



Item Number: _____
(for Comm Ct use only)

AGENDA COORDINATION FORM Bexar County Commissioners Court

Type of Agenda Item (Choose one): Ceremonial <input type="checkbox"/> Special Presentation <input type="checkbox"/> Time Certain <input type="checkbox"/> Consent <input type="checkbox"/> Individual <input checked="" type="checkbox"/>			
Sponsoring Office/Department: <u>Purchasing Department</u> Recipient Agency / Individual Name: _____			
Contact Person: <u>Lisa M. Leonard</u>		Phone Number: <u>210-335-2066</u>	Court Date Requested: <u>January 23, 2024</u>
Presenter: <u>Patricia Torres, Purchasing Agent</u>		Phone Number: <u>210-335-2291</u>	Deadline for Action: <u>January 23, 2024</u>
Audio / Visual Presentation: Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		PowerPoint? Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	ADA Assistance Required (type): <u>N/A</u>
Official/Department Head Signature: <u>Patricia Torres</u>		Small, Minority, Women-owned Business Enterprise (SMWBE): Impact: Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	

CAPTION:

Presentation, discussion, and appropriate action regarding American Rescue Plan Act (ARPA) Water & Sewer project proposals; as requested by the Office of the County Manager.

ESTIMATED PRESENTATION TIME: 10 minutes

BACKGROUND:

On August 18, 2023, the Purchasing Agent released Event #1042 - NOFA – Water and Sewage Projects for the purpose of obtaining proposals that address a water or sewer infrastructure need and seek to make necessary investments to improve access to clean drinking water, to support vital wastewater, and stormwater infrastructure.

The NOFA was sent out to 546 suppliers through the Bexar County Supplier Portal and nine (9) responses were received by the October 3, 2023 submittal deadline from five (5) respondents. Respondents included The Villas at Timberwood Homeowners' Association, the University of Texas at San Antonio, and the cities of Balcones Heights, Leon Valley, and Universal City. All nine (9) proposals were reviewed, evaluated, scored based on the following criteria, with six (6) found to be eligible:

Evaluation Criteria	Points
A. Project.....	45
• Demonstrated Need	
• Impact	
• Eligibility	
B. Feasibility.....	35
• Readiness	
• Timeline	
• Budget	
C. Organization.....	20
• Financial Experience	
• Construction Experience	
• Leverage	

RECOMMENDED MOTION:

Direction to staff regarding Water & Sewer Infrastructure projects using American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds.

FISCAL ASSESSMENT: APPLICABLE

Yes ☐

No ☒

Fiscal Note ☐

1	Is this a revenue or expense?	Revenue <input type="checkbox"/>	Expense <input type="checkbox"/>
2	Dollar amount of revenue or expense associated with item?	\$	
3	Is this a budgeted revenue or expense?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4	Does this item require additional staff?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5	Will this increase your current budget?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6	Impact on future Budget? If Yes, Explain in Comments.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7	Current End-of-Year Expenditure Estimate-for impacted Object Code(s)?	\$	
	If an expense, what is the current Object Code budget amount?	\$	
9	If an expense, are sufficient funds currently budgeted in the Object Code?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10	If an expense, are sufficient funds currently budgeted in the Appropriation	Yes <input type="checkbox"/>	No <input type="checkbox"/>
11	List impacted offices or departments or note if countywide:		
12	Fund number:		
13	Account/Accounting Unit:		
14	Activity:		
15	If this is a grant, what is the estimated amount of program income?		
16	If this is a grant, what is the amount of Grantor funding?		
17	If this is a grant, what is the required County cash match?		
18	If this is a grant, what is the required County in-kind/allocation match?		
19	If this is a grant, was item approved by the Grant Review Committee?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
20	Comments:		
21	Coordinated by: Lisa M. Leonard		Verified By:



AMERICAN RESCUE PLAN ACT STATE AND LOCAL FISCAL RECOVERY FUNDS

WATER AND SEWER PROJECTS – REQUEST FOR PROPOSALS

Bexar County (the “County”) is seeking proposals for infrastructure investments in water and sewer projects that address environmental, health, life-safety, or similar concerns, to meet critical needs and improve existing infrastructure within Bexar County as outlined in the U.S. Department of the Treasury’s (the “Treasury”) American Rescue Plan Act (“ARPA”) Coronavirus State and Local Fiscal Recovery Funds (“SLFRF”) [Final Rule \(31 CFR Part 35\)](#) (“Final Rule”).

Federal, State and Local Requirements

A number of federal laws apply to projects receiving SLFRF funding. The federal *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ([29 CFR Part 200](#)) (“Uniform Guidance”) applies to all SLFRF funding. This includes, but is not limited to, requirements for contractor procurement, acquisition of real property, and environmental and permitting laws and regulations. Further, the Final Rule encourages the use of strong labor practices, including wages at or above prevailing wage and use of contractors without recent violations. Projects in excess of \$100,000 with respect to employment of mechanics and laborers, must comply with the *Contract Work Hours and Safety Act* ([29 CFR, Part 5](#)). Additionally, state and local laws or regulations applicable to construction projects, water projects, and sewer projects, independent of SLFRF funding conditions, may apply.

