

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
PARKS AND RECREATION DEPARTMENT**

TO: Mayor and City Council

FROM: Malcolm Matthews, Director, Parks and Recreation Department

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa B. Vossmer; Finance; Management and Budget; Legal; File

SUBJECT: Ordinance Selecting Three Firms for On-Call Professional Civil Engineering Services for Various Park Design Projects

DATE: August 7, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance selects K. M. Ng & Associates, Inc., Vickery & Associates, Inc. and Bain Medina Bain, Inc. for on-call professional civil engineering services for various park design projects and authorizes execution of one year contracts with two optional one year renewals.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

The use of on-call professional civil engineering services will assist the Parks and Recreation Department's design staff in the completion of design work on capital improvement projects. Three firms will be utilized on a rotation basis, as services are needed, for in-house design projects. Work to be completed by these consultants will include preparation of structural analysis, preparation of drainage studies, the design of hardscape and paving elements and similar assignments as needed to complete capital improvement projects. By having on-call consultants available, design work will proceed more quickly due to reducing the number of weeks devoted to consultant selection procedures for each project.

The firms will provide on-call professional services for a period of one year from the date of the fully executed agreement, with an option for two additional one year renewals, subject to approval of the Director of Parks and Recreation. Fees for services will range from an estimated \$500.00 to \$25,000.00. After a project is identified, then a proposal for services will be received and a specific fee will be negotiated.

The following three firms have been selected through the City's consultant selection process:

- K. M. Ng & Associates, Inc. (SBE/DBE/MBE)
- Vickery & Associates, Inc. (SBE/WBE)
- Bain Medina Bain, Inc. (SBE/WBE/DBE)

POLICY ANALYSIS

The process of selecting on-call consultants has been reviewed by the Asset Management Department/Contract Services Division and has been approved. The consultants were chosen in accordance with all of the City's consultant selection procedures.

FISCAL IMPACT


Funding for the consultants will vary depending on individual projects. It is anticipated that each consultant will receive two or three projects each year that together will total approximately \$50,000.00. Funds will be predominantly from Bond and CDBG sources. Once a project is identified and a proposal for services is received, then the consultant fee will be negotiated. Council action may be required to allocate the appropriate funding for the project.

COORDINATION


The Consultant Selection Committee, Public Works Department and Department of Asset Management have assisted with this action.

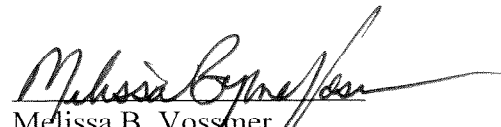
SUPPLEMENTARY COMMENTS

A Discretionary Contracts Disclosure Form is attached from each of the three firms.



Malcolm Matthews,
Director of Parks and Recreation


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



Melissa B. Vossmer,
Assistant City Manager

Approved:



Terry M. Brechtel
City Manager

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;

Not Applicable

- (2) the identity of any business entity¹ that would be a party to the discretionary contract:

K.M. Ng & Associates, Inc.

and the name of:

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

Not Applicable

- (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;

Not Applicable

- (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.

Not Applicable

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

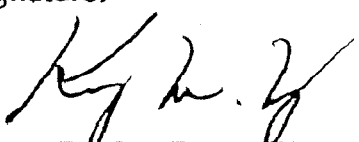
Political Contributions

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:
None		

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 question² 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: President Company: K.M. Ng & Associates, Inc.	Date: April 8, 2003

² 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.

City of San Antonio Discretionary Contracts Disclosure

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

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:

N/A

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

and the name of:

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

Vickrey & Associates, Inc.

and the name of:

(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 entity who would be a party to the discretionary contract.

N/A

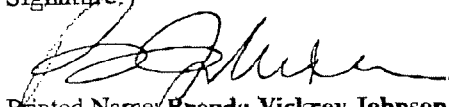
Political Contributions

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 the 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 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
David Carpenter	425.00	2001, 2002
Ed Garza	4,960.00	2001, 2002
Bonnie Conner	600.00	2001, 2002
Bobby Perez	390.00	2001, 2002
Enrique Barrera	500.00	2002
John Sanders	500.00	2001
Carol Schubert	700.00	2001, 2002
Toni Moorhouse	600.00	2002, 2003
Julian Castro	200.00	2002

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 question² as to whether any city official or employee would violate Section 1 of Part B by participating in official action relating to the discretionary contract.

Signature: 	Title: President Company: Vickrey & Associates, Inc.	Date: April 21, 2003
Printed Name: Brenda Vickrey Johnson		

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust unincorporated association, or any other entity recognized by law.

² 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.

City of San Antonio Discretionary Contracts Disclosure*

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

Attach additional sheets if space provided is not sufficient.

State "Not Applicable" for questions that do not apply.

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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:

Pamela Bain, as President of Bain Medina Bain, Inc.

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

Bain Medina Bain, Inc. would be the sole business entity for this contract.

and the name of:

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

and the name of:

(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;

Not Applicable

¹ A business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

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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.

Not Applicable

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 or indirectly to any current or former member of City Council, and 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 entity 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:
David Carpenter	\$140.00	April 2001
CECPAC	\$360.00	March 2001
Friends of Ed Garza and Nelson Wolff	\$150.00/each	September and October 2002
Friends of Bonnie Conner, Robert Tejeda, Carroll Schubert, Bobby Perez, Toni Moorehouse, Lyle Larson, David Carpenter, Julian Castro, Paul Elizondo and Enrique Barrera	\$50.00/each	July thru October 2002
Toni Moorehouse, Enrique Barrera and Carroll Schubert	\$70.00/each	May 2003

Disclosure in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

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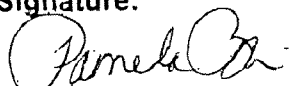
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Signature: 	Title: President Company: Bain Medina Bain, Inc.	Date: May 2, 2003

ARCHITECT/ENGINEER STATEMENT OF INTEREST REVIEW

No.	Architect/Engineer Candidates
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20.5.11. ~~John Doe~~