

**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL MEMORANDUM  
ENVIRONMENTAL SERVICES DEPARTMENT**

**CONSENT AGENDA**

**ITEM NO.**

**34**

**TO:** Mayor and City Council

**FROM:** Daniel V. Cárdenas, Director of Environmental Services

**THROUGH:** Terry M. Brechtel, City Manager

**COPIES:** Melissa Byrne Vossmer; Thomas G. Wendorf, P.E.; City Attorney's Office;  
Erik Walsh; File

**SUBJECT:** Asbestos Abatement On-Call Professional Non-Engineering Services Agreement  
2003

**DATE:** December 12, 2002

**SUMMARY AND RECOMMENDATIONS**

This ordinance accepts a proposal and authorizes the execution of an On-Call Professional Non-Engineering Services Agreement for asbestos abatement to be performed by Bexar Environmental, Inc., for compensation not to exceed \$366,000.00 annually, as necessary for environmental construction-type services related to structures determined by licensed City staff, or designated representatives, to require asbestos abatement prior to demolition. Asbestos abatement services by Bexar Environmental, Inc. may also be required to support small-scale renovations of City facilities and demolition of unsafe structures. Funds for this contract shall be allocated on a per specific project basis at the time the work is required. This agreement will be used on an as-needed basis for various asbestos abatement projects for a period of one year, with an option to extend for two (2) additional one (1)-year periods with the same terms, upon the approval of the Director of Environmental Services.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

This On-Call Professional Non-Engineering Services Agreement for Asbestos Abatement requires asbestos abatement activities to be performed by licensed, trained, and insured professionals in accordance with the regulations and guidelines set forth by the Texas Administrative Code and the Code of Federal Regulations (CFR), the Texas Department of Health (TDH) rules and regulations, and the U.S. Environmental Protection Agency (USEPA) to insure compliance by the City of San Antonio in its execution of City projects. The asbestos abatement activities provided by this contractor will include but not be limited to the following:

- (1) Perform asbestos abatement activities as directed by the Environmental Services Department.
- (2) Remove all asbestos-containing material (ACM) from City facilities and unsafe structures scheduled for demolition. (The structures may be in varying states of degradation with some flood, fire and / or structural damage.)
- (3) Contractor shall safely and legally manage, remove,

and dispose of all ACM in a facility permitted to accept such waste; generate and maintain manifests; and provide copies of manifests to the Environmental Management Division.

Due to the health and safety implications associated with the management and disposal of asbestos containing materials, this contract is exempt from state statutory competitive bidding requirements. Specifically, "procurements necessary to preserve or protect the public health or safety of the municipality's residents" are outside the purview of statutory competitive bid, under Section 252.022 (a)(4) of the Texas Local Government Code.

Although Bexar Environmental, Inc. proposed the lowest unit prices, price was not the only factor considered for awarding this contract. This environmental contractor was selected based on the City's standard Request for Proposal process. A select review committee, made up of City staff including Public Works, Environmental Services, Asset Management, and Economic Development, selected this contractor as the best-qualified applicant out of 5 respondents. The ratings were based primarily on the firms' qualifications, experience, and value. Specifically, higher ratings were given to firms demonstrating the ability to perform asbestos abatement projects professionally and economically. Additionally, points were given to firms based on their local presence, structure as a minority and/or woman-owned business, and their commitment to the Small Business Economic Development Advocacy (SBEDA) policy. The ranking and evaluation criteria are attached.

The term of this On-Call Professional Non-Engineering Services Agreement for Asbestos Abatement shall be for a period of one (1) year from the date of the fully executed agreement. Two optional one-year periods, with identical terms and contract value upon approval of the Director of Environmental Services will also be authorized by this ordinance.

### **POLICY ANALYSIS**

Approval of this ordinance will be consistent with City Council policy to address environmental issues in an expeditious manner consistent with state and federal environmental regulations.