Eligible Applicants

- ☆ Texas Political Subdivisions per [Chapter 172](#) of the *Texas Local Government Code*
- ☆ Eligible authorities per [Chapter 49](#) of the *Texas Water Code* (e.g., Districts, Water Supply Corporations, etc.)
- ☆ Must have a U.S. Federal Contractor Registration [Unique Entity ID](#)

Project Eligibility

Project proposals must meet the following criteria, any that do not will be automatically disqualified from consideration:

- ☆ Address a water or sewer infrastructure need and make necessary investments to improve access to clean drinking water, to support vital wastewater, and stormwater infrastructure.

- ☆ Be an eligible project under the Environmental Protection Agency’s [Clean Water State Revolving Fund](#) or its [Drinking Water State Revolving Fund](#); or, be “necessary” as defined by the Treasury. The Treasury considers a necessary investment in infrastructure to be one that is:
 - Responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise,
 - A cost-effective means for meeting that need, taking into account available alternatives, and
 - For investments in infrastructure that supply drinking water in order to meet projected population growth, the project must be projected to be sustainable over its estimated useful life.
- ☆ Minimum total project cost of \$700,000.
- ☆ Located within unincorporated Bexar County, or a suburban city.
- ☆ A project must be designed and ready for construction (shovel ready) with the ability to complete construction by August 31, 2026, or if not yet designed, demonstrate the ability to be fully completed by August 31, 2026. A project that fails to meet this deadline will result in a claw back of funds by the County.
- ☆ Include a fully completed/certified Bexar County ARPA/SLFRF Water & Sewer Application.

Eligible Costs

SLFRF funding may only be used for eligible project costs incurred after March 1, 2021, and must be fully expended by August 31, 2026. For any eligible project that is already underway, SLFRF funding may only be used towards goods and services that were procured in compliance with [2 CFR §§ 200.318-200.327](#).

No portion of SLFRF funding may be used to provide payment to subcontractors without such payment being pursuant to a contract that complies with the Uniform Guidance and any other applicable federal, state or local law or regulation.

SLFRF funding may not be used to provide payment to subcontractors on pre-existing or continuing contracts. Instead, a new agreement must be entered into that is specific to the use of SLFRF funding.

Proposal Processing

All proposals will be due six weeks from the date of the County’s Purchasing Department’s release of the request. Once the deadline has occurred, Purchasing will compile and share the data with the ARPA office, which will then begin the following process:

1. County staff review and scoring.
2. Commissioners Court direction to negotiate agreement(s).
3. Agreement negotiation with selected applicant(s).
4. Commissioners Court execution of agreement(s).

Agreement Requirements

Qualified applicants who are selected for an award (“Grantees”) will be required to enter into an agreement with Bexar County. The most recent of such federal requirements, including any amendments made after the execution of an agreement shall govern the agreement, unless the federal government determines otherwise. The Grantee is responsible for complying with all applicable provisions, updates or modifications that occur in the future relating to these provisions.

Time is of the Essence

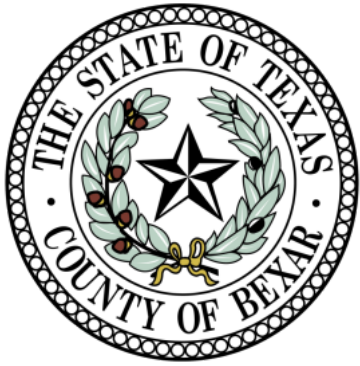
The County must incur and obligate all SLFRF funds by December 31, 2024, and expend all funds by December 31, 2026; therefore, time is of the essence, and it is important that a proposed project demonstrate the ability to be completed with all SLFRF funds expended by Grantee no later than August 31, 2026.

Failure to adhere to applicable deadlines, including approved project schedules, may result in the recoupment of funds by the County in order to reprogram funding to other priorities. Further, failure to adhere to SLFRF funding rules, regulations and guidance and the terms and conditions of an agreement with the County, will require the return of funding by Grantee to the County.

Pct	Entity	Project	Description	Requested	Project Cost
ARPA & NOFA Eligible					
2	Balcones Heights	Balcones Channel Outfall	Upgrades to channels and crossings along the Woodlawn Creek watershed from Balcones Heights Road to Pleasant Drive in order to lower the flowline by 3-6 feet. This will prevent increasing roadway elevations at crossings or major widening channels. The inundation area includes 42 single-family homes and 7 roadways. Annual damages to homes range from \$26,500-\$50,600 and will be reduced to \$2,400 as a result of the project. High water rescues and fatalities are expected to be reduced as well.	\$ 4,987,689	\$ 4,987,689
2	Leon Valley	El Verde Water & Drainage Improvements	Water line improvements of deteriorated, existing 6" asbestos cement water main, upsize to 8" C-900 PVC while replacing fire hydrants, water meters and driveway/pavement restoration along El Verde Road to prevent repeated maintenance and improve service. Drainage improvements will add stormwater piping, utilizing reinforced concrete driveway culverts and grading a bar ditch to mitigate ponding and localized flooding. The project is within the 100-year floodplain. Localized flooding, water service and maintenance will benefit from this project which will impact 29 homes.	\$ 1,312,874	\$ 1,312,874
3	Timberwood HOA	Villas at Timberwood HOA Sewer Main	Converting 75 single-family homes from an undersized, shared septic system which is failing to SAWS connected system. The current septic system is a threat to public health as sewage leaks are occurring within the Edwards Aquifer Contribution Zone, Camp Bullis 5-Mile Awareness Zone, Mud Creek sewer shed and 100-year floodplain.	\$ 2,000,000	\$ 2,465,737
4	Universal City	Aviation District Sanitary Sewer Rehabilitation	Replace aging sewer infrastructure serving 321 connections/homes with new, 50-year infrastructure. Will eliminate prevalent infiltration and inflow in pipes that have been deemed likely to experience future pipe bursts.	\$ 2,000,757	\$ 2,000,757

