

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
PUBLIC WORKS DEPARTMENT**

CONSENT AGENDA
ITEM NO. 14

TO: Mayor and City Council

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

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer; Andrew Martin; Louis A. Lendman; Milo D. Nitschke;
File

SUBJECT: Southcross Boulevard from S. New Braunfels to Presa

DATE: September 18, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes payment in the amount of \$27,304 from 2002 Certificates of Obligation payable to ATC Associates, Inc., a non-MBE firm, for environmental oversight services associated with the Southcross Boulevard from S. New Braunfels to Presa project, an authorized 1999 General Obligation Street Improvement Bond funded project, located in Council District 3. A previously executed On-Call Professional Services Agreement for Non-Asbestos Environmental Engineering Services with ATC Associates, Inc. in an amount not to exceed \$180,000 was approved by City Council on February 28, 2002, Ordinance No. 95384. As of September 1, 2003, \$10,621.68 has been expended for services provided under this agreement.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This ordinance approves a work order proposal under a professional services contract with ATC Associates, Inc. for environmental oversight and air monitoring services associated with the removal and disposal of the impacted media at the referenced project. ATC Associates, Inc. will be responsible for providing environmental oversight in two known areas of concern to insure the contractor is in compliance with the waste management plan and applicable federal, state and local requirements. Additionally, ATC will conduct air-monitoring services during excavation activities to monitor the ambient air for potential volatile vapors to the contractor and the surrounding environment, and direct the contractor to implement engineering controls, such as dust control measures and ventilation, as necessary. The environmental oversight and air monitoring services will be conducted over a two-month period during construction activities in both affected areas.

The Southcross Boulevard from S. New Braunfels to Presa project provides for the reconstruction of existing 4-lane roadway to 4 lanes with curbs, 5-foot sidewalks at the curb, driveway approaches, underground storm drain, and signal upgrades. While this project was originally funded as a 1999 G.O. Street Improvement Bond funded Project, the costs associated with the purchase of right of way and environmental clean up and abatement have increased significantly. Therefore, it is necessary to use resources from Certificates of Obligation to support the added costs. The necessity of using Certificates of Obligation for this purpose was anticipated in preparing the FY 2003 Capital Budget.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to complete previously approved 1999 General Obligation Street Improvement Bond funded Capital Improvement Projects. Environmental investigation is a necessary component of the design of Capital Improvement Projects.

FISCAL IMPACT

This is a one-time capital improvement expenditure within budget and included in the FY 03-08 Capital Improvement Program Budget. Funds in the amount of \$27,304 are available from 2002 Certificates of Obligation funds and authorized payable to ATC Associates, Inc.

COORDINATION

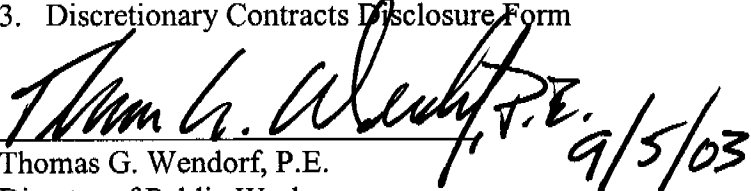
This request for ordinance has been coordinated with the Office of Management and Budget, the Finance Department, and the Environmental Services Department.

SUPPLEMENTARY COMMENTS

The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is attached.

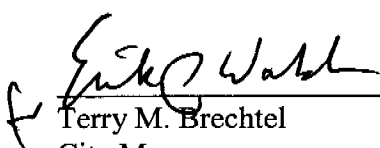
ATTACHMENTS

1. Project Map
2. ATC Associates, Inc. letters dated July 22, 2003 and July 18, 2003
3. Discretionary Contracts Disclosure Form


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


Melissa Byrne Vossmer
Assistant City Manager

Approved:


Terry M. Brechtel
City Manager

SOUTHCROSS - NEW BRAUNFELS TO PRESA

PRESA

SOUTHCROSS

1

NEW BRAUNFELS





140 Heimer Rd., Suite 675
San Antonio, TX 78232
www.atc-enviro.com
210-496-3434
Fax 210-496-1397

July 22, 2003

Mr. Robert Espinosa
City of San Antonio
Environmental Services Department
Environmental Management Division
1920 Grandstand
San Antonio, Texas 78238

Re: **Proposal for Air Monitoring (2 Months)**
For the Southcross - Presa to New Braunfels Project
San Antonio, TX
ATC Proposal No. 46-25-2721

Dear Mr. Espinosa:

ATC Associates Inc. (ATC) is pleased to present this proposal to perform air monitoring at the above referenced site.

