

CONSENT AGENDA  
ITEM NO. 12

**CITY OF SAN ANTONIO  
PARKS AND RECREATION DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**TO:** Mayor and City Council

**FROM:** Malcolm Matthews, Director, Parks and Recreation Department

**SUBJECT:** Sunken Garden Theater ADA Modifications Project

**DATE:** January 6, 2005

**SUMMARY AND RECOMMENDATIONS**

This ordinance accepts the low qualified bid by V. W. Brooks to perform construction work in connection with the Sunken Garden Theater ADA Modifications Project in City Council District 9 for the contract amount of \$121,000.00; authorizes the execution of a standard construction contract; appropriates \$142,500.00 in Certificates of Obligation; allocates \$2,000.00 for Mandatory Project Fees, \$18,500.00 for Construction Contingency and \$1,000.00 for Park Materials and provides for payment.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

The Sunken Garden Theater is located within Brackenridge Park in Council District 9. The facility requires modifications in order to comply with current Americans with Disability Act (ADA) standards. The necessity to upgrade this facility has been identified by the Department of Justice. A consultant-architect firm was hired to design improvements that focus on an accessible route from the accessible parking spaces to the entrance of the theater (ticket booth area), the path into the seating area and into the existing men/women restrooms. Also, the design includes modifications for seating, counter heights and restrooms.

The firm of Durand-Hollis Rupe Architects, Inc., a SDMBE firm, was selected and prepared the Sunken Garden Theater ADA modifications design work. The construction bid was advertised on August 30, 2004 and September 7, 2004 in the Commercial Recorder, San Antonio Informer and La Prensa De San Antonio. There were seven qualified bids received. V. W. Brooks, Inc. had the lowest base bid of \$121,000.00. A standard construction contract will be executed. A summary of the bids is shown on Exhibit 1.

It is anticipated that the construction work will begin in February, 2005 and will be completed in May, 2005. The contractor will accommodate events that are scheduled to use the facility during Fiesta 2005.

## **POLICY ANALYSIS**

These actions are consistent with the approved Certificate of Obligation Funds designated for this project. The construction contract was selected in accordance with established bid procedures.

## **FISCAL IMPACT**

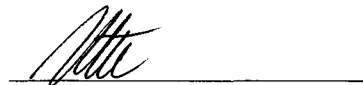
Funding of \$300,000.00 from Certificates of Obligation has been identified for the Sunken Garden Theater ADA Modifications Project. Design funds of \$39,428.00 have previously been allocated. This ordinance will encumber \$142,500.00 for construction costs. The amount \$121,000.00 will be allocated for the construction contract, the amount of \$2,000.00 will be allocated for Mandatory Project Fees, \$18,500.00 will be allocated for Construction Contingency and \$1,000.00 for Park Materials.

## **COORDINATION**

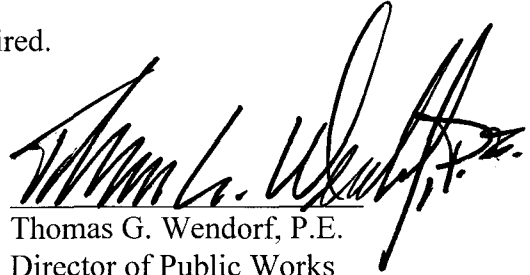
The Historic & Design Review Board, Parks and Recreation Advisory Board, Texas Historical Commission, Disability Access Office, and U.S. Department of Justice have assisted with this action.

## **SUPPLEMENTARY COMMENTS**

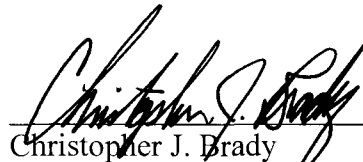
A Discretionary Contracts Disclosure statement is not required.



