SW/vv
11/06/14
Item #9

AN ORDINANCE 2014-11-06-0848

ACCEPTING THE LOWEST RESPONSIVE QUALIFIED BID FOR THE JIM MATTOX PARK IMPROVEMENTS PROJECT AND AWARDING A CONSTRUCTION CONTRACT INCLUDING ONE ADDITIVE ALTERNATE, IN THE AMOUNT OF $121,166.00, TO ASD CONSULTANTS, INC., A 2012-2017 BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 3.

* * * * *

WHEREAS, on May 12, 2012, San Antonio voters approved the 2012-2017 Bond Program, consisting of five propositions totaling $596 Million; 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 $200,000.00 in Parks, Recreation and Open Space Improvements Bond funds were approved for park improvements at Jim Mattox Park located in Council District 3; and

WHEREAS, the remaining funds not used for construction are being spent on design and oversight such as inspections and permits; and

WHEREAS, this project provides for installation of a pavilion, installation of a playground shade structure, construction of a 214 linear feet of concrete walking trail and the installation of a portable restroom enclosure, as well as trash and recycle receptacles; and

WHEREAS, project construction is anticipated to begin November 2014 and estimated to be completed by June 2015; and

WHEREAS, this project was advertised for construction bids in August 2014 in the San Antonio Hart Beat, on the City's website and the Texas Electronic State Business Daily in, on TVSA and through the TCI Small Business Office; and

WHEREAS, plans also were available to potential bidders on behalf of The Broussard Group, Inc., at Arc Reprographics located at 600 Broadway Avenue, San Antonio TX 78215; and

WHEREAS, bids for this project were opened on September 9, 2014 and seven (7) bidders responded; and

WHEREAS, of these, ASD Consultants, Inc., submitted the lowest responsive bid; and

WHEREAS, a matrix of the bid outcome is included herein; 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 a 7% Minority/Women Business Enterprise (M/WBE) subcontracting goal; and

WHEREAS, ASD Consultants, Inc. has committed to 7% M/WBE subcontractor participation; and

WHEREAS, ASD Consultants, Inc. is also a certified small business; 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 $121,166.00 from ASD Consultants, Inc., including one additive alternate, for the Jim Mattox 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. 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 $121,166.00 in SAP Fund 45099000, General Obligation Capital Projects, SAP Project Definition 40-00362, Jim Mattox Park, is authorized to be encumbered and made payable to ASD Consultants, Inc., 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.

SW/vv
11/06/14
Item #9

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 6th day of November, 2014.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Robert F. Greenblum, City Attorney

Agenda Item:	**9 (in consent vote: 5, 6, 8, 9, 10A, 10B, 10C, 11, 12, 13, 14, 16, 17, 18, 19)**
Date:	11/06/2014
Time:	10:49:22 AM
Vote Type:	Motion to Approve
Description:	An Ordinance for the Jim Mattox Park Improvements project accepting the lowest responsive bid and awarding a construction contract including one additive alternate in the amount of $121,166.00 to ASD Consultants, Inc., a 2012-2017 Bond funded project, located in Council District 3. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation and Capital Improvements]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Diego Bernal	District 1		x				
Keith Toney	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				x
Michael Gallagher	District 10		x			x	

CITY OF SAN ANTONIO

Issued By: Transportation and Capital Improvements **Date Issued: August 4, 2014**
ID NO.: 40-00362

(010) FORMAL INVITATION FOR BIDS (IFB) to CONTRACT JIM MATTOX PARK IMPROVEMENTS #40-00362

Sealed bids, subject to the Terms and Conditions of this Invitation for Bids 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 **2:00 P.M. CST** on **Tuesday, September 9, 2014** and publicly read aloud in **City Council Chambers at 114 W. Commerce, Municipal Plaza Building**. This is the ***solicitation deadline***. Bids must be submitted in a sealed envelope and clearly marked with the due date of bid, bidder 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 bidder. A Non-Mandatory Pre-bid meeting will be held at 114 W. Commerce, San Antonio, TX 78205 in the 9th fl. conference room on Thursday, August 18, 2014 at 2:00 P.M. **Deadline for questions: 4:00 P.M., August 21, 2014.**

This invitation includes the following Contract Documents:

010	Invitation for Bids and Contract Signature Page	060	Supplemental Conditions
020	Bid Form	075	Performance Bond
025	Unit Pricing Form	076	Payment Bond
040	Standard Instructions to Respondent	081	General Conditions for Construction Contracts
050	SBEDA Guidelines	◘	Wage Decision
◘	Subcontractor/Supplier Utilization Plan		

Plans, Specifications and Special Conditions may be purchased at a cost of **$41.00** per set (tax included) from the office of **Arc Reprographics, 600 Broadway, San Antonio, TX 78215; Phone: (210) 227-7161**. No refund will be made for plan sets that are returned. Changes to Plans, Specifications and Special Conditions will be included in an addendum and will be posted on the web at **www.sanantonio.gov/rfplistings** along with this solicitation. Bidder understands and agrees that bidder 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 bid proposal:

1.)	010 Invitation for Bids and Contract Signature Page	4.)	Bid Bond
2.)	020 Bid Form	5.)	Subcontractor/Supplier Utilization Plan
3.)	025 Unit Pricing Form	6.)	Signed Addenda Acknowledgement Forms

It is understood and agreed that the work is to be substantially completed on or before **120** calendar days. This project does not include hazardous environmental work. This project requires 1 project sign(s).

Small Business Economic Development Advocacy (SBEDA) Program Compliance – Respondents shall meet the subcontracting requirements as stated on Form 050 and on the Subcontractor/Supplier Utilization Plan posted with this solicitation on the City's website.

Wage Decision – Respondent shall meet the prevailing wage rate requirements established for this contract and shall reference the wage decision posted with this solicitation on the City's website.

The undersigned, by his/her signature, represents that he/she is authorized to bind the bidder to fully comply with Contract Documents for the amount(s) shown on the accompanying bid 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 bid have been carefully checked and are submitted as correct and final. The bidder by submitting this bid and signing below, acknowledges that he/she has received & read the entire Bid and Contract document and agrees to be bound by the terms therein, has received all Addenda, and agrees to the terms, conditions, and requirements of the bidder's bid proposal and all documents listed in the tables above and the enabling Ordinance and associated documentation that form the entire Contract upon approval by the City Council.

Official Name of Company (legal): ASD CONSULTANTS, INC.

/ 09/09/14 Signer's Name: Curtis Brown

Original Signature of Person Authorized to Sign Bid/Contract Date (Please Print or Type)

CITY OF SAN ANTONIO

Project Name: Jim Mattox Park Improvements
ID NO.: 40-00362-05-03
The estimated construction budget for this contract is $127,000.00

Date Issued: August 4, 2014

020

BID FORM

I. BASE BID

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

ONE HUNDRED AND THIRTEEN THOUSAND $ 113,550.00

II. ALTERNATES

Amount of each Alternates (if applicable) insert in Numbers:

Additive Alternate #1A - Concrete walkway extension $1,632.00

Additive Alternate #1B - Decomposed granite trail $8,160.00

Total Amount of Bid for Additive Alternate #1 to include both #1A and #1B (Insert Amount in Words and Numbers):

NINE THOUSAND SEVEN HUNDRED AND NINETY-TWO $ 9,792.00

Additive Alternate #2 - Concrete Walk Loop Connection

Total Amount of Bid for Additive Alternate #2 (Insert Amount in Words and Numbers):

SEVEN THOUSAND SIX HUNDRED AND SIXTEEN $ 7,616.00

Additive Alternate #3 - Park Table

Total Amount of Bid for Additive Alternate #3 (Insert Amount in Words and Numbers):

FIVE THOUSAND SEVEN HUNDRED AND TWELVE $ 5,712.00

III. UNIT PRICES

Bidders shall submit unit pricing on the 025 Unit Pricing form, and it shall be attached immediately following this sheet.

