

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

CONSENT AGENDA

ITEM NO. 11

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; Andrew W. Cameron; and file

SUBJECT: Delgado – Navidad to Zarzamora

DATE: December 18, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance amends a professional service contract, ratifies services and authorizes funds in the amount of \$4,647.97 to be made payable to S.M. Galindo Engineers, Inc., a MBE firm, for additional professional services in connection with Delgado – Navidad to Zarzamora, an authorized Community Development Block Grant (CDBG) project located in Council District 1. Of the \$4,647.97 total amount, \$4,136.75 will be funded by CDBG funds from the Construction Contingency Account, and \$511.22 will be funded by the San Antonio Water System (SAWS).

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This ordinance will amend the professional services agreement as part of the anticipated design implementation for this project, ratify services and authorize the payment of funds in the amount of \$4,647.97 to S.M. Galindo Engineers, Inc. of which \$4,136.75 will be transferred from the construction contingency account, and \$511.22 will be reimbursed by SAWS. This ordinance authorizes additional professional engineering services for the revision of driveway plats and Construction Phase services in connection with the Delgado – Navidad to Zarzamora project.

Project construction was completed in May of 2003 and included the reconstruction of Delgado Street to a 30-foot width with drainage improvements, new curbs, sidewalks, and driveway approaches as needed.

This professional service contract was originally approved by City Ordinance No. 79072 on November 10, 1993 and initially authorized \$30,000.00 for services related to this project. Subsequent Council action increased this contract amount to \$46,097.42. This ordinance will increase the total authorized for this agreement to \$50,234.17.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to complete previously approved CDBG funded Capital Improvement projects.

FISCAL IMPACT

This is a one-time capital improvement expenditure within budget and not included in the FY 04-09 Capital Improvement Program Budget. Funds in the amount of \$4,136.75 are available from the construction contingency account and funds in the amount of \$511.22 are available from SAWS and are authorized payable to S.M. Galindo Engineers Inc., Inc. for engineering expenses.

COORDINATION

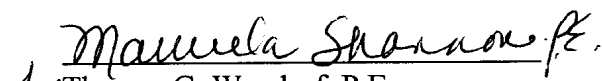
This request for ordinance has been coordinated with the Office of Management and Budget, the Finance Department, the Department of Housing and Community Development and the San Antonio Water System (SAWS).

SUPPLEMENTARY COMMENTS

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


ATTACHMENTS

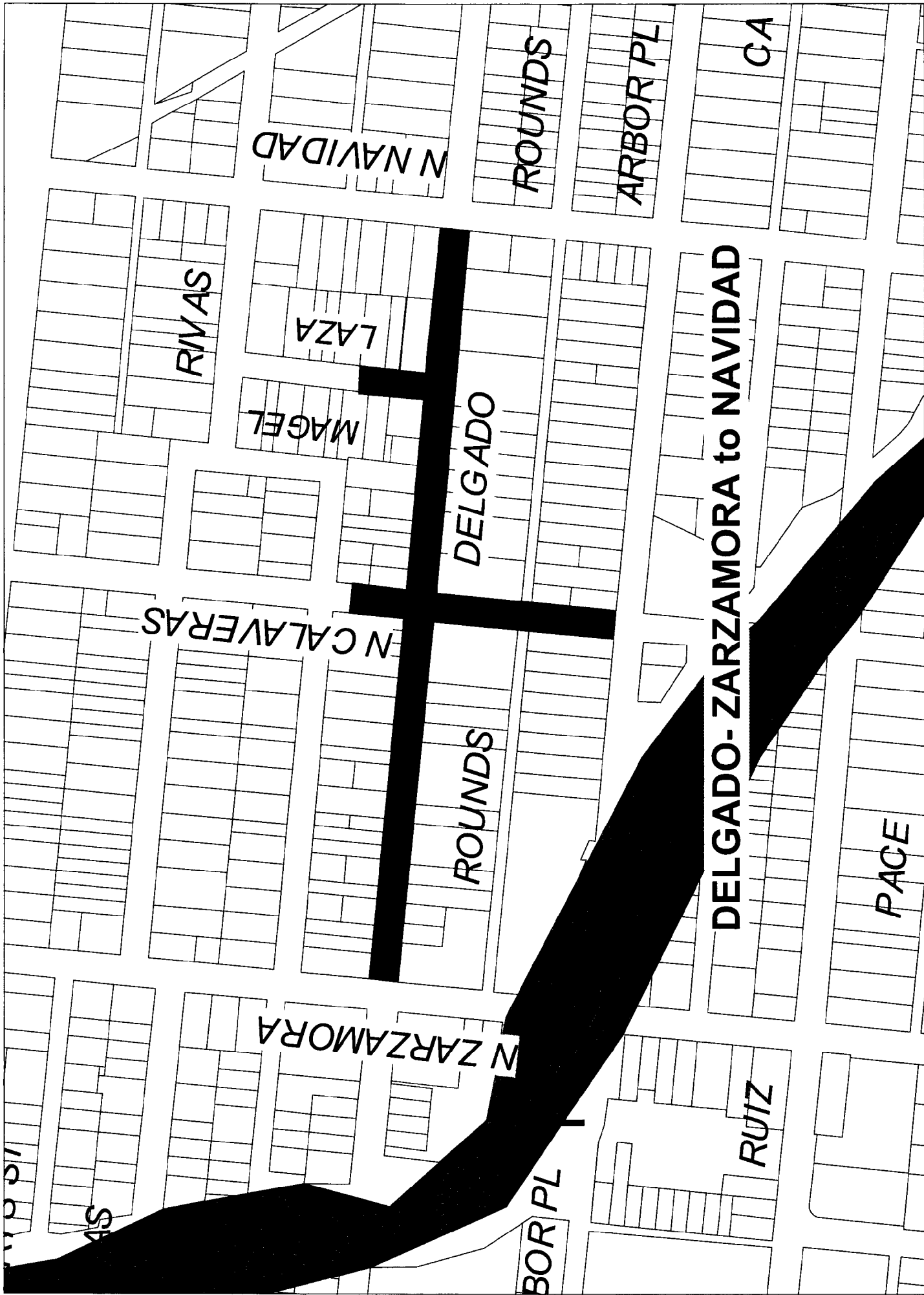
1. Project Map
2. Letter from S.M. Galindo Engineers, Inc. (with Attachments)
3. Discretionary Contracts Disclosure Form


