

CITY OF SAN ANTONIO
INTERDEPARTMENTAL MEMORANDUM
ENVIRONMENTAL SERVICES DEPARTMENT

CONSENT AGENDA
ITEM NO. 26

TO: Mayor and City Council

FROM: Daniel V. Cárdenas, Director of Environmental Services

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer, Assistant City Manager; Erik Walsh, Assistant to the City Manager; Thomas G. Wendorf, P.E., Director of Public Works; City Attorney's Office; File

SUBJECT: Asbestos Consulting, Stand By Professional Services Agreements 2004

DATE: June 24, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the execution of two (2) Stand-By Professional Service Agreements for Asbestos Consulting, Sampling, and Monitoring Services with ATC Group Services, Inc. and AEHS, Incorporated. The ordinance authorizes periodic performance terms of two years with values not to exceed \$250,000.00, respectively, for each consultant in compensation for environmental work covering asbestos consulting, sampling, and asbestos abatement oversight in city owned and non-city owned structures.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

These contracts are Stand-By Professional Service Agreements. Services to be provided by ATC Group Services, Inc. and AEHS, Incorporated, under these contracts shall include environmental consulting, asbestos surveys, sample analysis, air monitoring, and asbestos abatement oversight.

The first firm is an engineering group; the second, a technical services company. Both firms are competent to do the work. This work is commonly performed on structures requiring demolition as ordered by the Dangerous Structures Determination Board. Historically, over 200 structures annually are forwarded to the Environmental Services Department for asbestos inspections/abatements, as part of this effort. Additionally, structures acquired and requiring demolition as part of the flood plain improvement program are also inspected and subsequently addressed through this contract. Asbestos consulting, as may be required for renovation of any City structure, may also be handled through this contract.

The selection of these consultants was based on the City's standard Request for Qualification Procurement process. A review committee, made up of City staff from the Environmental Services, Public Works, and Economic Development Departments, selected these consultants as the best-qualified applicants out of 14 respondents.

This selection was then reviewed by the Architect and Engineering Selection Committee within the Department of Public Works. The ratings were based primarily on the firms' qualifications, experience, and value. Specifically, higher ratings were given to firms exhibiting the ability to perform accurate and thorough asbestos consulting activities under a time-critical situation. Additionally, points were given to firms based on their local presence, structure as a minority and/or woman-owned business, and their commitment to the Small Business Economic Development Advocacy (SBEDA) policy. Nevertheless, highest competency was most weighted to comply with state law requirements of the Texas Professional Services Procurement Act governing contracts with engineering professionals.

Awarding this contract to two firms will be beneficial for addressing multiple projects concurrently, as well as allowing the Environmental Services Department to work with a new, high SBEDA scoring, firm.

The term of these Stand-By Professional Services Agreements for Asbestos Consultant shall be for a period of two years with a contract value not to exceed \$250,000.00 each. Under a Stand-By Professional Services Agreement, specific work activities shall be by a work ordered system consistent with the fees and contract terms. Work orders will be divided between the two firms based on workload and the Environmental Services Department's discretion.

POLICY ANALYSIS

Approval of this ordinance will be consistent with City Council policy to address environmental issues in an expeditious manner consistent with state and federal environmental regulations as well as the Texas Professional Services Procurement Act.

FISCAL IMPACT

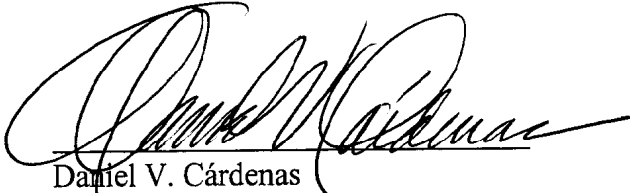
Funding for this contract shall be supported through specific project and/or departmental funds at the time individual work orders are initiated to answer the needs of various projects. The Finance Director is authorized to make transfers (journal entries) from the requesting departments to reconcile the project fund, as necessary.

COORDINATION

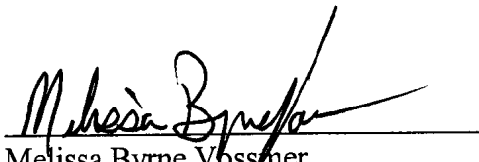
This request for ordinance has been coordinated with the Public Works Department and the City Attorney's Office.

ATTACHMENTS

Financial Disclosure Forms

A large, stylized handwritten signature in black ink, appearing to read 'Daniel V. Cárdenas', written over a horizontal line.

Daniel V. Cárdenas
DIRECTOR OF ENVIRONMENTAL SERVICES

A handwritten signature in black ink, appearing to read 'Melissa Byrne Vossner', written over a horizontal line.

Melissa Byrne Vossner
ASSISTANT CITY MANAGER

Approved:

A handwritten signature in black ink, appearing to read 'Terry M. Bréchtel', written over a horizontal line. To the left of the signature is a small handwritten mark that looks like a stylized 'T' or 'H'.

Terry M. Bréchtel
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 for the discretionary contract is the subject of council action, and no later than five (5) business days after any change in 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:

Juana M. Zamora
Ronald M. Bishop
Mary J. Bishop

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

AEHS

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.

(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:
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.

None		
Signature: 	Title: VP/Founder	Date:
Printed name: <u>Ronald M. Bishop</u>	Company: AEHS, Inc	4-5-04

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*

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 identify of any individual who would be a party to the discretionary contract:

Todd Eddington, ATC San Antonio Branch Manager

Wendell Lattz, ATC Regional Vice President

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

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.



ATC Group Services Inc. d/b/a/ ATC Associates Inc.

140 Heimer Road, #675

San Antonio, Texas 78232

and the name of:

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

Micro Analytical Services, Inc.

11301 Richmond Avenue, Suite K100B

Houston, Texas 77082

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:

NA

(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.

NA



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 identify 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:
NA		

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.

² For purposes of this rule, facts are "reasonably understood" to "raise questions" 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.



Signature: 	Title: Chief Executive Officer	Date:
Printed name: <u>Bobby Toups</u>	Company: ATC Group Services Inc. d/b/a ATC Associates Inc.	April 2, 2004

Evaluation of Qualification Statements for

[illegible]