ASD Consultants, Inc. Official Name of Company (legal)	210-678-3047 Telephone No.
1777 NE Loop 410 Address	512-836-3802 Fax No.
San Antonio, TX 78217 City, State and Zip Code	curtis2aia@aol.com E-mail Address

Name of the proposed **Project Manager: Curtis Brown**

Name of the proposed **Site Superintendent: Anthony White**

RECEIVED
CITY OF SAN ANTONIO
CITY CLERK

2014 SEP -9 PM 1:12

CITY OF SAN ANTONIO

025 BUILDING PROJECT UNIT PRICING FORM

PROJECT NAME: Jim Mattox Park Improvements
PROJECT NO. 40-00362

ALT. NO.	DESC. CODE	BID ITEM DESCRIPTION	UNIT OF MEASURE	APPROX. QUANTITIES	UNIT BID PRICE	
		The City only will accept bid pricing to the hundredths. Any pricing extended out to three decimal points will be truncated to two decimal points in the City's favor.				
	1	Mobilization	LS	1	$ 2,800.00	
	2	Erosion Control	LS	1	$ 700.00	
	3	Tree Protection Fencing	LF	710	$ 1.33	
	4	48' x 48' Sun Shade over existing playground	EA	1	$ 50,540.00	
	5	20' x 30' Existing Pavilion	EA	1	$ 32,830.00	
	6	Port-O-Potty Screen Fence (provided by city) Installation	EA	1	$ 673.40	
	7	Concrete Walk as detailed on 1/LS 3.1	SF	1400	$ 5,469.80	
	8	Concrete Pad for Pavilion as detailed on 6/LS 3.1	SF	820	$ 3,021.20	
	9	Bike Rack with Concrete Pad	EA	1	$ 280.00	
	10	Trash Receptacle	EA	2	$ 3,676.40	
	11	Fine Grading	SF	4000	$ 4,996.60	
	12	SWPPP plan and BMP's	LS	1	$ 945.00	
ALT. NO.	**DESC. CODE**	**BID ITEM DESCRIPTION: ADD ALTERNATES**	**UNIT OF MEASURE**	**APPROX. QUANTITIES**	**UNIT BID PRICE**	
	1A	Concrete Walk as detailed on 1/LS3.1	SF	260	$ 1,632.00	
	1B	Decomposed Trail with geotextile fabric as detailed on 7/LS3.1	SF	800	$ 8,160.00	
	2	Concrete Walk as detailed on 1/LS3.1	SF	1100	$ 7,616.00	
	3	Park Table	EA	4	$ 5,712.00	

Curtis Brown hereby certifies that the unit prices shown on this form in this bid proposal are the unit prices intended for this project. These unit prices are 'complete and in place', and include but are not limited to: necessary superintendence, labor, machinery, equipment, tools, materials, mobilization, insurance, overhead and other miscellaneous items and cost to complete the proposed work.

CITY OF SAN ANTONIO

025 BUILDING PROJECT UNIT PRICING FORM

PROJECT NAME: Jim Mattox Park Improvements
PROJECT NO. 40-00362

to or deletions form the scope and amount of work for the project, at the sole discretion of the City of San Antonio.						
CURTIS BROWN		agrees to the terms, conditions, and requirements of the bidder's bid proposal.				
Signed:		Date: 09/09/2014				
Title:	President					

CITY OF SAN ANTONIO
ECONOMIC DEVELOPMENT
DEPARTMENT

CITY OF SAN ANTONIO
SUBCONTRACTOR/SUPPLIER UTILIZATION PLAN

SOLICITATION NAME: ***Jim Mattox Park Improvements***

RESPONDENT NAME: ASD CONSULTANTS, INC.

SOLICITATION API: ***Minority / Women-Owned Business Enterprise (M/WBE) Subcontracting Program***

API REQUIREMENTS: Respondents must demonstrate commitment to satisfy a **seven percent (7%) M/WBE subcontracting goal**. Self-performance by M/WBE prime respondents does not count towards these subcontracting goals. **Commitment to meet subcontracting requirements must be demonstrated by writing the company name and SAePS vendor number of each subcontractor/supplier****.

In the absence of a waiver granted by the Small Business Office, failure of a Respondent to commit to satisfying the M/WBE subcontracting goal shall render its response NON-RESPONSIVE. **To qualify as an M/WBE pursuant to the SBEDA Ordinance, a vendor must also be an SBE.**

M/WBEs must be certified with the South Central Texas Regional Certification Agency (SCTRCA) and be headquartered or have a Significant Business Presence in the San Antonio Metropolitan Statistical Area to satisfy the above-stated goals. Please be sure to indicate dollar value or percentage of the value of the contract that will be paid to the subcontractors. For further clarification, please contact Leticia Callanen at (210) 207-3996.