The Scope of Services outlined in this proposal includes the following:

SCOPE OF WORK

At the request of the City of San Antonio, ATC is proposing air monitoring at the Southcross - Presa to New Braunfels Project, San Antonio Texas. The air monitoring is to be conducted over a two month period during construction activities in hydrocarbon impacted soil. The construction activities will be and managed by the City of San Antonio.

Task 1 Pre-Field Tasks

Prior to conducting field activities, ATC will prepare a site-specific health and safety plan (HSP) to address safety issues associated with the proposed scope of work. The elements of the HSP will be based on the requirements described in the Occupational Safety and Health Administration (OSHA) rules (29 CFR 1910). The HSP will address the potential hazards associated with the field activities and the personnel protective measures selected in response to these hazards.

Task 2 Field Activities – Air Monitoring

Soil and ambient air will be field screened for volatile organic compounds (VOCs) using a photoionization detector (PID) or similar field monitoring instrument. The PID readings will be recorded on a log along with soil descriptions.

Task 3 Report of Findings

ATC will prepare a letter report of findings upon completion of field activities.

COST ESTIMATES

The following cost estimate is provided for the referenced activities. Costs are detailed by the attached Estimated Project Costs table for clarification.

Basic Assumptions

- No delays or allowances for contractor or weather problems.
- Field activities are limited to eight hours per day for a period of two months.
- It is assumed that the City of San Antonio will provide access to the properties and/or all requisite permits.
- No analytical sampling or soil disposal is included in this cost.
- Health and Safety Plan for construction activities will be provided by contractor.

ESTIMATED PROJECT COSTS

Task and Task Description	Estimated Costs Breakdown	Estimated Cost
Personnel and Equipment Costs		
Task 1: Pre-Field Activities Staff Scientist 3 hours @ \$70/hr	ATC Labor: \$210.00	\$210.00
Task 2: Field Activities, Air Monitoring Staff Scientist 320 hours @ \$70/hr	ATC Labor: \$22,400.00 PID Rental \$1,449.00	\$23,849.00
Task 3: Report Preparation and Project Management Project Manager 24 hours @ \$80/hr	ATC Labor: \$1,920.00	\$1,920.00
TOTAL ESTIMATED COST		\$25,979.00

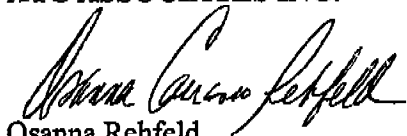
Billing will be based on a Time and Materials (not to exceed) budget of **\$25,979.00**. This budget is based upon the anticipated scope of work outlined in this proposal in accordance with the terms and conditions and Schedule of Fees listed in the *Non-Asbestos Professional Environmental Engineering Agreement* between the City of San Antonio and ATC Associates.

Mr. Robert Espinosa
City of San Antonio
ATC Proposal No. 46-25-2721
Page 3

ATC is prepared to initiate this project as soon as practicable after receiving written authorization to proceed, and access to the subject property has been secured and scheduled. Please sign where indicated and return to ATC in order to authorize us to perform the scope of work detailed in this proposal.

Thank you for the opportunity to submit a proposal for this project. We look forward to working closely with you. Please contact Ms. Osanna Rehfeld or Todd Eddington at (210) 496-3434 if you have any questions regarding this proposal or the project.

Sincerely,
ATC ASSOCIATES INC.