### **FISCAL IMPACT**

This On-Call Professional Non-Engineering Services Agreement for Asbestos Abatement shall not exceed \$366,000.00 annually. Funds for this contract shall not be allocated at this time, because the specific projects to be performed have not yet been identified. Funding shall be allocated on a per specific project basis at the time the work is required. The Director of Finance is authorized to make the transfers necessary for payment at the time the specific projects are identified. Amounts will be transferred from available funding sources identified within the scope and source as the projects are assigned by the various City departments.

### **COORDINATION**

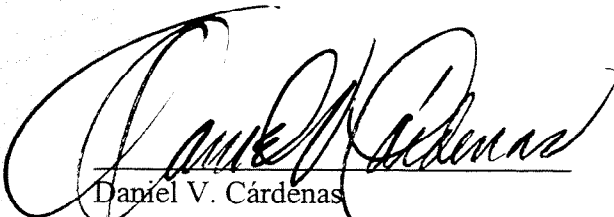
This request for ordinance has been coordinated with the Public Works Department, Asset Management, Economic Development, and the City Attorney's Office.

### SUPPLEMENTARY COMMENTS

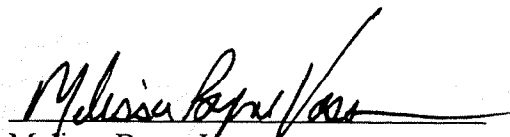
The Discretionary Contracts Disclosure Forms are attached as required by the Ethics Ordinance.

### ATTACHMENTS

1. Rating Matrix
2. Proposal
3. Subcontractor List
4. Good Faith Effort Plan
5. Ethics Disclosure Form
6. Contact Compliance Statement Form



\_\_\_\_\_  
Daniel V. Cárdenas  
Director of Environmental Services



\_\_\_\_\_  
Melissa Byrne Vossmer  
Assistant City Manager

Approved:



\_\_\_\_\_  
Terry M. Brechtel  
City Manager

[illegible]

# PROPOSAL SHEET

UNIT PRICES FOR ASBESTOS ABATEMENT: (Prices to include labor, access, demolition and disposal)

ITEM (A)	UNIT OF MEASURE (B)	UNIT PRICE NON-FRIABLE (C)	UNIT PRICE FRIABLE (D)	ESTIMATED QUANTITY (E)	SUB-TOTAL (F)
Abatement and disposal of asbestos linoleum or floor covering (Single layer - may include mastic)	SF	\$ 1.40		15,000	\$21,000.00
Abatement and disposal of asbestos linoleum or floor covering (Multi layer - may include mastic)	SF	\$ 1.60		5,000	\$ 8,000.00
Abatement and disposal of asbestos floor tile (Single layer - may include mastic)	SF	\$ 1.40		15,000	\$ 21,000.00
Abatement and disposal of asbestos floor tile (Multi layer - may include mastic)	SF	\$ 1.60		10,000	\$ 16,000.00
Abatement and disposal of asbestos spray-on ceiling	SF		\$ 1.60	10,000	\$16,000.00
Abatement and disposal of asbestos spray-on walls	SF		\$ 1.60	10,000	\$16,000.00
Abatement and disposal of asbestos sheetrock / Joint Compound	SF		\$ 1.60	100,000	\$160,000.00
Abatement and disposal of asbestos cement shingles (Transite)	SF	\$	.59	100,000	\$59,000.00
Abatement and disposal of asbestos felt paper	SF	\$	.59	1,000	\$ 590.00
Abatement and disposal of asbestos transite pipe	LF	\$ 5.00		150	\$ 750.00
Abatement and disposal of asbestos insulation on pipe < 12" dia.	LF		\$ 12.72		\$ 12.72
Abatement and disposal of asbestos insulation on pipe ≥ 12" dia.	SF		\$ 4.20		\$ 4.20
a) removal of mastic on pipe insulation	LF		\$ 4.00	200	\$ 800.00
b) removal of mastic on duct insulation	LF		\$ 5.64	200	\$ 1128.00
Abatement and disposal of asbestos insulation on equipment	SF		\$ 10.69	1,000	\$ 10,690.00
Abatement and disposal of asbestos blown-on or sprayed insulation	SF	\$ 4.64		1,000	\$ 4,640.00
Abatement and disposal of asbestos cement sheets (corrugated, non-corrugated, tiles, etc.)	SF		\$ .95	1,000	\$ 950.00
Abatement and disposal of asbestos wall panel-heater insulation	SF	\$	4.20	100	\$ 420.00
Abatement and disposal of asbestos debris not classified above.	CY	\$	or \$ 51.00	500	\$ 22,500.00
Mixture of various types of asbestos and trash.					
TOTAL (Amount in Number)					\$359,484.92
Price for Performance/Payment Bonds	Lump Sum				\$ 6,392.27
TOTAL PLUS PERFORMANCE/PAYMENT BOND					\$365,877.19