Enter Respondent's (Prime) proposed contract participation level.

	PARTICIPATION DOLLAR AMOUNT	% LEVEL OF PARTICIPATION	CERTIFICATION TYPE AND NUMBER	TYPE OF WORK TO BE PERFORMED (BY NIGP CODE)
Prime: ASD CONSULTANTS, INC.	$	%		
SAePS Vendor #:			SCTRCA #:	

List ALL subcontractors/suppliers that will be utilized for the entire contract period, excluding possible extensions, renewals and/or alternates. Use additional pages if necessary.

Sub: CONSOLIDATED INST. SUPPORT LLC	$ 7,949.00	7 %		91219, 90976
SAePS Vendor #: 10025960			SCTRCA #:	
Sub:	$	%		
SAePS Vendor #:			SCTRCA #:	
Sub:	$	%		
SAePS Vendor #:			SCTRCA #:	

*** Prime respondent and all subcontractors/suppliers must be registered in the City of San Antonio Electronic Procurement System (SAePS). To learn more about how to register, please call (210) 207-0118 or visit http://www.sanantonio.gov/purchasing/saeps.aspx.*

Sub:	$	%		
SAePS Vendor #:			SCTRCA #:	
Sub:	$	%		
SAePS Vendor #:			SCTRCA #:	
Sub:	$	%		
SAePS Vendor #:			SCTRCA #:	
Sub:	$	%		
SAePS Vendor #:			SCTRCA #:	
Sub:	$	%		
SAePS Vendor #:			SCTRCA #:	
A.Total Prime Participation:	$	%	*A. Total base bid amount to be kept by prime.*	
B.Total Sub Participation:	$	%	*B. Total amount prime will pay to certified and non-certified subcontractors/suppliers*	
C.Total Certified Sub Participation:	$	%	*C. Total amount prime will pay to certified subcontractors/suppliers per the eligibility requirements stated above*	
D.Total Prime & Sub Participation*:	$	%	*D. Total prime and subcontractor(s)/supplier(s) participation must equal your base bid amount (A+B)*	

If a business is not certified, please call the Small Business Program Office at (210) 207-3900 for information and details on how subcontractors and suppliers may obtain certification.

I HEREBY AFFIRM THAT I POSSESS DOCUMENTATION FROM ALL PROPOSED SUBCONTRACTORS/SUPPLIERS CONFIRMING THEIR INTENT TO PERFORM THE SCOPE OF WORK FOR THE PRICE INDICATED ABOVE. I FURTHER AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND AND AGREE THAT, IF AWARDED THE CONTRACT, THIS DOCUMENT SHALL BE ATTACHED THERETO AND BECOME A BINDING PART OF THE CONTRACT.

Print Name: CURTIS BROWN **Sign:** _____ **Title:** PRESIDENT

Date: 9/9/14

****

FOR CITY USE

Action Taken: Approved_____ **Denied**_____ _____

ASSISTANT DIRECTOR
ECONOMIC DEVELOPMENT DEPARTMENT

Version 01/21/2014

SureTec

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we ASD Consultants, Inc. as principal, hereinafter called the "Principal," and **SURETEC INSURANCE COMPANY,** as surety, hereinafter called the "Surety," are held and firmly bound unto City of San Antonio as obligee, hereinafter called the Obligee, in the sum of 5 % of the greatest amount bid by Principal for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the principal has submitted a bid for Jim Mattox Park Improvements

Proj. No. 40-00362

NOW, THEREFORE, if the contract be timely awarded to the Principal and the Principal shall within such time as specified in the bid, enter into a contract in writing or, in the event of the failure of the Principal to enter into such Contract, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

PROVIDED, HOWEVER, neither Principal nor Surety shall be bound hereunder unless Obligee prior to execution of the final contract shall furnish evidence of financing in a manner and form acceptable to Principal and Surety that financing has been firmly committed to cover the entire cost of the project.

SIGNED, sealed and dated this 9th day of September, 2014.