Osanna Rehfeld
Senior Project Manager



Todd Eddington
Branch Manager

Project Authorized By:

Signature

Print Name

Date



140 Heimer Rd., Suite 675
San Antonio, TX 78232
www.atc-enviro.com
210-496-3434
Fax 210-496-1397

July 18, 2003

Mr. Robert Espinosa
City of San Antonio
Environmental Services Department
Environmental Management Division
1920 Grandstand
San Antonio, Texas 78238

Re: **Proposal for Air Monitoring**
Southeast corner of Southcross and Presa
San Antonio, TX
ATC Proposal No. 46-25-2719

Dear Mr. Espinosa:

ATC Associates Inc. (ATC) is pleased to present this proposal to perform air monitoring at the above referenced site.

The Scope of Services outlined in this proposal includes the following:

SCOPE OF WORK

At the request of the City of San Antonio, ATC is proposing air monitoring at the Southeast corner of Southcross and Presa, San Antonio Texas. The air monitoring is to be conducted over an eight hour period during the drilling of a 30 inch diameter 12 foot deep hole in hydrocarbon impacted soil. The drilling will be conducted and managed by the COSA traffic department.

Task 1 Pre-Field Tasks

Prior to conducting field activities, ATC will prepare a site-specific health and safety plan (HSP) to address safety issues associated with the proposed scope of work. The elements of the HSP will be based on the requirements described in the Occupational Safety and Health Administration (OSHA) rules (29 CFR 1910). ~~The HSP will address the potential hazards~~ associated with the field activities and the personnel protective measures selected in response to these hazards.

Task 2 Field Activities – Air Monitoring

Soil and ambient air will be field screened for volatile organic compounds (VOCs) using a photoionization detector (PID) or similar field monitoring instrument. The PID readings will be recorded on a log along with soil descriptions.

Task 3 Report of Findings

ATC will prepare a letter report of findings upon completion of field activities.

COST ESTIMATES

The following cost estimate is provided for the referenced activities. Costs are detailed by the attached Estimated Project Costs table for clarification.

Basic Assumptions

- No delays or allowances for contractor or weather problems.
- Field activities are limited to eight hours.
- It is assumed that the City of San Antonio will provide access to the property and/or all requisite permits.
- No analytical sampling or soil disposal is included in this cost.

ESTIMATED PROJECT COSTS

Task and Task Description	Estimated Costs Breakdown	Estimated Cost
Personnel and Equipment Costs		
Task 1: Pre-Field Activities Staff Scientist 3 hours @ \$70/hr	ATC Labor: \$210.00	\$210.00
Task 2: Field Activities, Air Monitoring Staff Scientist 8 hours @ \$70/hr	ATC Labor: \$560.00 PID Rental \$75.00	\$635.00
Task 3: Report Preparation and Project Management Project Manager 6 hours @ \$80/hr	ATC Labor: \$480.00	\$480.00
TOTAL PHASE II ESTIMATED COST		\$1,325.00

Billing will be based on a Time and Materials (not to exceed) budget of **\$1,325.00**. This budget is based upon the anticipated scope of work outlined in this proposal in accordance with the terms and conditions and Schedule of Fees listed in the *Non-Asbestos Professional Environmental Engineering Agreement* between the City of San Antonio and ATC Associates.

Mr. Robert Espinosa
City of San Antonio
ATC Proposal No. 46-25-2719
Page 3

ATC is prepared to initiate this project as soon as practicable after receiving written authorization to proceed, and access to the subject property has been secured and scheduled. Please sign where indicated on the following page and return to ATC in order to authorize us to perform the scope of work detailed in this proposal.

Thank you for the opportunity to submit a proposal for this project. We look forward to working closely with you. Please contact Ms. Osanna Rehfeld or Todd Eddington at 210-496-3434 if you have any questions regarding this proposal or the project.

Sincerely,
ATC ASSOCIATES INC.

Osanna Rehfeld
Project Manager

Todd Eddington
Branch Manager

Project Authorized By:

Signature

Print Name

Date

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;

N/A

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

N/A

and the name of:

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

N/A

(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

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:
N/A	N/A	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 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: Branch Manager Company: ATC Associates Inc.	Date: 8/14/03

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.