

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

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

SUBJECT: Indefinite Delivery Professional Services Agreement – Bain Medina Bain

DATE: March 3, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes payment in the amount of \$47,700.00, from the Street Maintenance Operating fund, for Engineering Consulting Services to be provided by Bain Medina Bain, Inc, under a previously authorized Indefinite Delivery Professional Services Agreement for engineering consulting services in connection with design adjustments at several railroad crossings in Council Districts 1, 5 and 8.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

The Public Works Department released a solicitation for Indefinite Delivery Engineering Services to include professional program management, design, and construction administration services in connection with sidewalk and street improvement projects that are similar in nature and located City-wide. These projects may include the construction or reconstruction of sidewalks, ADA improvements, neighborhood traffic calming, drainage, streets, and other infrastructure improvements.

Ordinance No. 99636 approved on September 2, 2004 selected Bain Medina Bain, Inc. as one of the two firms to provide Indefinite Delivery Engineering Services, in an amount not to exceed \$400,000, and will be utilized to provide professional surveying and engineering services for needed adjustments and road improvements at various railroad crossings which are experiencing deterioration caused by automobiles and heavy traffic. Union Pacific Railroad Company (UPRR) will be reinforcing numerous rail crossings throughout San Antonio utilizing concrete planks. This work will change the elevation of these crossings; therefore, the City will need to make roadway adjustments to compensate for a smooth transition. UPRR is only responsible for the work within their crossing and it is the City's responsibility for completing any improvements needed as a result of this work on the City's right of way.

Bain Medina Bain will survey, provide engineering, and develop a traffic control plan for each of the following crossings:

| <u>Location</u> | <u>Council District</u> |
|--|-------------------------|
| N. Brazos between Arbor and Delgado | 1 |
| W. Woodlawn between IH 10 and Fredericksburg | 1 |
| Mission between IH 10 and Highland | 5 |
| Dreamland between Vance Jackson and Westby Ln | 8 |
| Wurzbach between Vance Jackson and Elm Creek Dr. | 8 |
| Orsinger between Sleepy Hollow and Kings Forest | 8 |

As of February 18, 2005, no funds have been expended for services provided under this Professional Services Agreement.

POLICY ANALYSIS

Approval of this ordinance will be consistent with City Council policy to ensure public safety.

FISCAL IMPACT

This is a one-time capital improvement expenditure and not included in the FY 05-10 Capital Improvement Program Budget. Funds in the amount of \$47,700.00 are available from the Street Maintenance Operating fund to be authorized payable to Bain Medina Bain, Inc.

COORDINATION

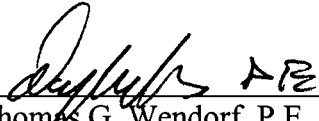
This request for ordinance has been coordinated with the Office of Management and Budget and the Finance Department.

SUPPLEMENTARY COMMENTS

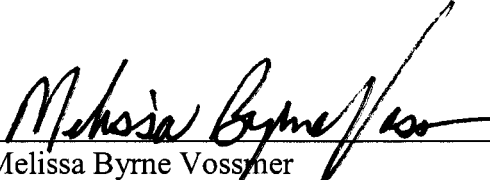
The Consultant's Proposal and their Discretionary Contracts Disclosure Form required by the Ethics Ordinance are included herein.

ATTACHMENTS

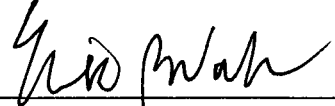
1. Project Maps
2. Consultant's Proposal
3. Discretionary Contracts Disclosure Form