Pct	Entity	Project	Description	Requested	Project Cost
4	Universal City	Thoroughfare Package 1	Construct water and sewer infrastructure to meet current and future development needs of 114 sewer connections to include 21 commercial, 96 residential and 1 multi-family; as well as 2 commercial water connections.	\$ 2,000,000	\$ 2,000,000
4	Universal City	Thoroughfare Package 2, Future	Construct water and sewer infrastructure to meet current and future development needs of water/sewer connections to include 15 commercial, 420 multi-family and senior single-family units.	\$ 3,200,000	\$ 3,200,000
				\$ 15,501,320	\$ 15,967,057

ARPA Eligible / NOFA Ineligible					
3	University of Texas at San Antonio	UTSA Main Campus Water Infrastructure Project A	565-acre property south of 1604 that will construct approximately 9,000 linear feet of 30-inch water main to accommodate UTSA's development and future area development. The property is within the Edwards Aquifer Recharge Zone and Camp Bullis 5-Mile Awareness Zone.	\$ 3,130,246	\$ 11,021,992
3	University of Texas at San Antonio	UTSA Main Campus Water Infrastructure Project B	Construction of approximately 7,250 linear feet of 24-inch water main to accommodate UTSA's development and future area development. The property is within the Edwards Aquifer Recharge Zone and Camp Bullis 5-Mile Awareness Zone.	\$ 2,276,860	\$ 5,123,447
3	University of Texas at San Antonio	UTSA Park West	Construction of approximately 1,300 linear feet of 12-inch water main and 2,550 linear feet of oversized 16-inch water main to accommodate UTSA's development and future area development. The property is within the Edwards Aquifer Recharge Zone and Camp Bullis 5-Mile Awareness Zone.	\$ 1,359,571	\$ 1,891,640
				\$ 6,766,677	\$ 18,037,079



Commissioners Court

January 23, 2024

American Rescue Plan Act Water & Sewer Projects



WATER & SEWER – NOFA

- Eligible Applicants
 - Texas Political Subdivisions
 - Eligible Authorities (e.g., Districts, Water Supply Corporations, etc.)
 - Must have a Unique Entity ID
- Project Eligibility
 - Minimum total project cost of \$700,000
 - Unincorporated Bexar County, or a Suburban City
 - Construction to be completed by August 31, 2026



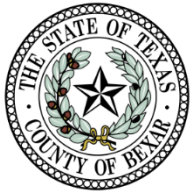
PROPOSALS RECEIVED

Entity	Project	Requested
Balcones Heights	Balcones Channel Outfall	\$4,987,689
Leon Valley	El Verde Water & Drainage Improvements	\$1,312,874
Timberwood HOA	Villas at Timberwood HOA Sewer Main	\$2,000,000
Universal City	Aviation District Sanitary Sewer Rehabilitation	\$2,000,757
Universal City	Thoroughfare Package 1	\$2,000,000
Universal City	Thoroughfare Package 2, Future	\$3,200,000
University of Texas at San Antonio	Main Campus Water Infrastructure Project A	\$3,130,246
University of Texas at San Antonio	Main Campus Water Infrastructure Project B	\$2,276,860
University of Texas at San Antonio	Park West	\$1,359,571
TOTAL		\$22,267,997
ARPA SLFRF Balance		\$9,654,156
Difference		(\$12,613,841)



NOFA ELIGIBLE

Entity	Project	Requested
Balcones Heights	Balcones Channel Outfall	\$4,987,689
Leon Valley	El Verde Water & Drainage Improvements	\$1,312,874
Timberwood HOA	Villas at Timberwood HOA Sewer Main	\$2,000,000
Universal City	Aviation District Sanitary Sewer Rehabilitation	\$2,000,757
Universal City	Thoroughfare Package 1	\$2,000,000
Universal City	Thoroughfare Package 2, Future	\$3,200,000
TOTAL		\$15,501,320
ARPA SLFRF Balance		\$9,654,156
Difference		(\$5,847,164)



RECOMMENDED MOTION

Direction to staff regarding Water & Sewer Infrastructure projects using American Rescue Plan Act State and Local Fiscal Recovery Funds.