

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

CONSENT AGENDA
ITEM NO. 8

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; Peter Zanoni; Milo D. Nitschke; and file

SUBJECT: Thousand Oaks Intersections

DATE: August 19, 2004

SUMMARY AND RECOMMENDATIONS

This ordinance amends the professional services agreement in the amount of \$25,067 for additional professional engineering services, payable to Bury + Partners-SA, Inc., and authorizes \$2,506.70 for additional engineering contingency, for a total amount of \$27,573.70, in connection with the Thousand Oaks Intersections, an authorized 1999-2004 General Obligation Street Improvement Bond and Metropolitan Planning Organization (MPO) project located in Council Districts 9 and 10.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This ordinance will amend the professional services agreement and authorize funds in the amount of \$25,067 payable to Bury + Partners-SA, Inc. for field investigation, survey work and plan modifications to comply with the cross-slope requirements mandated by a recent ruling of the Texas Department of Licensing and Regulation (TDLR) and specified in the Americans with Disabilities Act. In addition, this amendment includes modifications to the Traffic Control Plan (TCP) and revisions to plans, quantities and cost estimates for the purpose of shortening the overall construction time and satisfying the requirements of the American with Disabilities Act.

This professional services agreement was approved by City Ordinance Number 88171 on July 30, 1998, and initially authorized \$90,400 for engineering services in connection with this project. Subsequently, Ordinance Number 94379, passes and approved on August 23, 2001, Ordinance Number 96820, passed and approved on December 12, 2002, Ordinance Number 97542 passed and approved on May 1, 2003, and Ordinance Number 98250 passed and approved on October 2, 2003 have increased the total authorized amount of this professional services agreement to \$129,231.83, and authorized additional services including the development of a Water Pollution Abatement Plan (WPAP), field work, design services, modifications to plans, and property line staking for utility adjustments. This ordinance will increase the total authorized for this professional services agreement to \$154,298.83.

Project construction is anticipated to begin in March of 2005 and be completed in November of 2005.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to participate in the development and construction of City selected and approved MPO projects, which are approved annually by City Council.

FISCAL IMPACT

This is a one-time capital improvement expenditure and included in the FY04-09 Capital Improvement Budget. Funds in the amount of \$27,573.70 are available from 1994-1999 General Obligation Drainage Improvement Bond funds and are authorized payable as follows:

\$25,067.00	payable to Bury + Partners-SA, Inc. for additional engineering services
\$ 2,506.70	payable for additional engineering contingency

COORDINATION

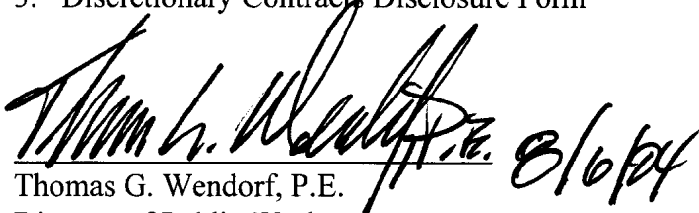
This request for ordinance has been coordinated with the Office of Management and Budget and the Finance Department.