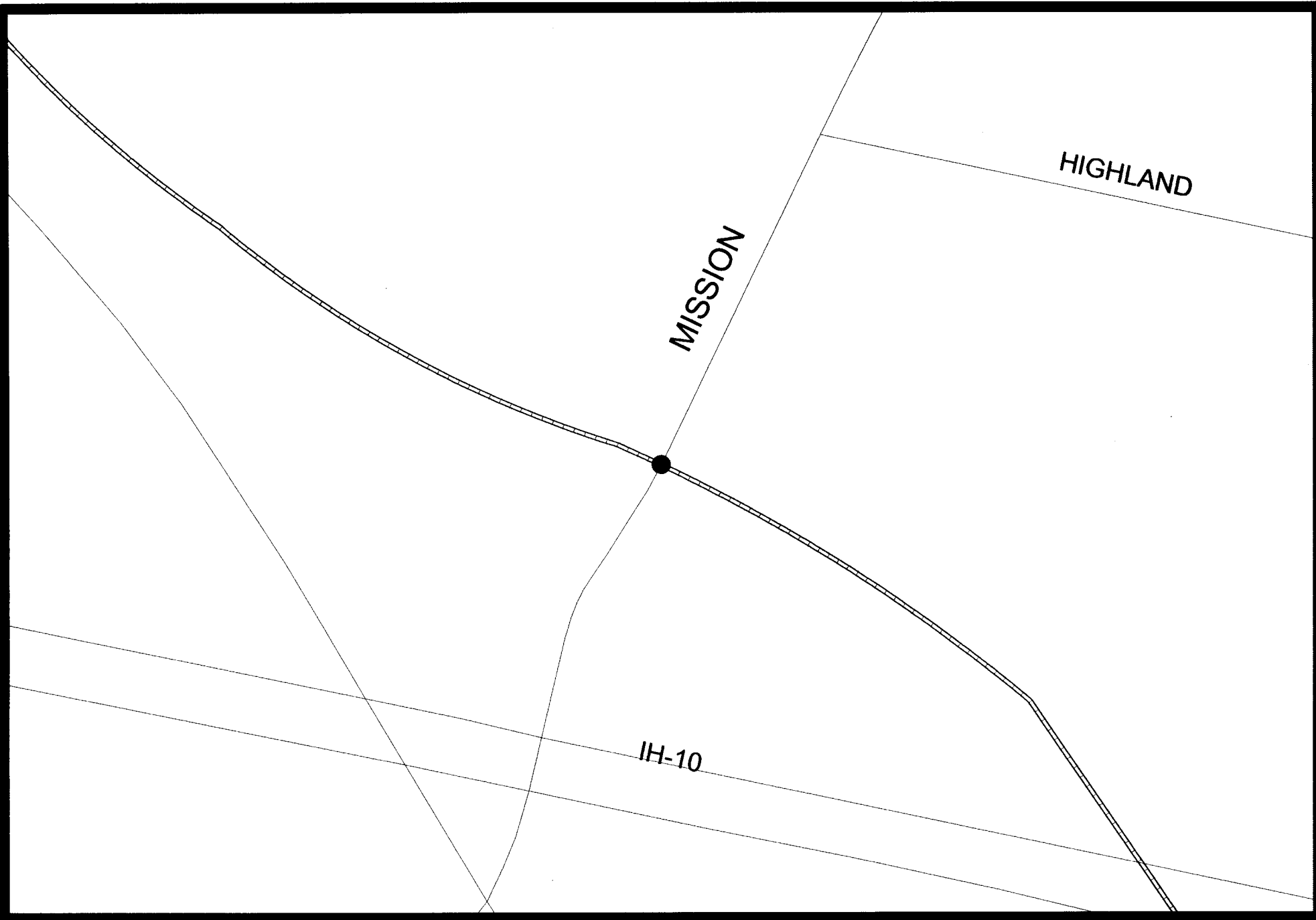
Thomas G. Wendorf, P.E.
Director of Public Works