ASD Consultants, Inc.
(Principal)

BY: _____

TITLE: President

SURETEC INSURANCE COMPANY

BY: _____
Amanda Harvey, Attorney-in-Fact

POA #: 5187568

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Amanda Harvey

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Principal: ASD Consultants, Inc.
Obligee: City of San Antonio
Amount: $ 150,000.00

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. *(Adopted at a meeting held on 20th of April, 1999.)*

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.

SURETEC INSURANCE COMPANY

By: _____
John Knox Jr., President

State of Texas ss:
County of Harris

On this 21st day of March, A.D. 2013 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.

JACQUELYN MALDONADO
Notary Public
State of Texas
My Comm. Exp. 5/18/2017

Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 9th day of September, 2014, A.D.

M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

SureTec Insurance Company

THIS BOND RIDER CONTAINS IMPORTANT COVERAGE INFORMATION

Statutory Complaint Notice/Filing of Claims

To obtain information or make a complaint: You may call the Surety's toll free telephone number for information or to make a complaint or file a claim at: 1-866-732-0099. You may also write to the Surety at:

SureTec Insurance Company
9737 Great Hills Trail, Suite 320
Austin, Tx 78759

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at 1-800-252-3439. You may write the Texas Department of Insurance at

PO Box 149104
Austin, TX 78714-9104
Fax#: 512-475-1771
Web: http://www.tdi.state.tx.us
Email: ConsumerProtection@tdi.state.tx.us

PREMIUM OR CLAIM DISPUTES: Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

Terrorism Risks Exclusion

The Bond to which this Rider is attached does not provide coverage for, and the surety shall not be liable for, losses caused by acts of terrorism, riot, civil insurrection, or acts of war.

Exclusion of Liability for Mold, Mycotoxins, Fungi & Environmental Hazards

The Bond to which this Rider is attached does not provide coverage for, and the surety thereon shall not be liable for, molds, living or dead fungi, bacteria, allergens, histamines, spores, hyphae, or mycotoxins, or their related products or parts, nor for any environmental hazards, bio-hazards, hazardous materials, environmental spills, contamination, or cleanup, nor the remediation thereof, nor the consequences to persons, property, or the performance of the bonded obligations, of the occurrence, existence, or appearance thereof.

PERFORMANCE BOND

STATE OF TEXAS)
COUNTY OF BEXAR)
CITY OF SAN ANTONIO)

The City of San Antonio, a municipal corporation in the State of Texas (hereafter referred to as "City") and SurTex Insurance Company, a Bonding Company with its principal place of business located at 9737 Great Hills Trail, Suite 3201, Austin, (hereafter referred to as "Contractor" or "Principal") have entered into a Contract (hereafter referred to as "the Contract") dated September 9, 2014 for the Jim Mattox Park Project (hereafter referred to as "the Project"). Said Contract is incorporated by reference into this Statutory Performance Bond, pursuant to Chapter 2253 of the Texas Government Code (hereafter referred to as "this Bond").

By virtue of this Bond, Contractor as Principal and ASD CONSULTANTS, INC. with its physical address at 1777 NE Loop 410, San Antonio, TX a mailing address of P.O. BOX 180052, Austin, TX 78718 and a business telephone number of 210 - 678- 3047 as Surety (hereafter referred to as "Surety") do hereby acknowledge each to be bound to Owner as an Obligee in the maximum amount of $150,000.00 Dollars ($XXXXXXXXXX) (hereafter referred to as the "Bond Sum"). Contractor and Surety hereby further bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally for payment of this Bond, to City as provided herein.

1. **GENERAL CONDITIONS.** It is a condition of this Bond that if Contractor promptly performs its Contract obligations (hereafter referred to as the "Work"), Surety's obligations pursuant to this Bond are null and void. Otherwise, Surety's obligations shall remain in full force and effect. Surety waives any requirement to be notified of alterations or extensions of time, or any other duly authorized modifications, made by City to the Contract. Upon making demand on this Bond, City shall make the Contract balance (equal to the total amount payable by City to Contractor pursuant to the Contract less amounts paid by City to Contractor) available to Surety for completion of the Work.