SUPPLEMENTARY COMMENTS


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

ATTACHMENTS

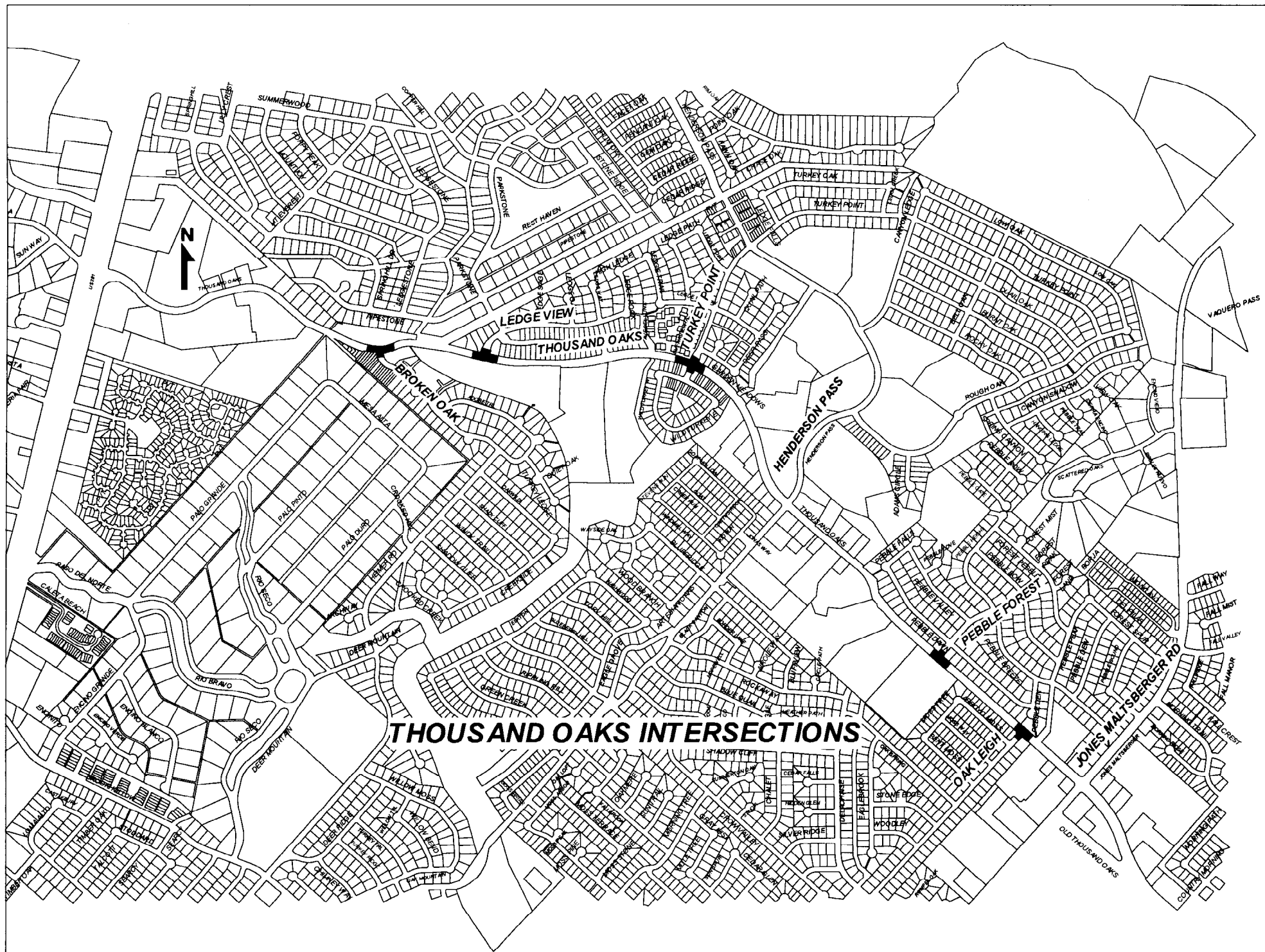
1. Project Map
2. Proposal for Additional Services
3. Discretionary Contracts Disclosure Form


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

Approved:


Melissa Byrne Vossmer
Assistant City Manager


for Terry M. Brechtel
City Manager



March 17, 2004
(Revised March 25, 2004)
(Revised July 8, 2004)

RECEIVED

JUL 12 2004

CITY OF SAN ANTONIO
PUBLIC WORKS CAPITAL PROGRAMS

Mr. ASM Ferdous, P.E.
City of San Antonio
P.O. Box 83996
San Antonio, TX 78283-3966

Fax No. 210/207-7196
50029-002 CSF#8 Rev 2

Re: Change in Scope & Fees
MPO FY 2000, Thousand Oaks
San Antonio, Texas

Dear Mr. Ferdous:

Based on your verbal authorization, Bury+Partners-SA, Inc. has proceeded with the change in scope for the referenced project. The work is in addition to the basic services covered by our existing Professional Services Agreement.

