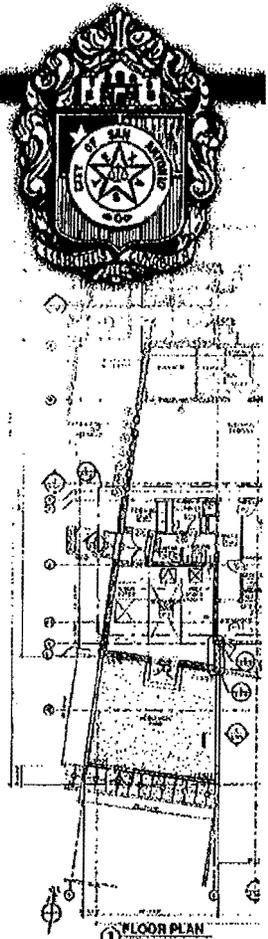
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INTRODUCTION

O'Haver Contractors is a closely held limited partnership established in 1996 by its founder, Donald R. O'Haver II, who is President of The O'Haver Construction Management Co., LLC, General Partner. The company is located in San Antonio, Texas and pursues work throughout Texas in both the private and public sectors. It provides general contracting services, as well as construction management, design-build, construction cost estimating and consulting.

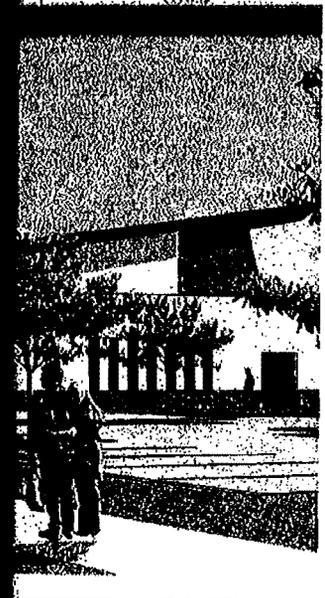
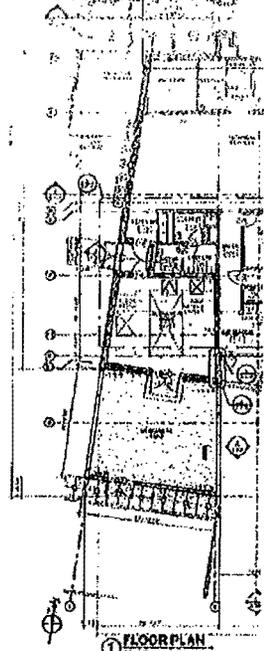
The company contracts for commercial building projects and its staff has related experience in a broad range of building types from warehouses to hospitals. The staff is experienced in projects from \$10,000 to \$100,000,000. Its approach to building is to provide a service, which must be delivered professionally and expeditiously, with an eye on repeat business at all times. To date, the company is proud to say that every firm it has worked for has asked us to build other projects.

Every project built is done with pride of personal ownership.

This position assures the highest quality at the most competitive price and an on-time completion. To achieve these results, the company utilizes the industry's most state-of-the-art tools. The first is the use of Primavera Scheduling, which is a comprehensive project management software that includes such extensive capabilities as critical path scheduling, resource allocation and leveling and cost control. The second valuable software information system used is Expedition. This software is a project management tool built on a comprehensive database that helps organize paperwork effectively. It also helps to communicate, answer questions, organize documents and records in accordance with the vendor, specification section, subcontractor, date, phase or area of the job site and in multiple categories.

As you will see in the Qualification Statement "Relevant Experience List" section of this submission, O'Haver Contractors was the general contractor for the [redacted]. We are therefore well versed in the requirements and expectations of this unique type of project and will not only meet those expectations and requirements, we will exceed them with this first-hand knowledge.

O'Haver Contractors would like to thank the City of San Antonio and Kell Muñoz Architects for the opportunity submit this response to proposal for the District 3 Mission Branch Library project.



