

**CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
AVIATION DEPARTMENT**

TO: Mayor and City Council

FROM: Kevin C. Dolliole, Aviation Director

THROUGH: Terry M. Brechtel, City Manager

COPIES: J. Rolando Bono, Deputy City Manager

SUBJECT: Airport Terminal Renovations and Concession Redevelopment Close Out

DATE: June 10, 2004

SUMMARY AND RECOMMENDATIONS

- A. This ordinance authorizes appropriation of \$310,994.89 for design fees payable to DHR which sum represents a recapitulation and final fee determination in accordance with the Professional Services Agreement.
- B. This ordinance authorizes the execution of Field Alteration No. 52 for Package 3 of the Terminal Improvement Project in the additive amount of \$173,639.00, authorizes the transfer of excess construction funds from Package 5 (\$25,798.90) and Package 6 (\$5,019.00) and appropriates funds in the amount of \$73,432.10. The remaining amount of \$69,389.00 is available from the Package 3 contingency account.

These ordinances provide the necessary City Council action to close out the terminal renovations and concession redevelopment project, appropriate funds and provide for final payment. All construction packages are now complete and beneficial use has been established as of October 2003. The original budget (including contingency and adjustments) was established at \$29,737,282.90. With the proposed actions, the final project cost would be \$29,805,744.32, which represents an increase of \$68,461.42. Discounting the security checkpoint requirements mandated by the Transportation Security Administration for post 911 security, the adjusted amount is an under run of \$188,510.50, which is about one half of one percent (0.63%) under the original budget.

Staff recommends the approval of these ordinances.

BACKGROUND INFORMATION

On June 3, 1999, City Ordinance No. 89867 was passed, authorizing the execution of a Professional Services Agreement (PSA) with the firm of Davis Durand-Hollis Rupe (later assigned to Durand-Hollis Rupe by Ordinance No. 96284) for architectural and engineering

services in conjunction with the Terminal Improvement Project at San Antonio International Airport. Initially, the PSA included only those services required to provide a programming study for an amount not to exceed \$259,500.00 and contingent expenses of \$25,950.00. Upon the completion, review and acceptance of the study, the PSA was subsequently amended to include architectural and engineering services for Package 1 design and contingent fees (\$40,000.00 and \$4,000.00 respectively, Ordinance No. 90802), for Packages 2 through 6 design, allowances and contingent fees, (\$1,924,000.00, \$276,000.00, \$100,000.00 respectively, Ordinance No. 92095), and restroom plumbing evaluation study (\$48,081.43, Ordinance No. 95986). The total appropriation to date for all fees payable to DHR is \$2,677,531.43.

With the design complete on all six packages and the final construction costs having been determined the final fee to DHR must be adjusted in accordance with the PSA based on the final construction costs less ineligible items, plus all final allowances, all extra services and any claims. DHR has submitted a recapitulation of the final fees in the total amount of \$2,988,526.32, which has been established based on the terms of the PSA and additional claims. The Project Manager, Foster CM Group, and members of City staff have reviewed this final recapitulation and have determined that the final fee is fair, reasonable and in accordance with the terms of the PSA. Having previously appropriated only \$2,677,531.43 for A/E fees, it is necessary to appropriate the amount of \$310,994.89 in order to complete and close out the Professional Services Agreement with DHR.

For purposes of expediting the project, coordinating the work with the concession redevelopment and consolidating similar construction trades, the project was divided into six packages. All but Package Three have been completed and closed. In addition to the final A/E fees outlined above, the final reconciliation of the Package 3 construction package has resulted in a field alteration in the amount of \$173,639.00. This represents a total of 17 claims and open items which were discussed and evaluated during the final negotiations among the Contractor, the Project Manager and City staff. These claims and open items range from demolition costs, HVAC issues, fire sprinklers, temporary barricades and additional general conditions. The original claim submitted by the Contractor was in the amount of \$384,667.00. The total Package 3 field alteration amount including this action is \$1,225,486.00 and represents 8.65% of the original contract amount. This package was completed in December 2003.

POLICY ANALYSIS

This ordinance is a continuation of the policy of terminal and passenger facility improvements at San Antonio International Airport and utilizing federal funding when available.

FISCAL IMPACT

Funding in the amount of \$310,994.89 for the additional A/E fees is from the Construction Fund (51-008). With this amount, total fees paid to DHR will be \$2,988,526.32 and represents a fee of approximately 12% expressed as percent of construction.

The action for Field Alteration No. 52 requires the appropriation of \$73,432.10 from the PFC Construction Fund (51-006). The remaining funding is from the current contingency account


(\$69,389.00), transfer of excess contingency funds from Package 5 (\$25,798.00) and Package 6 (\$5,019.00). Funds are available for the close out of the project from the respective Airport Construction Funds.


