

**CITY OF SAN ANTONIO**  
HUMAN RESOURCES DEPARTMENT  
INTERDEPARTMENTAL CORRESPONDENCE

ITEM NO.

**33**

**TO:** Mayor and Council

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

**FROM:** Elisa Peña Bernal, Director, Human Resources Department

**COPIES:** Frances A. Gonzalez, Assistant City Manager; Police Department; City Attorney's Office; Management & Budget; File

**SUBJECT: ORDINANCE AUTHORIZING A ONE-YEAR CONTRACT RENEWAL AND EXTENSION WITH A CONSULTANT TO PREPARE POLICE WRITTEN PROMOTIONAL EXAMINATIONS AND PROMOTIONAL SCENARIO-BASED EXAMINATIONS**

**DATE:** December 18, 2003

**SUMMARY AND RECOMMENDATIONS**

This request is for consideration of an ordinance authorizing the City Manager, or her designee, to execute a one-year renewal and extension contract with Morris & McDaniel, Inc., testing consultant, for the development of validated written promotional examinations for the positions of Police Detective Investigator, Police Sergeant, Police Lieutenant, and Police Captain; and, the preparation of scenario-based promotional examinations for the positions of Police Lieutenant and Police Captain, San Antonio Police Department. The contract is for an annual amount of \$186,840.00, for the development of the examinations, and an amount not to exceed \$15,000.00 for the appeal process, should it become necessary, for a total annual contract amount of \$201,840.00.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

Texas Local Government Code, Chapter 143, known as the Fire and Police Civil Service Law, and the current Collective Bargaining Agreement (CBA) by and between the City of San Antonio and the San Antonio Police Officers' Association, mandate the use of written promotional examinations as part of the promotional process. The CBA additionally requires the administration of a scenario-based examination as part of the promotional process for the positions of Police Lieutenant and Captain. Ordinance No. 93839 passed on April 26, 2001 authorized the City of San Antonio to enter into a contract with Morris & McDaniel, Inc., for the development of validated Police promotional examinations.

The consultant's performance during the contract's three year base period has been well within the scope of services, and his expert testimony in an arbitration case dealing with the Police promotional testing program was exceptional. The contract gives the City the option to renew

and extend it for two additional one-year periods. The proposed ordinance authorizes the City to exercise its option to extend the contract for the first of the two one-year periods.

#### **POLICY ANALYSIS**

The current CBA requires the use of outside testing consultants to prepare promotional examinations for each of four Police ranks. The City has previously contracted with testing consultants with the expertise to provide for not only the development of promotional written and scenario-based examinations, but also their validation in accordance with applicable guidelines on employee selection procedures. Use of outside testing consultants, along with their experience in providing expert testimony, also helps to minimize the legal exposure of the City in administering its promotional selection processes.

#### **FINANCIAL IMPACT**

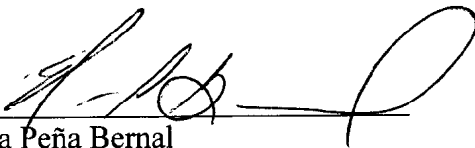
Funds have been included in the FY 2004 budget for the production of Police promotional written and scenario-based examinations. Continuance of this contract into each subsequent year will be contingent on City Council approval through annual budget appropriations.

#### **COORDINATION**

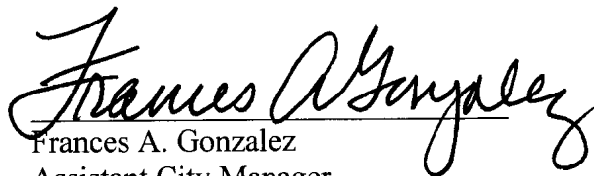
This proposed ordinance has been coordinated with the Police Department, City Attorney's Office, and the Management & Budget Department.

#### **SUPPLEMENTAL COMMENTS**

The required Ethics Disclosure Statement is attached.




Elisa Peña Bernal  
Human Resources Director



Frances A. Gonzalez  
Assistant City Manager

Approved:

  
for Terry M. Brechtel  
City Manager

Attachments

**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:

David M. Morris, President  
MORRIS & MCDANIEL, INC

(2) the identity of any business entity<sup>1</sup> that would be a party to the discretionary contract:

MORRIS & MCDANIEL, INC

and the name of:

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

N/A

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

<sup>1</sup> 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.

- (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

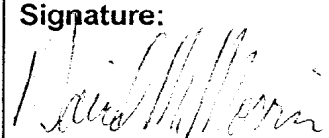
Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any 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>2</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.

N/A

Signature:	Title:	Date:
	President Company: MORRIS MacKinnon, Inc.	10/16/03

<sup>2</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.

**RENEWAL AND EXTENSION OF**  
**PROFESSIONAL SERVICES CONTRACT**

This Renewal and Extension of the PROFESSIONAL SERVICES CONTRACT is entered into by and between the **CITY OF SAN ANTONIO** (hereinafter referred to as "**CITY**"), a Texas Municipal Corporation, acting by and through its City Manager, pursuant to Ordinance No. \_\_\_\_\_, passed and approved on \_\_\_\_\_, 2003 and **MORRIS & MCDANIEL, INC.**, having its principal place of business in Washington, D.C., (hereinafter referred to as "**CONTRACTOR**"), acting by and through its President, David M. Morris.

I.

The **CITY** hereby exercises its option to renew and extend the term of the original PROFESSIONAL SERVICES CONTRACT (hereinafter "**CONTRACT**") for an additional one-year period, such option having been granted to the **CITY** in Section IV, "**TERM OF AGREEMENT**" and in compliance with Section XX, "**ENTIRE AGREEMENT**" of the **CONTRACT** originally entered into by the **CITY** and **VENDOR**, said **CONTRACT** having been approved by San Antonio Ordinance No. 93839, passed and approved on April 26, 2001.

II.

Section IV. "**TERM OF AGREEMENT**" of the **CONTRACT** is hereby amended to read as follows:

6.1 The term of this **CONTRACT** shall be from January 1, 2004, and shall terminate at 11:59 p.m., Central Standard Time, on December 31, 2004. With at least sixty (60) days written notice prior to December 31, 2004, the **CITY** may, at its sole option and through appropriate action of the City Council, have the right to extend the term of this **CONTRACT** for one (1) additional one (1)-year extension under the same terms and conditions as stated herein, with the one (1)-year extension subject to the same notice requirement and appropriate action of its City Council. However, the **CITY** may terminate this **CONTRACT** at any time if funds are restricted, withdrawn, not approved or service is unsatisfactory; it being understood that funds for each calendar year covered by any resulting contract will be requested and, if approved, will be provided as part of the **CITY'S** budget for each fiscal year.

III.

All other terms, conditions, covenants, and provisions of the CONTRACT remain in effect save and except for Section IV, which the undersigned parties agree is hereby amended.

V.

All said terms, conditions, covenants and provisions herein or as previously agreed to shall comply with all federal, state and local laws and regulations.

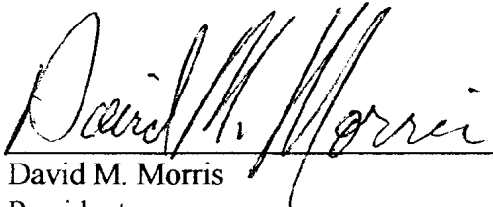
EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

(EFFECTIVE DATE: January 1, 2004)


CITY OF SAN ANTONIO

MORRIS & MCDANIEL, INC.

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

  
\_\_\_\_\_  
David M. Morris  
President

APPROVED:

  
\_\_\_\_\_  
Kathleen Finck  
Assistant City Attorney