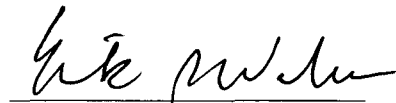
Malcolm Matthews  
Director of Parks and Recreation



Thomas G. Wendorf, P.E.  
Director of Public Works



Christopher J. Brady  
Assistant City Manager



J. Rolando Bono  
Interim City Manager

Exhibit I  
Construction Bids  
Sunken Garden Theatre ADA Modifications

	<u>Bidder</u>	<u>Base Bid</u>	<u>Alt 1</u>	<u>Alt 2</u>	<u>Alt 3</u>	<u>Alt 4</u>	<u>Total</u>
7	V. W. Brooks	\$ 121,000.00	\$ 16,700.00	\$ 77,700.00	\$ 54,600.00	\$ 27,000.00	\$ 297,000.00
6	LEH Contractors	\$ 199,927.00	\$ 18,000.00	\$ 82,000.00	\$ 60,000.00	\$ 31,000.00	\$ 390,927.00
5	Donsan	\$ 198,229.00	\$ 18,626.00	\$ 91,216.00	\$ 58,460.00	\$ 30,401.00	\$ 396,932.00
4	Greco Construction	\$ 159,900.00	\$ 20,000.00	\$ 84,000.00	\$ 54,200.00	\$ 28,000.00	\$ 346,100.00
3	Ortiz Construction	\$ 167,400.00	\$ 17,500.00	\$ 85,000.00	\$ 54,000.00	\$ 28,000.00	\$ 351,900.00
2	Charlie & Company	\$ 198,000.00	\$ 19,000.00	\$ 94,000.00	\$ 60,000.00	\$ 31,100.00	\$ 402,100.00
1	MJC Associates	\$ 163,000.00	\$ 17,320.00	\$ 75,850.00	\$ 53,520.00	\$ 28,255.00	\$ 337,945.00