RESPONSE TO:

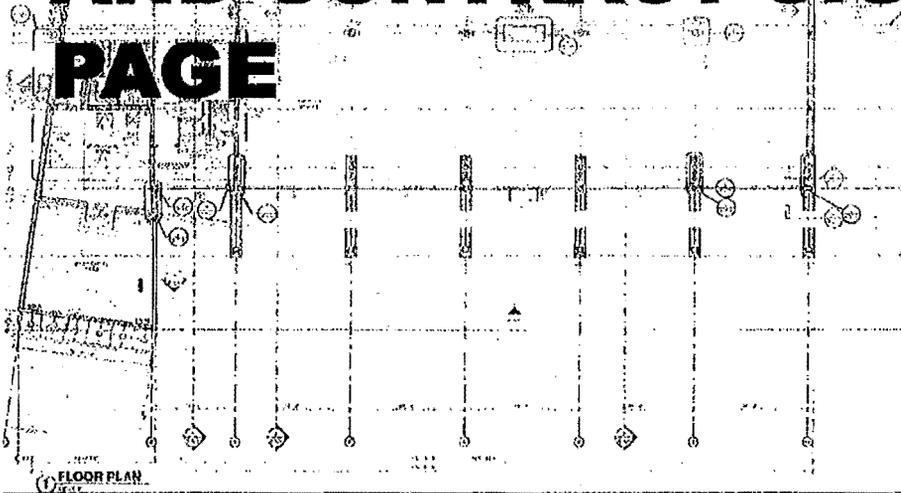
FORMAL REQUEST FOR COMPETITIVE SEALED PROPOSAL (RFCSP) AND CONTRACT
DISTRICT 3 MISSION BRANCH LIBRARY (PROJECT NO. 40-00141 & 40-00199)



FORM 011 REQUEST FOR COMPETITIVE SEALED PROPOSAL (RFCSP) AND CONTRACT SIGNATURE PAGE

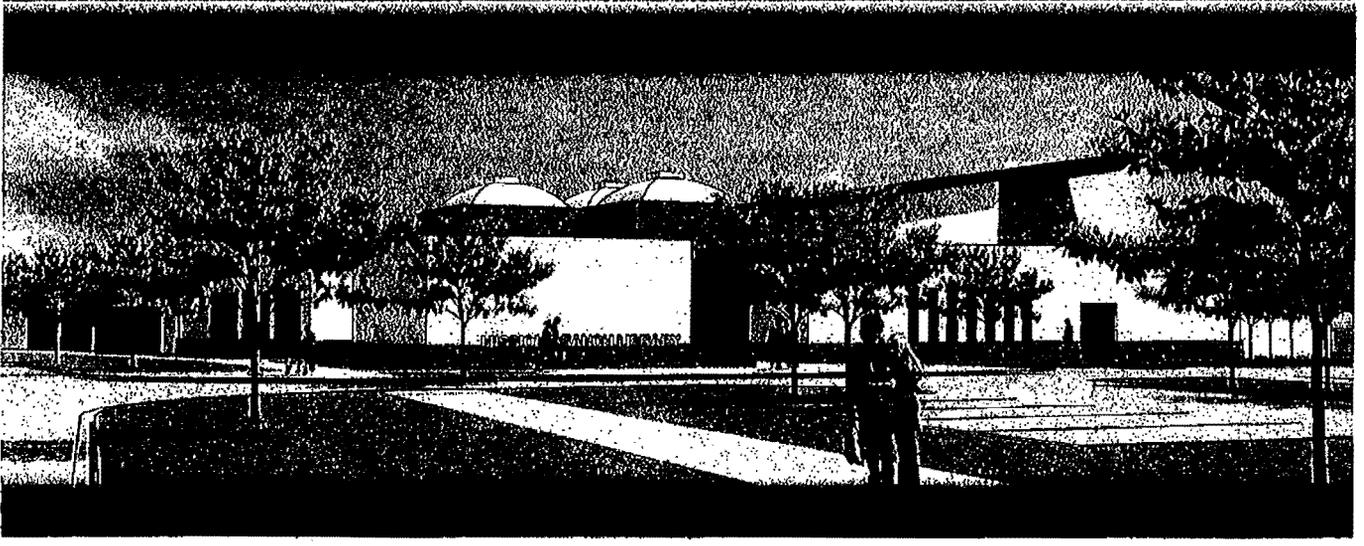


City of San Antonio
District 3 Mission Branch Library
San Antonio, Texas



FLOOR PLAN

ADDRESS	
PROJECT NO.	
DATE	
BY	
A-201	



Use or disclosure of data contained on this sheet is subject to the restriction on the cover of this submission.