2. **SURETY OBLIGATION.** If Contractor does not faithfully construct and complete said work, as defined in the Scope of Work under its contract with City, and City invokes its contractual rights and declares Contractor in default, Surety promptly shall remedy the default and, at City's sole option, Surety shall:

   A. within a reasonable time (but not later than thirty (30) days after Surety receives written notice of Contractor's/Principal's Default), with written notice to City, step into and assume the role, all rights and all obligations of the defaulting Contractor/Principal under the Contract. Upon assumption of this role, Surety and all sureties directly shall contract with a Completion Contractor hired/engaged by Surety and all sureties to complete the structure(s), Work and improvements, pursuant to the Scope of Work in the Contract with Contractor/Principal. The selection of the Completion Contractor must be approved in writing by City and such approval shall not unreasonably be withheld. Surety and all sureties solely shall be responsible for any and all costs incurred, up to the Bond Sum, to complete the structure(s), Work and improvements, pursuant to the Scope of Work in the Contract with Contractor/Principal; or

B. In the event Surety fails to contract with a Completion Contractor within ninety (90) days of receipt of City's written notice of Default, City may, at City's sole discretion, select a Completion Contractor in accordance with Texas Law. In this event of Surety and all sureties failing to contract with a Completion Contractor within ninety (90) days of receipt of City's written notice of Default, Surety and all sureties then shall pay City any and all costs, up to the Bond Sum, for City's selected Completion Contractor to complete the structure(s), Work and improvements, as defined in the Scope of Work in the Contract with Contractor/Principal; or

C. at City's sole discretion, Surety and all sureties shall pay to City City's estimated amount for City to execute a Project Completion Contract with a Completion Contractor, selected by City in accordance with Texas Law, solely to complete the structure(s), Work and improvements, pursuant to the Scope of Work in the Contract with Contractor/Principal. Surety and all sureties shall pay City any and all costs, up to the Bond Sum, for the City-selected Completion Contractor to complete the structure(s), Work and improvements, as defined in the Scope of Work in the contract with Contractor/Principal.

3. **VENUE.** The obligations of the parties under this Bond shall be performable in Bexar County, Texas. If legal action, such as civil litigation, is necessary in connection with this Bond, exclusive venue shall be in Bexar County, Texas.

THIS BOND is entered into this 9th day of September, 20 14.

See Bond	ASD Consultants, Inc.
SURETY (seal)	CONTRACTOR
By: _____	By: _____
(Signature)	(Signature)
Curtis Brown	Curtis Brown
(Print Name)	(Print Name)
President	President
(Print Title)	(Print Title)
[ATTACH POWER OF ATTORNEY]	[Additional signatures, if any, appear on attached page]
ATTEST: _____	ATTEST: _____

CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

ADDENDUM NO. 1

PROJECT NAME: JIM MATTOX PARK IMPROVEMENTS

DATE: 08/07/14

This addendum should be included in and be considered part of the plans and specifications for the name of the project. The contractor shall be required to sign an acknowledgement of the receipt of this addendum and submit with their bid.

CIMS PROJECT NO.: 40-00362

Formal Invitation for Bid and Contract:

- Pre-bid Meeting date has been changed to **August 18, 2014** at 2:00 P.M.
- Deadline for questions has been changed to **August 21, 2014** at 4:00 P.M.
- Utilize and replace document entitled **Form 010 Formal Invitation for Bids (IFB) and Contract,** attached hereto and updated on the Bidding and Contracting Opportunities website.

Note: Addenda Acknowledgement Form for Addendum 1 is attached herein. This form must be signed and submitted with the bid package.

CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

RECEIPT OF ADDENDUM NUMBER(S) 1 IS HEREBY ACKNOWLEDGED FOR PLANS AND

SPECIFICATIONS FOR CONSTRUCTION OF JIM MATTOX PARK IMPROVEMENTS
PROJECT 40-00362

FOR WHICH BIDS WILL BE OPENED ON **TUESDAY, SEPTEMBER 9, 2014 AT 2:00 P.M.**

THIS ACKNOWLEDGEMENT MUST BE SIGNED AND RETURNED WITH THE BID PACKAGE.

Company Name: ASD CONSULTANTS, INC.