## NOTES:

A.	Contract will be partially evaluated on the basis of the unit prices reflected in Column "C" for Non-Friable material or Column "D" for Friable material, multiplied by the estimated quantity reflected in Column "E". Bid price in Total of Column "E" will be transferred to the Proposal.
B.	In order for your proposal to be considered, each Column ("C", "D", & "E") must be completed.
C.	All Unit Prices will reflect all Contractor costs associated with the Project.
D.	Unit prices for Friable Asbestos will be used in the performance of work associated with the removal of Friable Asbestos when asbestos is not made friable by the Contractor.
E.	Payment of Asbestos Debris includes any and all mixture of various types of Asbestos Material and/or trash. Bulk unit of measurement is to be inferred as any accumulation of debris (internal or external). Payment will be made on the lesser of bid items (Friable or Non-Friable) due to content mixture/nature.
F.	Maximum time to complete a residential structure is 5 days.

Print Name: Carl Brown

Signature: [Signature]

Title: Vice President

Date: 11/01/02

## 2.0 PROPOSAL SUBMITTAL REQUIREMENTS (Interest Statement Requirement)

- 2.1 Proponent shall submit the substance, status, or outcome of any legal proceedings, pending or concluded, involving the transportation or disposal of hazardous wastes or special waste materials which have been brought by the Federal or any State Government(s) against the Proponent or any of its officers over the last ten (10) years and the bankruptcy / insolvency proceedings records and explanations required in section 7 of the Scope of Work, Additional Requirements.

None

---

---

---

---

---

If additional space is needed, please attach pages as needed.

- 2.2 Proponent shall submit names and qualifications of all professional personnel who will be assigned to this project. State the primary work assigned to each person and the percentage of time they will devote to this work. Identify key persons by name and title and provide their resumes.
- 2.3 Proponent shall submit the name, address, and USEPA and State identification numbers for all disposal facilities to be used for the duration of the contract.
- 2.4 Proponent shall submit proof of firm's registration with the United States Environmental Protection Agency, Texas Department of Health, and the Texas Natural Resource Conservation Commission.
- 2.5 Proponent shall submit a list of their corporate and individual experience in performing asbestos abatement projects. The list shall show project title, year, and references - title, present address, and phone number of principal personnel for whom prior projects were accomplished.
- 2.6 Proponent must complete and return an ethics disclosure form for the City of San Antonio as addressed below [see item #4].
- 2.7 The closest technical service representative is available at the following location (City and State): n/a, approximately \_\_\_\_\_ miles from San Antonio, Texas.  
TELEPHONE ( ) \_\_\_\_\_.
- 2.8 All Proponents must make a True and Correct statement of legal Identity and submit a CERTIFICATION OF FRANCHISE.
- (a) Proponents and Respondents who submit responses to this RFP/RFQ must correctly reveal, disclose, and state true and correct entity, individual, proprietorship name, corporate name, and /or partnership name (clearly identifying the responsible general partner and all other partners who would be associated with the contract, if any). No nick-names, abbreviations (unless part of the legal title), shortened or short-hand, or local "handles" will be accepted in lieu of the full, true and correct legal name of the entity. These names must comport exactly

with the corporate and franchise records of the Texas Secretary of State and State Comptroller.