RESPONSE TO:

FORMAL REQUEST FOR COMPETITIVE SEALED PROPOSAL (RFCSP) AND CONTRACT
DISTRICT 3 MISSION BRANCH LIBRARY (PROJECT NO. 40-00141 & 40-00199)

CITY OF SAN ANTONIO

Issued By: CIMS
ID NO.:40-00142-05-01, 40-00199-05-01

011

Date Issued: October 22, 2009
Page 1 of 2

**FORMAL REQUEST FOR COMPETITIVE SEALED PROPOSAL (RFCSP) and CONTRACT
District 3 Mission Branch Library (Project No. 40-00141 & 40-00199)**

One original sealed proposal and Seven (7) copies of the sealed proposal, subject to the Terms and Conditions of this Request for Competitive Sealed Proposals and other contract provisions, will be received at the Office of the City Clerk, City Hall, 100 Military Plaza, 2nd floor San Antonio, Tx 78205 until 1:00 p.m. CST on **Wednesday, November 4th, 2009**. This is the *solicitation deadline*. The original and copies of the Sealed Proposals must be submitted in an envelope and clearly marked with the due date of proposal, respondent name, Project Name and ID NO. The City is not responsible for submissions not clearly and appropriately marked. Late submissions will be rejected and returned to proposer.

TABLE A - This invitation includes the following Contract Documents:

011 Invitation for Competitive Sealed Proposals	076 Payment Bond
021 Pricing Form	080 General Conditions (Building)
030 Contractor's Qualifications Statement	085 General Conditions (Heavy/Hwy)
040 Standard Instructions to Respondents	092 Federal Compliance Manual
045 Evaluation of Proposals	Plan/Schedule
060 Supplemental Conditions	Plans, Specifications, Special Conditions
075 Performance Bond	Discretionary Contracts Disclosure Form - Complete online at the web address listed below:

<https://www.sanantonio.gov/eforms/atty/DiscretionaryContractsDisclosure.pdf>

Plans, Specifications and Special Conditions may be purchased at a cost of **\$250.00** per set (tax included) from **Kell Munoz, 1017 N. Main, Suite #300, San Antonio, Texas 78212** or by phone at (210) 349-1163. No refund will be made for plan sets that are returned. Addenda will be posted on the web at <http://epay.sanantonio.gov/rfp/listings/> along with this solicitation. Changes to Plans, Specifications, and Special Conditions will be included in an addendum and may be obtained from the above mentioned office. Respondent understands and agrees that respondent is responsible for obtaining addenda and adhering to all requirements in addenda. City is not responsible for incorrect information obtained through other sources.

The following documents (fully completed and with original signatures) constitute the required information to be submitted as a part of the original proposal:

- | | |
|---|--|
| 1) 011 Invitation for Competitive Sealed Proposal | 5) SBEDA Narrative |
| 2) 021 Pricing Form with Unit Prices | 6) Signed Addenda Acknowledgement Forms (if applicable) |
| 3) 030 Contractor's Qualifications Statement | 7) Proposed Plan Narrative |
| 4) Proposal bond or cashiers check | 8) Discretionary Contracts Disclosure Form (Complete online and submit. Insert printout into proposal) |

The Original Proposal shall be clearly marked on the outside of the sealed envelope as "ORIGINAL" with the due date of proposal, respondent's name, Project Name and ID NO. Seven (7) copies of only the **030 Contractor's Qualification Statement and the Respondent's Proposed Plan Narrative** shall be submitted in a sealed package separate from the original proposal. The package containing the copies shall be clearly marked "COPIES" on the outside with the due date of proposal, respondent's name, Project Name and ID NO.

A Non-Mandatory Pre-submittal conference will be held at the San Jose Visitor Center, 2202 Roosevelt Ave San Antonio, Tx 78210 on October 20th, 2009 at 10:00 a.m.

It is understood and agreed that the work is to be completed in full on or before **400** calendar days. This project does not include/includes hazardous environmental work. This project requires **2** project sign(s).

This is a Public Works Contract and chapter 2258 of the Texas Government Code requires that not less than the prevailing wage rate for work of a similar character in this locality shall be paid all laborers, workmen, and mechanics employed in the construction thereof. The Wage Decision Number **TX080003 10/09/2009 TX3 and TX080041 02/08/2008 TX41** shall be used on this contract, which is available on the web at <http://www.wdol.gov/dba.aspx#0>.

Form 011 Request for Competitive Sealed Proposal (RFCP) and Contract Signature Page



Use or disclosure of data contained on this sheet is subject to the restriction on the cover of this submission.