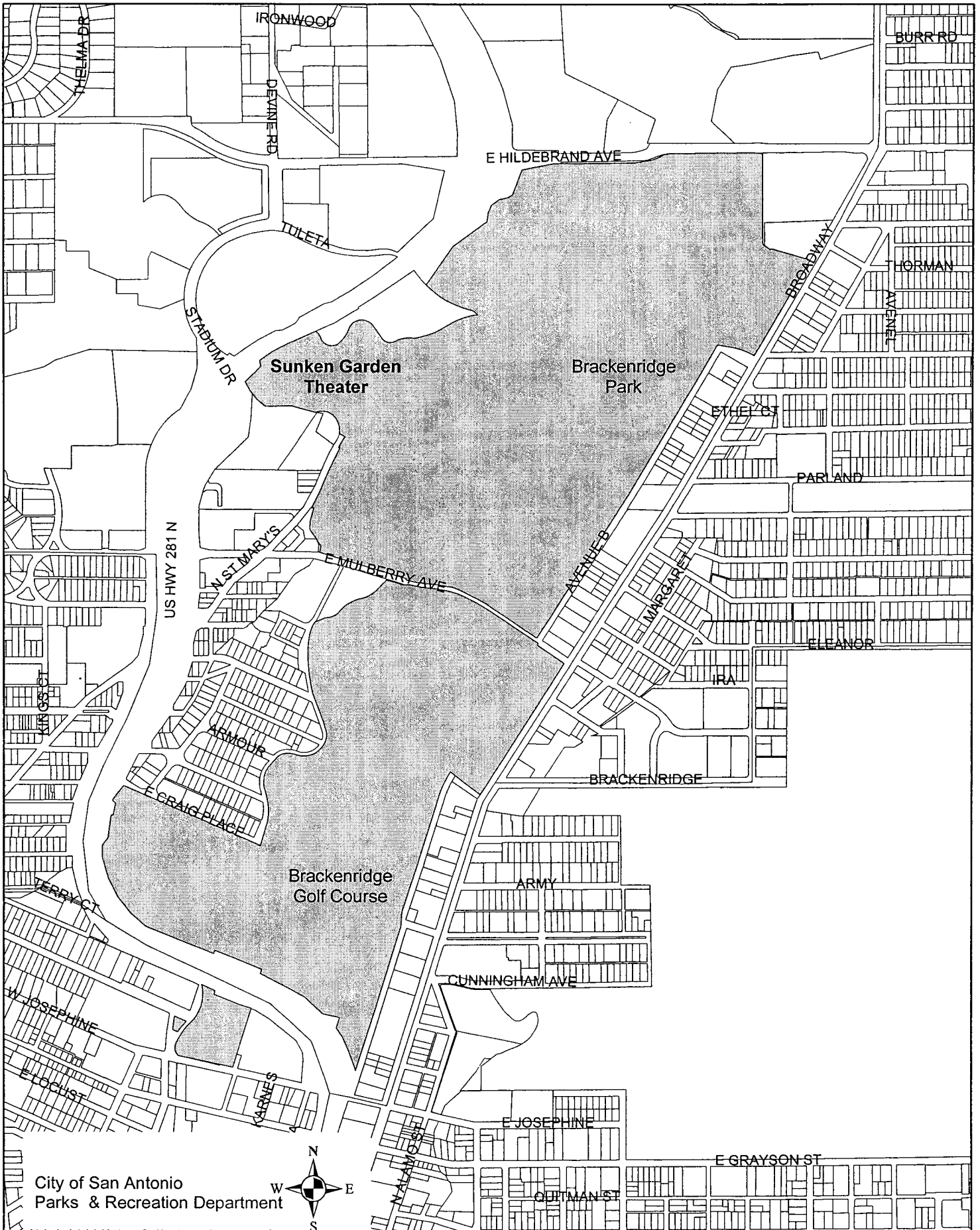
# Site Map

## Sunken Garden Theater



City of San Antonio  
Parks and Recreation Department

# Site Map Sunken Garden Theater



Certificates of Obligation  
Sunken Garden Theater ADA Modifications  
Project 26-00265

<u>Index Code</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
REVENUES:				
2003 Certificates of Obligation (\$300,000)		<u>\$39,428.00</u>	<u>\$142,500.00</u>	<u>\$181,928.00</u>
	Total:	\$39,428.00	\$142,500.00	\$181,928.00
EXPENDITURES:				
26-00265-01-19-01	Architect Fees	\$31,607.00	\$0.00	\$31,607.00
26-00265-01-19-02	Architect Contingency	\$6,321.00	\$0.00	\$6,321.00
26-00265-01-10	Bid Advertising/Printing	\$1,500.00	\$0.00	\$1,500.00
26-00265-05-09	Mandatory Project Fees	\$0.00	\$2,000.00	\$2,000.00
26-00265-05-08	Construction Contract	\$0.00	\$121,000.00	\$121,000.00
26-00265-05-07	Construction Contingency	\$0.00	\$18,500.00	\$18,500.00
26-00265-05-08-01	Park Materials	<u>\$0.00</u>	<u>\$1,000.00</u>	<u>\$1,000.00</u>
	Total:	\$39,428.00	\$142,500.00	\$181,928.00

**VW BROOKS INCORPORATED**

CONSTRUCTION

2075 FM 477

SEGUIN, TEXAS 78155

Telephone metro 830-303-1160

Fax metro 830-303-1163

12-09-04

CITY OF SAN ANTONIO  
PARKS AND RECREATION DEPARTMENT  
506 DOLOROSA  
SAN ANTONIO, TEXAS 78283


ATT: MARK WITTINGER

REF : SUNKEN GARDENS PARK AND CROCKETT PARK

MARK,

WE WILL HOLD THE BID PRICE OF THESE FIRM THROUGH AT LEAST  
1 /15/ 05.