COORDINATION

This item has been coordinated with the Public Works and Finance Departments, and the Office of Management & Budget.

SUPPLEMENTARY COMMENTS

A copy of the Ethics Disclosure from DHR is attached. The construction contract is not a discretionary contract and, therefore, an Ethics Disclosure Statement is not required from Constructors.


Kevin C. Dolliole
Aviation Director


J. Rolando Bono
Deputy 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;

Gabriel Durand-Hollis, FAIA
Alicia C. Treviño, AIA
Greg T. Shue, AIA

(2) the identity of any **business entity** that would be a party to the discretionary contract:
Durand-Hollis Rupe Architects, Inc. an
d the name of:

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

Marmon Mok	Archillume
Bender Wells Clark Design	Danysh & Associates
Raba-Kistner	

(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

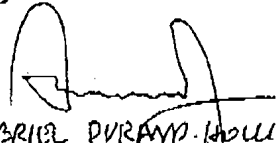
Political Contributions

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	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 question¹ 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:  GABRIEL DURAND-HOLLIS, FAIA	Title: PRESIDENT Company: DURAND-HOLLIS RUPE ARCHITECTS, INC	Date: MAY 26, 2004

¹ 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.

ATTACHMENT 2
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.

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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:

None

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

Bender Wells Clark Design
830 North Alamo
San Antonio, Texas 78215

and the name of:

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

None

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;

None

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.

Discretionary Contracts Disclosure

- (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.

None

Political Contributions

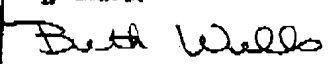
Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any 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:
Peoples Nine Committee	\$300.00	10-20-03

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.

None

Signature: 	Title: President	Date:
	Company: Bender Wells Clark Design	5-26-04

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*

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Attach additional sheets if space provided is not sufficient

State Not Applicable for questions that do not apply.

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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;

CHARLES E. THOMPSON, ALA

(2) the identity of any business entity that would be a party to the discretionary contract.
ARCHILLUME LIGHTING DESIGN, INC. and the name of;

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

NONE

(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;

NONE.

(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.

NONE

MAY-26-2004 16:03 FROM: ARCHILLUME

5123461387

TO: 210+697+3309

P. 002/002

May 26, 2004 3:41PM DHR ARCHITECTS


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 question¹ 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.

NONE		
Signature: 	Title: PRESIDENT Company: ARCHILLUME LIGHTING DESIGN, INC.	Date: 05/26/04

CHARLES THOMPSON

¹ 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.

May-26-04 04:13P

P.01

City of San Antonio Discretionary Contracts Disclosure*

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

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

Melvin R. Danysh, P.E.

(2) the identity of any business entity that would be a party to the discretionary contract:
Danysh & Associates, Inc. _____ an
d 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

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P.02

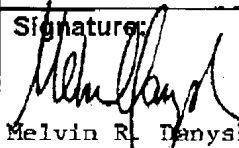
Political Contributions

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

Disclosures in Proposals

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N/A		
Signature:  Melvin R. Danysh, P.E.	Title: President Company: Danysh & Associates, Inc.	Date: 5/25/04

¹ 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.



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

Not Applicable

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

Not Applicable

and the name of:

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

Raba-Kistner Consultants, 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

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.

Discretionary Contracts Disclosure

- (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 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:
See Attached List		

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 I of Part B, Improper Economic Benefit by participating in official action relating to the discretionary contract.

Signature: 	Title: Executive Vice President Company: Raba-Kistner Consultants, Inc.	Date: May 26, 2004

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.