RESPONSE TO:FORMAL REQUEST FOR COMPETITIVE SEALED PROPOSAL (RFCSP) AND CONTRACT
DISTRICT 3 MISSION BRANCH LIBRARY (PROJECT NO. 40-00141 & 40-00199)District 3 Mission Branch Library
ID NO: 40-00141-05-01, 40-00199-05-01

Page 2 of 2

This contract has been designated as "high-profile." For contracts that have been designated by the City as high-profile, City Code Article VII, Section 2-309 provides that the following individuals cannot make a campaign or officeholder contribution to any councilmember or candidate during the "black-out" period:

1. any individual seeking a high-profile contract;
2. any owner or officer of an entity seeking a high-profile contract;
3. the designated legal signatory of high-profile contract
4. the spouse of any of these individuals; and
5. any attorney, lobbyist or consultant retained to assist in seeking a high-profile contract

The contribution "black-out" period will run from the 10th business day after the solicitation has been released until the 30th calendar day after the contract has been awarded.

Any legal signatories for a proposed high-risk contract must be identified within the response to this solicitation, if the identity of the signatory will be different from the individual submitting the response.

If any of the listed individuals have made a campaign or officeholder contribution during the "black out" period, the City cannot award the contract to that contributor or to that contributor's business entity. Any contract awarded in violation of this provision shall be voidable at the discretion of the City Council.

The undersigned, by his/her signature, represents that he/she is authorized to bind the proposer to fully comply with Contract Documents for the work/amount(s) shown on the accompanying proposal sheet(s). The work proposed to be done shall be accepted when fully completed and finished to the entire satisfaction of the City. The undersigned certifies all prices contained in this proposal have been carefully checked and are submitted as correct and final. The Respondent, by submitting this proposal and signing below, acknowledges that he/she has received & read the entire document and agrees the terms therein and has received all Addenda.

Official Name of Company (legal): THE O'HAVER CO., LTD., dba O'HAVER CONTRACTORS

/ 11/04/09

Signer's Name: DONALD R. O'HAVER, II

Signature of Person Authorized to Sign Proposal Date

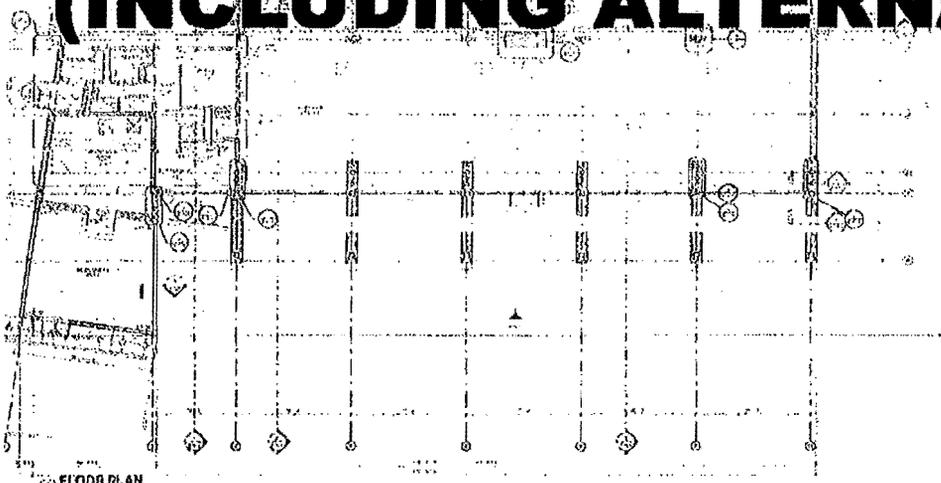
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RESPONSE TO:

FORMAL REQUEST FOR COMPETITIVE SEALED PROPOSAL (RFCSP) AND CONTRACT
DISTRICT 3 MISSION BRANCH LIBRARY (PROJECT NO. 40-00141 & 40-00199)

FORM 021 PRICING FORM (INCLUDING ALTERNATES)