- (b) Individuals and proprietorships, if operating under other than an individual name, must submit responses in comportsment with exact Assumed Name filings on record at the County Courthouse.
- (c) WARNING: If the contract is awarded to any entity that is later found to have incorrectly or incompletely stated its name or failed to fully reveal its identity in its response to this RFP, the Director of Environmental Services shall have the discretion, at any point in the contracting process, to suspend the contract for the duration of its term, and such suspension may occur at any time before or after City Council's approval of the contract.
- (d) To this end, responses from corporations and limited liability companies and associations must be accompanied by a Certification of Franchise Tax Account Status, verifying that a corporation or limited liability company doing business in Texas is in good standing with its franchise tax reports and payments, or that the corporation is exempt from the state franchise tax."

### 3.0 PERFORMANCE CAPABILITIES TO AFFORD LIABILITY RELIEF TO CITY

Provide a narrative statement explaining why you, the Proponent, believe your company is best suited to perform this contract in a way that would provide the City of San Antonio with the most liability protection possible.

### 4.0 CITY ETHICS ORDINANCE REQUIREMENT:

All proponents must disclose if they are associated in any manner with a City Official or employee in a business venture or business dealings. Failure to do so will constitute a violation of the City's Ethics Ordinance (#76933). To be "associated" in a business venture or business dealings includes being in a partnership or joint venture with the officer or employee, having a contract with the officer or employee, being joint owners of a business, owning at least 10% of the stock in a corporation in which a city officer or employee owns at least 10%, or having an established business relationship as client or customer.

The successful proponent will be required to fully execute an ethics disclosure form as provided by local law. The disclosure form must be executed and provided to the City in advance of the contract package being presented to the City Council for approval action.

### 5.0 SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY (SBEDA) POLICY REQUIREMENTS

It is the policy of the City of San Antonio to involve qualified small business and local business enterprises to the greatest extent feasible in the City's professional service and other discretionary contracts. Pursuant to Ordinance #69403, the City of San Antonio, its employees, contractors and subcontractors shall not discriminate on the basis of race, color, religion, national origin, sex, age, or handicap in the award and performance of contracts. Violation of this ordinance is a criminal offense and subject to penalty.

On this contract, the City has established the following contracting goals:

Minority-Owned Business Enterprise (MBE):	32.5%
Women-Owned Business Enterprise (WBE):	13.0%
African-American-Owned Business Enterprise (AABE):	2.3%
Small Business Enterprise (SBE):	45.0%

Proposals shall include a Good Faith Effort Plan (GFEP). The GFEP shall include specific documentation, as outlined in SBEDA Form 117C. "Good Faith Effort Plan for Subcontractors and Professional Services" (ATTACHED), that demonstrates a commitment by the proponent, to utilize minority and women business enterprises in a percentage which equals or exceeds the above goals. Any proposal that does not include the GFEP shall be declared non-responsive.

A firm may count toward the above goals a portion of the total dollar value of a contract with a joint venture equal to the percentage of MBE, WBE, AABE, or SBE participation in the joint venture. The MBE, WBE, or AABE must be responsible for a clearly defined portion of the work to be performed, equal to a share in the ownership, control, management, responsibility, risks, and profits of the joint venture.

## 6.0 EVALUATION CRITERIA

Generally, the Evaluation Committee composed of staff from various City Departments will endeavor to assign weight to the Proponent's submission based on the following criteria:


SBEDA (Small Business Enterprise Development Advocacy)---20%,  
as required by Ordinance  
Contractor Qualifications-----40%  
Price-----40%

Exact allocation of points is not possible or desirable to project prior to evaluation of submissions. Contractors' qualifications will be subjectively, but fairly evaluated, given the environmental, health, safety, and liability implications of asbestos special waste handling. The City's attorneys may be called upon to advise in this respect. Proponents' reputations will be assessed among Contractor qualifications. The Evaluation Committee will recommend a Proponent to the City Council based upon the group's collective opinion as to which contractual relationship is most likely to serve the City's best interests. This is a discretionary award, not necessarily bound by low price, but one in which price is important, as well as qualifications and reputation which are of paramount concern.