THANK YOU,

  
WAYNE BROOKS  
President

Section 00300  
**BID FORM SUBMITTED TO THE  
CITY OF SAN ANTONIO, TEXAS  
FOR THE CONSTRUCTION OF**

Sunken Gardens Theater ADA Modifications

**IN SAN ANTONIO, TEXAS**

The undersigned, as Bidder, declares that the only person or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm, corporation; that Bidder has carefully examined the Project Manual and plans therein referred to, and has carefully examined the requirements of the proposed work; and agrees that the Bidder will provide all the necessary machinery, tools, apparatus, and other means of construction, and will do all the work and furnish all the materials called for in the Project Manual and plans in the manner prescribed therein and according to the requirements of the Director of Public Works as therein set forth.

It is understood and agreed that the work is to be completed in full on or before ninety (90) calendar days after authorization to proceed.

Accompanying this Bid is a Bid Guaranty in the amount of five Percent (5%) percent of the greatest total amount of the Bid. Said Bid Guaranty, in the form of a Certified or Cashier's Check on a State or National Bank, or Bid Bond, is submitted as a guaranty of the good faith of the Bidder and that the Bidder will execute and enter into a written contract to do the work, if his bid is accepted. The Bidder by submitting this completed form hereby agrees that if he/she fails to execute the written contract and furnish satisfactory bond, within ten (10) calendar days after City Council award, the City of San Antonio shall, in any of such events, be entitled and is hereby given the right to retain said Bid Guaranty as liquidated damages. It is understood that the City of San Antonio reserves the right to reject any and all proposals whenever the City Council deems it in the interest of the City to do so, and also the right to waive any informalities in a bid.

In the event of the award of a contract to the undersigned, the undersigned will execute same on Construction Contract (General Form) and make bond for the full amount of the contract, to secure proper compliance with the terms and provisions of the contract, and to insure and guarantee the work until final completion and acceptance or the end of the guarantee period where so stipulated, and to guarantee payment of all lawful claims for labor performed and materials furnished in the fulfillment of the contract.

The work proposed to be done shall be accepted when fully completed and finished to the entire satisfaction of the Director of Public Works. 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 acknowledges that they have received  
Addenda/Addendum number(s) DNE

The Bidder is:

☐ A sole proprietorship;

☐ A partnership composed of \_\_\_\_\_

and \_\_\_\_\_

☒ A corporation chartered under the laws of the State of TEXAS, acting by its  
officers pursuant to its by-laws or a resolution of its Board of Directors. VW BROOKS INCORPORATED

(Affix Corporate Seal here)

\_\_\_\_\_  
Official Business name

V.W. BROOKS - President

By: \_\_\_\_\_  
Type or print name/title of representative

Attest:

[Signature]

By: [Signature] 9-24-04  
Signature Date

### I. BASE BID

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

One hundred twenty one thousand & no  
121,000.00

### II. Alternates

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

1 Non-ADA companion seating - Section 1

+ 16,700.00

2 Non-ADA companion seating - Section 2

+ 77,700.00

3 Non-ADA companion seating - Section 3

+ 54,600.00

4 Non-ADA companion seating - Section 4

+ 27,000.00

III. Unit Prices Amount of each Unit Price (if applicable) insert in Numbers. Identify with "add"  
or "deduct" in front of each amount.

1 N/A

2 N/A

VW BROOKS INCORPORATED

830-303-1160

Official Name of Company (legal)  
2075 FM 477

Telephone No.  
830-303-1163

Address  
SEGUIN, TEXAS 78155

Fax No

City, State and Zip Code

E-mail Address

06/04/04

Bid Form

Proposal Form Attachment

**Certification of Non-Collusion**

"The undersigned affirms that they are duly authorized to execute the proposed contract, that this company, corporation, firm, partnership or individual has not prepared this Bid in collusion with any other Bidder, and that the contents of this Bid as to prices, terms or conditions of said Bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this Bid.

By: V. W. BROOKS  
(Print or Type Name)

PRESIDENT  
(Print or Type Title/Position with Business)

V. W. Brooks  
(Signature)

9.29.04  
(Date )

End of Section 00300

06/04/04

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Bid Form