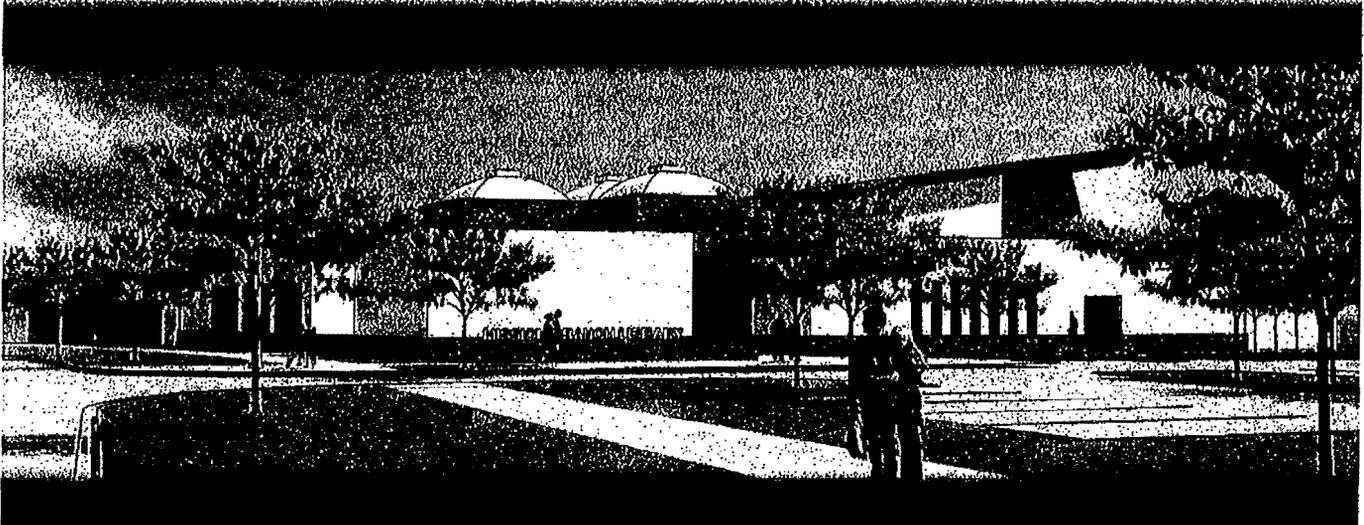


FLOOR PLAN



City of San Antonio
District 3 Mission Branch Library
San Antonio, Texas

PROJECT NUMBER	
DATE	
SCALE	
PROJECT NO.	
FORM NO.	A-201



Use or disclosure of data contained on this sheet is subject to the restriction on the cover of this submission.



CITY OF SAN ANTONIO

Issued By: Capital Improvements Management Services Department
ID NO.: 40-00142-05-01 & 40-00199-05-01

Date Issued: October 30th, 2009

FORMAL INVITATION FOR COMPETITIVE SEALED PROPOSALS
District 3 Mission Branch Library

021
PRICING FORM

The estimated construction budget is \$4,700,000.00.

I. BASE PRICE

Total Amount of Base Price (Insert Amount in Words and Numbers):

FOUR MILLION FOUR HUNDRED SIXTY-THREE THOUSAND & 00/100 \$ 4,463,000.00

The above BASE PRICE amount includes the following amount for all anticipated impact and utility fees other than the Development Services fees, which will be paid by the Owner.

ZERO \$ 0

II. ALTERNATES

Alternate No. 1 Increase in price to include North Courtyard

Total Amount of Increase (Insert Amount in Words and Numbers):

(ADD) ONE HUNDRED EIGHT THOUSAND SIX HUNDRED THIRTY-NINE & 00/100 \$ 108,639

Alternate No. 2 Increase in price to include South Courtyard

Total Amount of Increase (Insert Amount in Words and Numbers):

(ADD) SIXTY-ONE THOUSAND THREE HUNDRED TWENTY-NINE & 00/100 \$ 61,329.00

Alternate No. 3 Increase in price to include Condensate Collection System

Total Amount of Increase (Insert Amount in Words and Numbers):

(ADD) SEVENTY THREE THOUSAND FIVE HUNDRED NINETY SEVEN & 00/100 \$ 73,597.00

Alternate No. 4 Increase for grading of property outside of project limits

Total Amount of Increase (Insert Amount in Words and Numbers):

(ADD) SEVENTY-FIVE THOUSAND SIX HUNDRED FIFTY-ONE & 00/100 \$ 75,651.00



RESPONSE TO:

FORMAL REQUEST FOR COMPETITIVE SEALED PROPOSAL (RFCSP) AND CONTRACT
DISTRICT 3 MISSION BRANCH LIBRARY (PROJECT NO. 40-00141 & 40-00199)

District 3 Mission Branch Library
ID NO. 40-00142-05-01 & 40-00199-05-01

Alternate No. 5 Change in price for East Wall Art Accommodation

Total Change- Check one and (Insert Amount in Words and Numbers): ADD or Deduct

~~THREE THOUSAND THREE HUNDRED EIGHTY-NINE & 06/100~~ \$ ~~3,389.00~~
Alternate No. 6 Increase in price for Acoustical Ceiling Upgrade

Total Amount of Increase (Insert Amount in Words and Numbers):

~~(ADD) NINE THOUSAND NINE HUNDRED EIGHTY-EIGHT & 00/100~~ \$ ~~9,988.00~~
Alternate No. 7 Provide Clay Tile Roofing in lieu of Concrete Tile

Total Amount of Increase (Insert Amount in Words and Numbers):

~~(ADD) THREE THOUSAND SIX HUNDRED FORTY-ONE & 00/100~~ \$ ~~3,641.00~~
III. UNIT PRICES

Unit prices for drilled footing shall be based on the difference between actual depth vs. base bid depth (shown on drawings), treating each footing individually. See Section 023620 for additional requirements.