Address: 1777 NE LOOP 410

City/State/Zip Code: SAN ANTONIO, TX 78217

Date: 09/09/14

Signature

Curtis Brown/President
Print Name/Title

CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

ADDENDUM NO. 2

PROJECT NAME: JIM MATTOX PARK IMPROVEMENTS

DATE: August 22, 2014

This addendum should be included in and be considered part of the plans and specifications for the name of the project. The contractor shall be required to sign an acknowledgement of the receipt of this addendum and submit with their bid.

CIMS PROJECT NO.: 40-00362

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081 GENERAL CONDITIONS

- Section XI Insurance and Bond requirements.
  Insurance requirements for this project have changed, refer to "Amendment. Utilize and replace document entitled 081 General Conditions, attached hereto and updated on the Bidding and Contracting Opportunities website.

PROJECT SIGN

- Project Sign
  Project Sign template specifications are attached hereto.

Note: Addenda Acknowledgement Form for Addendum 2 is attached herein. This form must be signed and submitted with the bid package.

CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

RECEIPT OF ADDENDUM NUMBER(S) 2 IS HEREBY ACKNOWLEDGED FOR PLANS AND

SPECIFICATIONS FOR CONSTRUCTION OF THE JIM MATTOX PARK IMPROVEMENTS PROJECT 40-00362

FOR WHICH BIDS WILL BE OPENED ON **TUESDAY, SEPTEMBER 9, 2014 AT 2:00 P.M.**

THIS ACKNOWLEDGEMENT MUST BE SIGNED AND RETURNED WITH THE BID PACKAGE.

Company Name: ASD CONSULTANTS, INC.

Address: 1777 NE LOOP 410

City/State/Zip Code: SAN ANTONIO, TX 78217

Date: 09/09/2014

Signature

Curtis Brown/President
Print Name/Title

CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

ADDENDUM NO. 3

PROJECT NAME: **JIM MATTOX PARK IMPROVEMENTS**

DATE: 9/2/2014

ADDENDUM NO.3

This addendum should be included in and be considered part of the plans and specifications for the name of the project. The contractor shall be required to sign an acknowledgement of the receipt of this addendum and submit with their bid.

CIMS PROJECT NO.: **40-00362**

Formal Invitation for Bid and Contract:

- Question #1 – On the Amenities table on drawing LC 1.1 Key A.1 states QTY 2 litter receptacles, however on drawing LS 1.1 we were only able to find 1 new trash receptacle to be installed. Please clarify how many litter receptacles are going to be needed?
  Answer – One litter receptacle.

- Question #2 – Are there any detail drawings for the shade structure? Also what is the time restrictions for submitting for prior approval for the Pavilion and shade structures?
  Answer – The material list on sheet LC1.1 identifies the shade structure and pavilion. Details are provided by the manufacturer. Contractor must submit details of structures from manufacturer prior to installation.

Plan Set/BID Form Updates:

- LC 1.0 - Added note #16 – 'Contractor is responsible for the SWPPP plan and all required BMP's'.
- LC 1.1- Updated Remarks to port-o-potty enclosure, concrete park tables, and pavilion. Added new notes #1 and #2.
- LS 1.1 – Added existing spot grades and added notes #6 and #7.
- Added Item #12 to Bid Form – SWPPP plan and BMP's. Replace and utilize revised Form 025 Unit Pricing uploaded to the City's website.

REGISTERED LANDSCAPE ARCHITECT
TRENT RUSH
2022
STATE OF TEXAS
09-02-2014

End of Addendum #3.

CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

Note: Addenda Acknowledgement Form for Addendum 3 is attached herein. This form must be signed and submitted with the bid package.

RECEIPT OF ADDENDUM NUMBER(S) 3 IS HEREBY ACKNOWLEDGED FOR PLANS AND

SPECIFICATIONS FOR CONSTRUCTION OF JIM MATTOX PARK IMPROVEMENTS PROJECT 40-00362

FOR WHICH BIDS WILL BE OPENED ON **TUESDAY, SEPTEMBER 9, 2014 AT 2:00 P.M.**

THIS ACKNOWLEDGEMENT MUST BE SIGNED AND RETURNED WITH THE BID PACKAGE.

Company Name: ASD CONSULTANTS, INC.

Address: 1777 NE LOOP 410

City/State/Zip Code: SAN ANTONIO, TX 78217

Date: 09/09/2014

Signature

Curtis Brown/President

Print Name/Title