## 7.0 PRE-PROPOSAL SUBMISSION CONFERENCE

A pre-proposal conference will be held on October 22, 2002, at 1920 Grandstand, San Antonio, Texas at 1:30 p.m. It is not mandatory that a proponent attend this conference, but proponents are encouraged to attend. City staff will verbally answer questions and make clarifications, and thereafter respond to all proponents in writing, advising of answers or clarifications that may change the character or content of the RFP.

Print Name: Carl Brown

Signature: 

Title: Vice President

Date: 11/01/02



City of San Antonio

Discretionary Contracts Disclosure\*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2

Attach additional sheets if space provided is not sufficient.

State Not Applicable for questions that do not apply.

\* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

**Disclosure of Parties, Owners, and Closely Related Persons**

For the purpose of assisting the city in the enforcement of provisions contained in the City Charter and the code of ethics, an individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract:

CARL BROWN

(2) the identity of any **business entity** that would be a party to the discretionary contract:

BEXAR ENVIRONMENTAL, INC.

and the name of:

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract:

RNR ENVIRONMENTAL SERVICES

(B) any individual or business entity that is known to be a **partner**, or a **parent** or **subsidiary business entity**, of any individual or business entity who would be a party to the discretionary contract:

N/A

(3) the identity of any **lobbyist** or **public relations firm** employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

N/A


**Political Contributions**

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any current or former member of City Council, any candidate for City Council, or to any political action committee that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:
N/A		

**Disclosures in Proposals**

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question<sup>1</sup> as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

Signature: 	Title: Vice President Company: BEXAR ENVIRONMENTAL	Date: 11/01/02
--	---	----------------

<sup>1</sup> For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

GOOD FAITH EFFORT PLAN  
SBEDA FORM 117C

NAME OF COMPANY: BEXAR ENVIRONMENTAL  
PROJECT NAME: ON-Call Agreement 2003

1. Identify all solicited CONTRACTOR areas, actual or anticipated. (Use additional sheets as needed). If M/WBE contracting goal was met, skip to #9.

COMPANY NAME & TRADE AREA	DOLLAR AMOUNT	DBE (Y/N)	CITY M/WBE CERTIFICATION NUMBER
Cuevas Distribution	10%		79755

2. If M/WBE contracting goal was not achieved in a percentage that equals or exceeds the CITY's M/WBE goal, please give explanation.

The only subcontractor required is regarding supplies.

3. List all M/WBE Listing or Directories utilized to solicit participation.

N/A

4. List all CONTRACTOR associations and other business associations solicited for M/WBE referrals.

N/A

5. Discuss all efforts aimed at utilizing M/WBEs.

N/A

6. Indicate advertisement mediums used for soliciting bids from M/WBEs.

N/A

7. List all M/WBE bids received but rejected. (Use additional sheets as needed.)

COMPANY NAME	CITY M/WBE CERTIFICATION NUMBER	DBE (Y/N)	REASON FOR REJECTION

8. Please attach a copy of company's M/WBE policy.

9. Name and phone number of person appointed to coordinate and administer the Good Faith Efforts of your company on this project.

ALAN BROWN 210-389-7045

10. This Good Faith Effort Plan is subject to the Economic Development Department's approval.



SIGNATURE OF AUTHORIZED OFFICIAL

Vice President

TITLE OF OFFICIAL

11/01/02  
DATE

210-432-7900  
PHONE

FOR CITY USE

Plan Reviewed By: \_\_\_\_\_

Recommendation: Approval \_\_\_\_\_

Denial \_\_\_\_\_

Action Taken: Approved \_\_\_\_\_

Denied \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR OF ECONOMIC DEVELOPMENT

# LIST OF SUBCONTRACTORS

The Proposer, Boxer Environmental, as part of the procedure for the submission of proposals on a project known as On Call Service 2003, submits the following list of subcontractors or proposed subcontracting areas (use additional sheets if necessary) to be used in the performance of work to be done on said project.