Unit Price No. 1 Greater depth. Unit price per linear foot of excavation, steel and concrete in place (Insert Amount in Words and Numbers): (24" diameter shaft)

~~TWENTY & 93/100~~ \$ ~~20.93~~

Unit Price No. 2 Lesser depth. Unit price per linear foot of excavation, steel and concrete in place. The unit price for lesser depth shall not be less than 75% of the unit price for greater depth.
Total Amount of Unit Price No. 1 (Insert Amount in Words and Numbers): (24" diameter shaft)

~~THIRTEEN & 85/100~~ \$ ~~13.85~~

Unit prices for casing shall include casing of all piers to a depth of 15 feet below grade.

Unit Price No. 3 Greater Casing Depth. Unit price per each 5-foot increment increase of casing depth
Total Amount of Unit Price No. 1 (Insert Amount in Words and Numbers): (24" diameter shaft)

~~TWO HUNDRED & 00/100~~ \$ ~~200.00~~

Unit Price No. 4 Lesser Casing Depth. Unit price per each 5-foot increment decrease of casing depth
Total Amount of Unit Price No. 1 (Insert Amount in Words and Numbers): (24" diameter shaft)

~~ZERO~~ \$ ~~0~~

Unit Price No. 5 Deletion of Casing Unit price for each footing determined not to require casing
Total Amount of Unit Price No. 1 (Insert Amount in Words and Numbers): (24" diameter shaft)

~~ZERO~~ \$ ~~0~~



RESPONSE TO:

FORMAL REQUEST FOR COMPETITIVE SEALED PROPOSAL (RFCSP) AND CONTRACT
DISTRICT 3 MISSION BRANCH LIBRARY (PROJECT NO. 40-00141 & 40-00199)

District 3 Mission Branch Library
ID NO. 40-00142-05-01 & 40-00199-05-01

THE O'HAVER CO., LTD., dba O'HAVER CONTRACTORS

(210) 590-2888

Official Name of Company (legal)

Telephone No.

12831 O'CONNOR ROAD

(210) 657-5888

Address

Fax No.

SAN ANTONIO, TEXAS 78233-5501

Don@ohavercontractors.com

City, State and Zip Code

E-mail Address

THE CITY OF SAN ANTONIO

CALENDAR DAY
CONTRACT

THIS AGREEMENT made the 20th day of January in the year 2010 by and between The O'Haver Co., Ltd., dba O'Haver Contractors, hereinafter called the "Contractor", and the City of San Antonio, Texas, hereinafter called the "City or the "Owner".

WITNESSETH, that the Contractor and the Owner for the consideration hereinafter named agree as follows:

Article 1. Scope of the Work - The Contractor shall furnish all the materials and perform all the Work called for in the Contract Documents and more specifically described in the Plans and Specification for the Project entitled:

DISTRICT 3 MISSION BRANCH LIBRARY PROJECT
Project Numbers 40-00141 and 40-00199

prepared by Kell Muñoz Architects, Inc., acting as, and in these Contract Documents entitled, the Project Design "Consultant".

Article 2. Time of Completion - The Contractor shall begin Work at the job site within seven (7) calendar days after the date of the Owner's written Authorization to Proceed issued by the Owner's Representative. The Work to be performed under this Agreement is to be completed by Contractor in **FOUR HUNDRED (400) Calendar Days**. For each Calendar Day that any Work is not completed after the expiration of Calendar Days stated above, plus any Extended Calendar Days granted by Owner in accordance with the Contract Documents, the sum as shown in the table below will be deducted from the money due or to become due the Contractor, not as a penalty, but as mutually agreed to liquidated damages and added expense for Owner Contract administration, not otherwise susceptible to exact determination by Owner and Contractor prior to the execution of this Agreement.