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

Approved:


Melissa Byrne Vossner
Assistant City Manager


Terry M. Brechtel
City Manager



S.M. GALINDO ENGINEERS, INC.



104 E. Nakoma
San Antonio, Texas 78216
(210) 349-4695
Fax: (210) 349-4696

October 31, 2003

Mr. Jim Clements, P.E.
Project Manager
CITY OF SAN ANTONIO
P.O. Box 839966
San Antonio, TX 78283-3966

RE: Delgado - Navidad to Zarzamora

Dear Mr. Clements:

As per your instructions last month to prepare the final "Plan of Record", we have done this; however, we found out that our Invoice No. 2452 for revising the design plans to meet ADA requirements had never been paid. You advised that you would check to see why this invoice had not been paid and later advised that there was no funds in the engineer's account. In accordance with Mr. Richard Grochowski's request of October 27, 2003 (e-mail - copy enclosed), the attached list is the amounts still owed to SMG including the remaining fees for both SAWS' water and sewer.

SAWS' Plan of Record bluelines have been submitted to them but have yet to respond to their review remarks and revisions.

Jim, we really appreciate your efforts in this matter.

Sincerely,

SAMUEL M. GALINDO, P.E./R.P.L.S.
President

SMG/og

Enclosure

S.M. GALINDO ENGINEERS, INC.



104 E. Nakoma
San Antonio, Texas 78216
(210) 349-4695
Fax: (210) 349-4696

PROJECT: Delgado - Navidad to Zarzamora

SUBJECT: Outstanding Engineering Fees to S.M. Galindo
Engineers, Inc.

1.	Public Works:	
	Invoice No. 2452 for revision of design plans to ADA Drawings (copy of Mr. Jim Clements' 4/15/03 approval letter)	- \$3,856.05
2.	Public Works Remaining Fee	- 280.70
3.	SAWS - Sewer Remaining Fee	- 372.43
4.	SAWS - Water Remaining Fee	- <u>138.79</u>
	TOTAL REMAINING FEES	- \$4,647.97

S.M. GALINDO ENGINEERS, INC. **ENGINEERS - SURVEYORS**

P.O. BOX 792227
 SAN ANTONIO, TX 78279-2227

104 E. NAKOMA
 SAN ANTONIO, TEXAS 78216
 (210) 349-4695

CIVIL ENGINEERING
 ENGINEERING STUDIES
 SURVEYING

INVOICE

ENVIRONMENTAL ENGINEERING
 SUBDIVISIONS

TO:

Mr. Tim White
 Project Manager
 CITY OF SAN ANTONIO
 P.O. Box 839966
 San Antonio, TX 78283-3966

INVOICE NO. 2452

YOUR ORDER NO.

DATE January 27, 2003

JOB NO.	JOB DESCRIPTION	AMOUNT DUE
5101	<p>For professional services rendered to revise previous calculated driveway penetrations, to address new ADA requirements and as discussed with City Staff in connection with the Delgado St. (Navidad to Zarzamora) Project, San Antonio, TX. (Ref.: Appendix A, Paragraph B, Item #29, Page 3 of 4, Professional Services Contract)</p> <p>Survey Crew: Gilbert Olivares: 15 hrs. @ \$12.10/hr. = \$ 181.50 Norman Olivares: 15 hrs. @ \$8.00/hr. = 120.00 Technicians: Gilbert Olivares: 58½ hrs. @ \$12.10/hr. = 707.85 Oscar Lopez: 4½ hrs. @ \$15.40/hr. = 69.30 Engineer: Samuel Galindo 4 hrs. @ \$22.00/hr. = 88.00 SUBTOTAL = \$1,166.65</p> <p>Customary & Statutory Benefits (32.21% of \$1,166.65) = 375.77 SUBTOTAL = \$1,542.42</p> <p>Multiplier (2.5) X2.5 AMOUNT DUE = \$3,856.05</p>	\$3,856.05
<p>ORIGINAL INVOICE PLEASE PAY FROM THIS COPY. NET 30 DAYS. 1 ¼% INTEREST CHARGED ON ACCOUNTS OVER 30 DAYS. YOUR BUSINESS IS APPRECIATED</p>		

Approved for payment
 JMC

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:

SAMUEL M. GALINDO, P.E./R.P.L.S.

(2) the identity of any business entity 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:

SAMUEL M. GALINDO, P.E./R.P.L.S.

(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:

There is no individual or business entities 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.

(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:

SMG does not have 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.

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:
S.M. Galindo Engineers, Inc. has not made any political contributions of more than \$100 during the past 24 months to any City Council or Political Action committee.	-0-	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 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: S.M. Galindo Engineers, Inc.	Date: 11/17/03

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.