NAME OF COMPANY & TRADE	CITY M/WBE CERTIFICATION NUMBER	DOLLAR AMOUNT
<u>Cuevas Distribution</u>	<u>79755</u>	<u>10%</u>

The following section is to be completed if the contract (Project) is for less than \$300,000. Please list subcontracting solicitations to all minority/women CONTRACTORS for participation on project. If none, explain (exclude successful firms listed above). Use additional sheets if necessary. The CONTRACTOR is expected to solicit participation on subcontracts from available M/WBEs under this contract.


NAME OF COMPANY PERFORMING WORK	CITY M/WBE CERTIFICATION NUMBER	REASON FOR REJECTION

All minority/women business enterprise subcontractors must submit a SBEDA Form 100 or a copy of certification certificate through the Prime CONTRACTOR. It is understood and agreed that, if awarded a contract by the CITY of San Antonio, the CONTRACTOR will not make additions, deletions, or substitutions to this certified list without consent of the Director of Public Works and the Director of Economic Development (through the submittal of SBEDA Form 102, Request for Approval of Change to Original Certified List of Subcontractors).

## AFFIRMATION

*I HEREBY AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER UNDERSTAND AND AGREE THAT, IF AWARDED THE CONTRACT, THIS DOCUMENT SHALL BE ATTACHED THERETO AND BECOME A BINDING PART OF THE CONTRACT.*

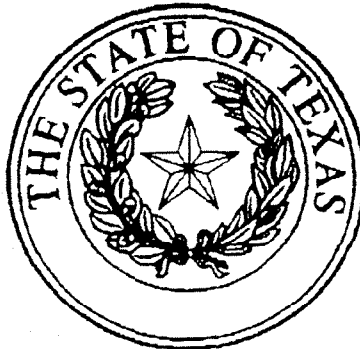
NAME AND TITLE OF AUTHORIZED OFFICIAL: CARL BROWN - Vice President

SIGNATURE:  DATE: 11/01/02

SBEDA Form 101 Rev. 01/25/99

# State of Texas

## Historically Underutilized Business Certification and Compliance Program




The General Services Commission (GSC) hereby certifies that

### CUEVAS DISTRIBUTION INC

has successfully met the established requirements of the  
State of Texas' Historically Underutilized Business (HUB)  
Certification and Compliance Program to be recognized as a HUB.

This certificate, printed 07/21/01, supersedes any registration and certificate previously issued by the GSC's HUB Certification and Compliance Program. If there are any changes regarding the information (i.e., business structure, ownership, day-to-day management, operational control, addresses, phone and fax numbers or authorized signatures) provided in the submission of the business' application for HUB certification with the GSC, you must immediately (within 30 days of such changes) notify the GSC's HUB Certification and Compliance Program in writing. The Commission reserves the right to conduct a compliance review at any time to confirm HUB eligibility. HUB certification may be suspended or revoked upon findings of ineligibility.

**Certificate/VID Number:** 1752808168400  
**File/Vendor Number:** 79755  
**Date of Approval:** 07/19/01  
**Expiration Date:** 07/19/03

  
**Paul A. Gibson, Asst. Prog. Dir.**  
**GENERAL SERVICES COMMISSION**  
**(512) 305-9071**

**Note:** In order for State agencies and institutions of higher education (universities) to be credited for utilizing this business as a HUB, they must award payment under the Certificate/VID Number identified above. Agencies and universities are encouraged to validate HUB certification prior to issuing a notice of award by accessing the Internet (<http://www.gsc.state.tx.us/>) or by contacting the GSC's HUB Certification and Compliance Program at (888) 863-5881 or (512) 463-5872.

South Central Texas Regional Certification Agency (SCTRCA) Certification Affidavit Form may be included in this section. **This form is not mandatory.**

# CONTRACT COMPLIANCE STATEMENT

AND


## CONTRACT DOCUMENT

### STATEMENT ACKNOWLEDGING CONTRACT EXECUTION REQUIREMENTS

If awarded a contract in response to this RFP, Respondent will be able and willing to execute a contract in the form shown in the RFP, as attached and set out in this Attachment \_\_\_, with the understanding that the scope and compensation provisions will be negotiated and included in the final document.

CARL BROWN

Printed Name of Respondent

By: 

Signature