<u>Amount of Contract</u>	<u>Liquidated Damages per Day</u>
\$1,000,001 or Over	\$700.00
\$ 750,001 to \$1,000,000	\$600.00
\$ 500,001 to \$ 750,000	\$500.00
\$ 250,001 to \$ 500,000	\$400.00
\$ 100,001 to \$ 250,000	\$300.00
\$ 50,001 to \$ 100,000	\$200.00
\$ 1 to \$ 50,000	\$100.00

Article 3. The Contract Sum - The Owner shall pay the Contractor for the proper performance of the Contract, subject to additions and deduction provided therein, the Contract sum of:

Materials and Services: FOUR MILLION SIX HUNDRED NINETY-SIX THOUSAND EIGHTY-FIVE AND NO/100 DOLLARS, (\$4,696,085.00).

Article 4. Partial Payment - Each month, the Owner shall make a progress payment as approved by the Owner's Representative in accordance with Article IX of the General Conditions.

Article 5. Acceptance and Final Payment - Final Payment shall be due on final Owner acceptance of the Project Work, provided the Contract has been completed by Contractor as provided in Article IX of the General Conditions.

Before issuance of the final payment, the Contractor shall submit an affidavit and reasonable additional supporting evidence if required, as satisfactory to the Director of Finance, City of San Antonio, that all labor payrolls, construction materials and supply bills, subcontractors, and other indebtedness connected with the Work have been paid in full, or that an outstanding debt is being disputed and that the corporate surety or its agent is processing the outstanding claim and is willing to defend and/or indemnify the City should the City make final Contract payment.

Article 6. The Contract Documents - This Calendar Day Contract (Standard Form) and the "Mission Library and Site Bid and Alternates" and "Letter Dated January 6, 2010," included herein and made a part of this Calendar Day Contract as Attachment A, the enabling City of San Antonio Ordinance Number _____, passed and approved on _____, 2010, and supplemental documents to the Ordinance, Invitation For Competitive Sealed Proposals, Instructions to Bidders, the General Conditions, Special Conditions, Supplemental Conditions, Specifications, Plans, Addenda, Completed Price Proposal Form, SBEDA Narrative, and all other documents submitted with the original sealed proposal (unless otherwise excluded), Field Directives, Field Alterations, and Payment, Performance and Extended Warranty Bonds form the Contract Documents and they are as fully a part of this Agreement as if hereto attached or herein repeated.

DONE at San Antonio, Texas, on the day and year first written above.

CITY OF SAN ANTONIO:

BY: _____
PENNY POSTOAK FERGUSON,
ASSISTANT CITY MANAGER

IN WITNESS WHEREOF, said Contractor has thoroughly read and understands this Agreement and the Contract Documents and the nature of this legal commitment and lawfully caused these presents to be executed by Contractor's legally authorized representative and does hereby deliver this legally binding instrument;

DONE at San Antonio, Texas, on the day and year first written above.

(Seal if Agreement is with Corporation)

CONTRACTOR:

THE O'HAVER CO., LTD., dba O'HAVER
CONTRACTORS by THE O'HAVER CONSTRUCTION
MANAGEMENT COMPANY, LLC, its General Partner

ATTEST:

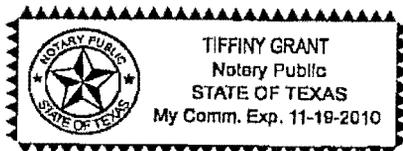
BY: Donald R. O'Haver II
DONALD R. O'HAVER II,
PRESIDENT

[Signature]
Secretary

STATE OF TEXAS }

COUNTY OF BEXAR }

This instrument was acknowledged before me on this the 20th day of JANUARY 2010
by DONALD R. O'HAVER II, PRESIDENT of O'HAVER CONTRACTORS,
TEXAS LIMITED PARTNERSHIP on behalf of said PARTNERSHIP



[Signature]
NOTARY PUBLIC in and for the State of TEXAS

TIFFINY GRANT
NOTARY'S PRINTED NAME

MY COMMISSION EXPIRES:
11-19-2010

**MISSION LIBRARY AND SITE
BID AND ALTERNATES**

Base Bid Budget	\$4,700,000.00	
Base Bid	\$4,463,000.00	
Alternate 1 - Add North Courtyard	\$100,639.00	
Alternate 2 - Add South Courtyard	\$61,320.00	
Alternate 3 - Add Condensate Collection System	\$73,697.00	Not Accepted - Pending SAWS Funding
Alternate 4 - Add Site Grading Outside Project Limits	\$75,651.00	
Alternate 5 - Add East Wall Art Accomodation	\$3,369.00	Not Accepted
Alternate 6 - Add Acoustical Ceiling Upgrade	\$9,988.00	
Alternate 7 - Add Clay Tile Roof in Lieu of Conc. Tile	\$3,641.00	
Total Including All Alternates	\$4,799,234.00	
Total Including Alternates 1,2,4,6 and 7.	\$4,722,248.00	