Political Contributions

13

<u>NAME</u>	<u>DATE</u>	<u>AMOUNT</u>
2004		
Steve Radack Campaign, Houston Commissioner Pct. 3	01/09/04	2,500.00
Robert Tejeda Campaign, Bexar County Commissioner Pct. 1	01/16/04	1,000.00
Dolores Briones Campaign, El Paso County Judge	01/19/04	500.00
Miguel A. Teran Re-Election Campaign, El Paso County Commissioner Pct. 3	01/26/04	1,000.00
Martha Contreras Campaign, SISD School Bd. Master Trustee, Vice President, Dist. 2	02/03/04	250.00
Pat Haggerty Campaign, House Dist. 78, El Paso	02/04/04	250.00
Ruth Jones McClendon, House Dist. 120, San Antonio	02/04/04	250.00
Paul Green Campaign, Supreme Court Place 5	02/04/04	250.00
Leticia Van de Putte Campaign, Senate Dist. 26	02/04/04	500.00
Andy Meyers Campaign, Fort Bend County Commissioner	02/06/04	500.00
Texans for Rick Perry, Texas Governor	02/06/04	1,000.00
Ron Segovia Campaign, San Antonio City Council Dist. 3	02/06/04	500.00
Aaron Pena, Jr. Campaign, Edinburg	02/11/04	250.00
Carroll Schubert Campaign, San Antonio City Council Dist.9	02/16/04	1,000.00
Janice Cassidy Campaign, Cameron County Commissioner Pct. 3	02/24/04	500.00
Friends of Nelson Wolff, Bexar County Judge	02/26/04	1,000.00
Ken Armbrister for Texas Senate, Senate Dist. 18 - CEC*	03/22/04	250.00
Sal Mena Campaign, El Paso ISD Board President	03/22/04	1,000.00
Barbara Perez Campaign, El Paso County Commissioner Pct. 1	03/22/04	250.00
Texans for Rick Perry, Texas Governor	03/26/04	250.00
Pedro Benavides Campaign Fund, Cameron County Commissioner	03/29/04	250.00
Joel Williams Campaign, San Antonio City Council Dist. 2	03/29/04	500.00
Citizens for Quality Education	03/29/04	1,000.00
Judge Paul Green for Texas Supreme Court	04/05/04	500.00
Texans for Rick Perry, Responsible Growth Alliance	04/05/04	1,000.00
Governmental Affairs Committee of HCEC, The General Purpose Committee of Houston Council of Engineering Companies, Inc.	04/08/04	2,000.00
Jerry Patterson Campaign, Texas Land Commissioner	04/09/04	500.00
Alex Palacios Campaign, McAllen School Bd. Trustees Place 4	04/09/04	500.00
Miguel A. Teran Campaign, El Paso County Commissioner Pct. 3	04/16/04	250.00
Connie de la Garza Campaign, Harlingen Mayor	05/03/04	500.00
Barbara Perez Campaign, El Paso County Commissioner Pct. 1	05/06/04	250.00
Robert Puente Campaign, House Dist. 119 - CEC*	05/07/04	250.00
Todd Baxer Campaign, House Dist. 48 - CEC*	05/07/04	250.00
Ken Mercer Campaign, House Dist. 117 - CEC*	05/07/04	500.00
Total 2004		\$ 21,250.00

MAY-26-2004 WED 05:52 PM MARMON MOK

FAX NO. 210 223 2582

P. 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.

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Disclosure of Parties, Owners, and Closely Related Persons

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(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:

Marmon Mok, L.L.P.
700 N. St. Mary's
Suite 1600
San Antonio, Tx 78205

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:

Stephen R. Souter, AIA
William M. Hays, Jr., P.E.
William M. Reeves, AIA
Gregory J. Houston, AIA

Dror Baldinger, AIA
Wade A. Cleary, P.E.

(These individuals are partners of Marmon Mok, L.L.P.)

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

MAY-26-2004 WED 05:52 PM MARMON MOK

FAX NO. 210 223 2582

P. 03

Discretionary Contracts Disclosure

- (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.

None

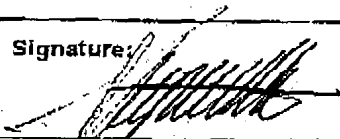
Political Contributions

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:
SEE ATTACHED LIST		

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.

N/A		
Signature: 	Title: Managing Partner	Date:
	Company: Marmon Mok, L.L.P.	05/27/04

Stephen R. Souter, AIA

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.

MAY-26-2004 WED 05:52 PM MARMON MOK

FAX NO. 210 223 2582

P. 04

MARMON MOK

May 27, 2004

Political Contributions to City Council Members/Candidates and Political Contributions to Political Action Committees:

Contributions made within last 24 months (05/27/02 - 05/27/04):

06/21/02	Friends of Toni Moorhouse	\$ 250
07/16/02	Tommy Adkisson Campaign	\$ 250
08/07/02	Carroll Schubert Campaign	\$ 250
03/25/03	Carroll Schubert Campaign	\$ 250
04/08/03	John Clamp Campaign	\$ 250
08/25/03	Carroll Schubert Campaign	\$ 250
09/23/03	City Councilman Chip Haass	\$ 250
10/31/03	Joel Williams Campaign	\$ 250
11/12/03	Enrique Barrera Campaign	\$ 250
11/13/03	Julian Castro for Council	\$ 250
02/23/04	Patti Radle Campaign	\$ 250
05/04/04	Citizens 4 Charter Reform	\$ 1,000