DESCRIPTION OF CHANGE IN SCOPE/FEE

<u>ITEM</u>	<u>FEE BASIS</u>	<u>BPI Fee</u>	<u>BPI Phase</u>
1. ADA Revisions	Lump Sum	\$16,484	.39

To review and modify all intersections where proposed accessible ramps are proposed to be in compliance with the new ADA and TAS enforcement requirements. Includes plan revisions and fieldwork to obtain existing topographic information at the intersections. Modifications to plans will also include new signage requirements to identify accessible routes.

2. Schedule Modifications	Lump Sum	\$8,583	.40
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Changes to the plans to accommodate the modification to the project schedule as requested by TxDOT. The traffic control plans, project schedule and project cost estimate will require modifications to address the TxDOT comments.

Based upon our understanding of your needs, the fee for this service is \$25,067. This service will be performed on a lump sum basis as an additional service in accordance with our Professional Services Agreement and will be billed to Bury+Partners-SA, Inc. project number 50029-002.

Bury+Partners-SA, Inc. has proceeded with the work based on your verbal authorization in order to minimize any delay of the project. Please acknowledge your agreement by signing in the space provided below and return a copy to our office.

Should you have any questions or require additional information upon your review of this proposal, please do not hesitate to call.

Sincerely,



David M. Quebedeaux, P.E.
Senior Project Manager

attachment

CHANGE IN SCOPE/FEES AUTHORIZED
City of San Antonio

ASM Ferdous, P.E.

Date



MPO FY 2000 Thousand Oaks
Attachment to CSF#8 Revision 2

		Sr. Project	CAD		4-Man			Repo-	
	Principal	Manager	Designer III	Secretary III	Survey Crew	Survey Tech	SM Galindo	graphics	Total
	Rate/Hr	\$160.00	\$135.00	\$90.00	\$47.50	\$155.00	\$85.00		
ADA Revisions Hours	2	65	50	6	6	6	\$ 982.00	\$ 182.00	\$ 16,484.00
TCP and Schedule Revisions Hours	2	32	35	6			\$ 430.00	\$ 78.00	\$ 8,583.00
TOTAL FEE									\$ 25,067.00

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 entity**¹ that would be a party to the discretionary contract:

Bury+Partners-SA, Inc.

and the name of:

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

S.M. Galindo Engineers, 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;

Larry G. Heimer, Managing Principal
Mark R. Johnson, Principal
Steven D. Eklund, Principal

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.

City of San Antonio

Discretionary Contracts Disclosure*

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(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

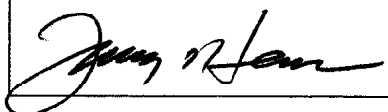
Political Contributions

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:
Carroll Schubert	\$250	8/20/03
Ron Segovia Campaign	\$250.00	6/11/03
District 10 Candidate John Clamp	\$500.00	4/11/03
Councilwoman Toni Moorhouse	\$250.00	4/2/03
District 1 Candidate Thomas Aguillon	\$250.00	3/14/03
Carroll Schubert Campaign	\$250.00	3/13/03
Friends of Nelson W. Wolff	\$250.00	3/13/03
Louis Rowe Candidate for SARA Dist 3	\$250.00	1/21/03
Carroll Schubert Campaign	\$250.00	8/2/02
Ed Garza Campaign	\$100.00	5/9/02
David Garcia Campaign	\$250.00	4/17/02
Councilwoman Toni Moorhouse	\$250.00	3/5/02

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: Managing Principal Company: Bury+Partners-SA, Inc.	Date: September 15, 2003

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.