January 5, 2010
By Randy Matyear

O'Haver

CONTRACTORS

January 6, 2010

Mr. Randy Matyear
City of San Antonio Capital Improvements
Management Services
114 W. Commerce Street, Room 405
San Antonio, Texas 78205

Re: Mission Branch Library

Dear Randy,

Pursuant to our meeting on January 5, 2010 the initial contract amount will be \$4,696,085.00 for the above mentioned project based on the following accepted alternates and cost saving decisions.

Base Bid: \$4,463,000.00
Alt # 1: \$108,639.00
Alt # 2: \$61,329.00
Alt # 4: \$75,651.00
Alt # 6: \$9,988.00
Alt # 7: \$3,641.00

Sub Total: \$4,722,248.00

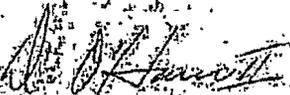
- Delete the cost of building permit: Deduct: \$9,000.00
- Delete all residential appliances: Deduct: \$2,468.00
- Use PVC waist & vent pipe under slab: Deduct: \$3,211.00
- Use PVC storm pipe under slab: Deduct: \$5,484.00
- Use Rheem Expansion Tank Mod. ELD-52: Deduct: \$1,030.00
- Display case by Better-built and Main Glass: Deduct: \$4,970.00

Sub Total: Deduct: \$26,163.00

Total: \$4,696,085.00

If you have any questions please let me know.

Sincerely,



Donald R. O'Haver II
President

cc: Geof Edwards

File

Building with Experience & Integrity

District 3 Mission Branch Library Construction Award

**Agenda Item 12:
January 21, 2010**

Background

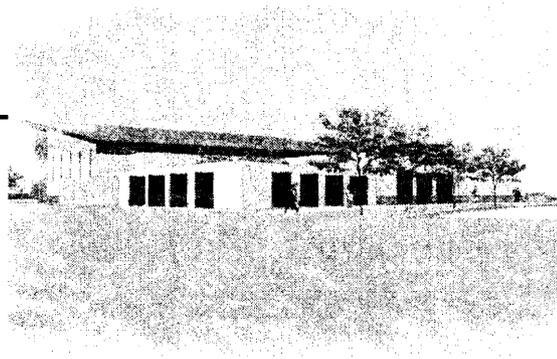
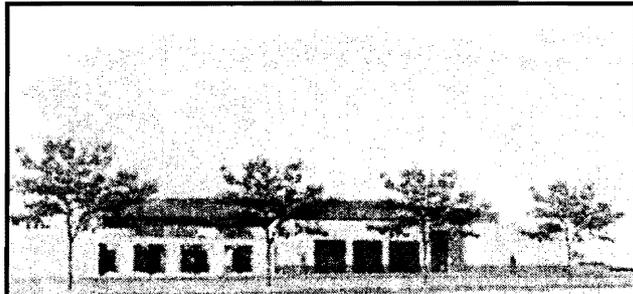
Issue

- Awards \$4,696,085 Construction Contract to O'Haver Contractors for Construction of the District 3 Mission Branch Library
- Transferring funds between Mission Branch Library and Mission Site-Development Projects

Background

- Construction of a new 16,500 square foot branch library at 3100 Roosevelt
- This project is the first part of an overall Master Plan for redevelopment of the 26-acre Mission Drive-In Site
- Project construction will begin in January 2010 and is estimated to be completed by March 2011

3



4

Fiscal Impact

Fiscal Impact

- \$4,696,085.00 payable to O'Haver Contractors
- Within budget and included in the FY 2010-2015 Capital Budget
- Available from 2007-2012 Bond, Certificates of Obligation, CDBG and 2009 Tax Notes Funds

5

Fiscal Impact

Reallocation of Funds

- Transfers \$800,000 in Stormwater Operating Funds from the Mission Branch Library Project to the Site Development at Mission Drive-In
- Adds \$237,589.06 in CDBG funds to Mission Branch Library Project
- Adds \$192,106.93 in CDBG funds to the Site Development at Mission Drive In Project

6

Recommendation

- Staff recommends approval of this ordinance awarding a construction contract to O'Haver Contractors for the Mission Branch Library Project