Melissa Byrne Vossmer
Assistant City Manager



V J. Rolando Bono
Interim City Manager



PECHE

SMITH

SMITH ALLEY

ND

COLORADO ALLEY

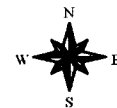
ARBOR PLACE

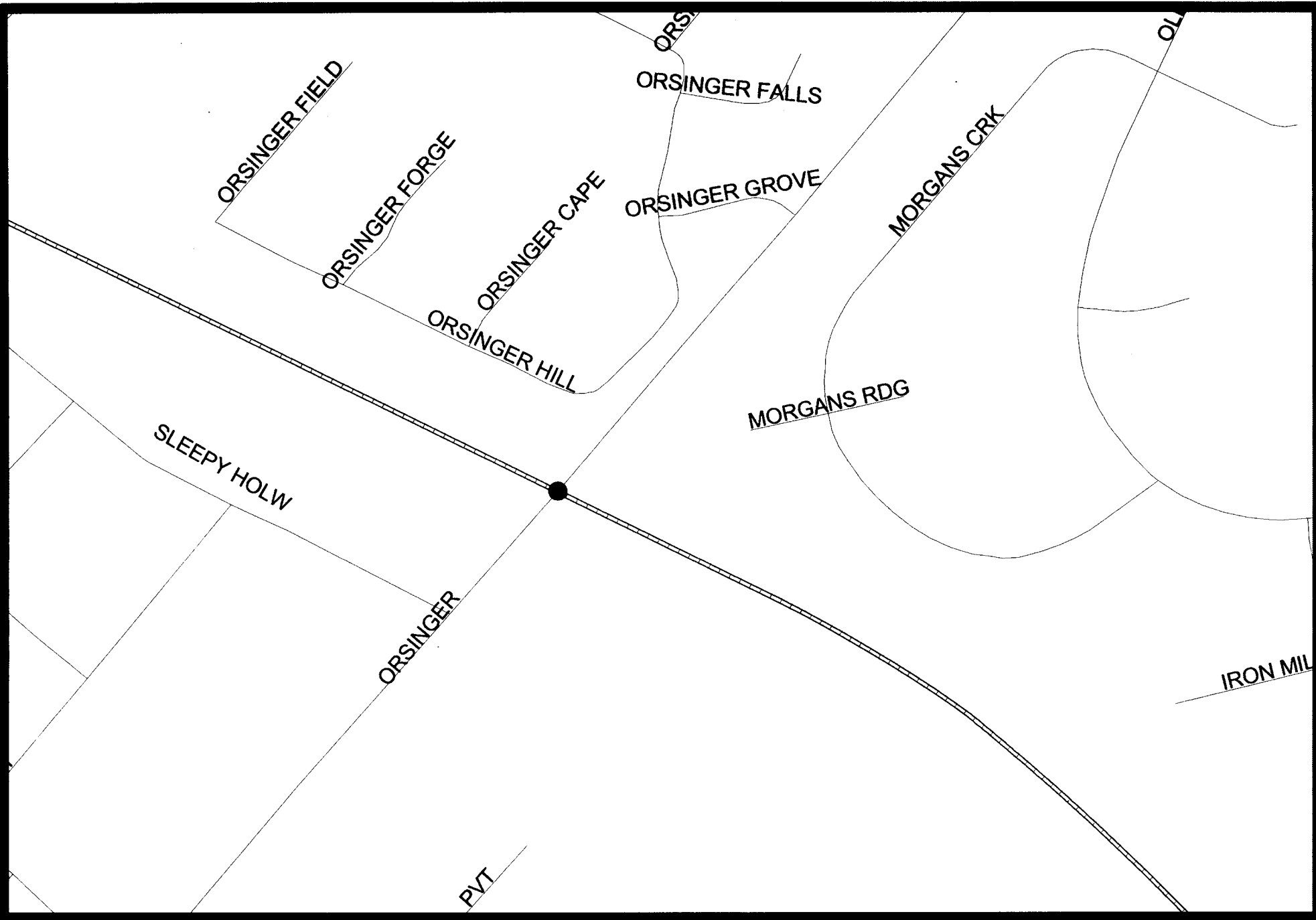
BRAZOS

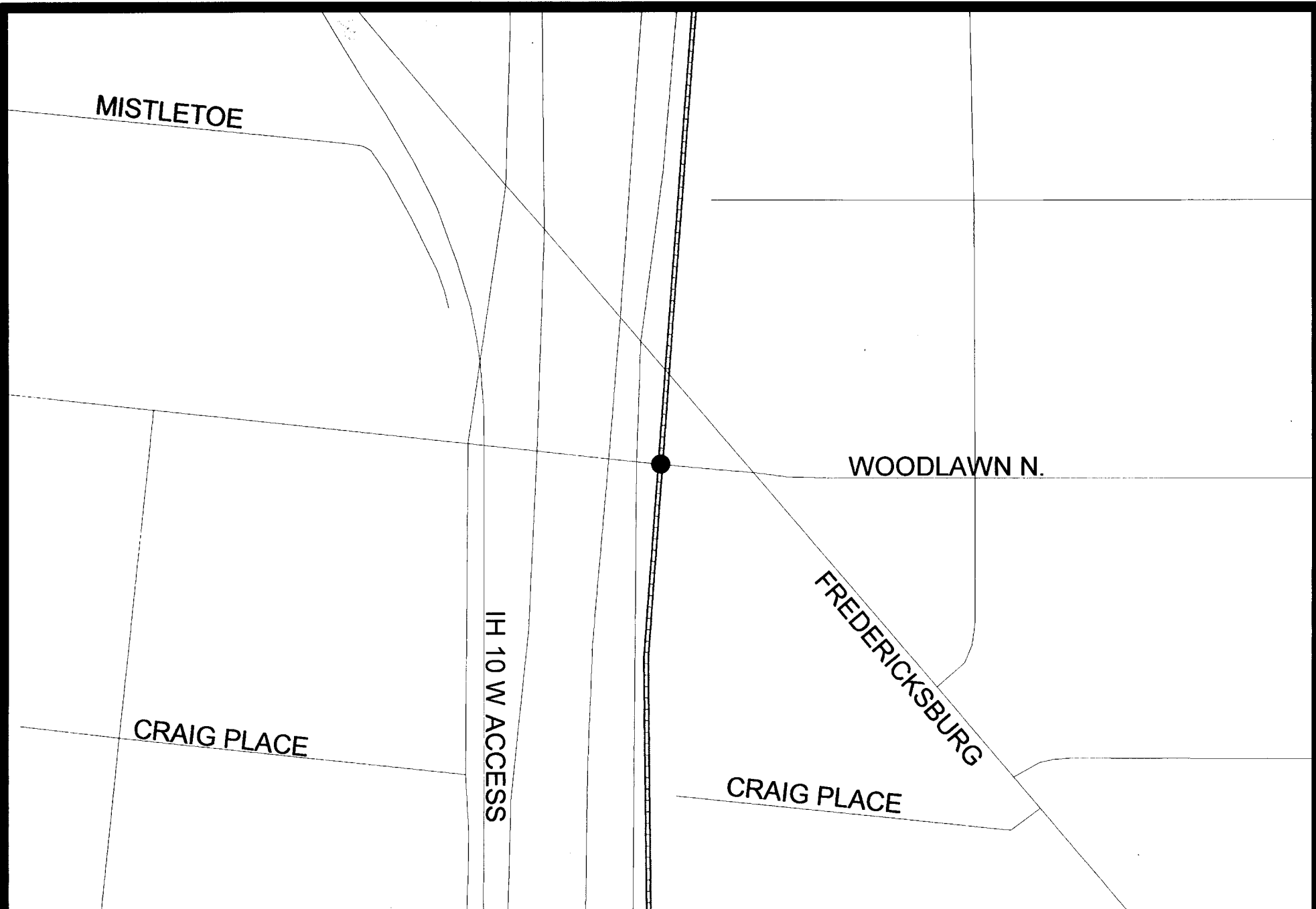
BRISCOE ALLEY

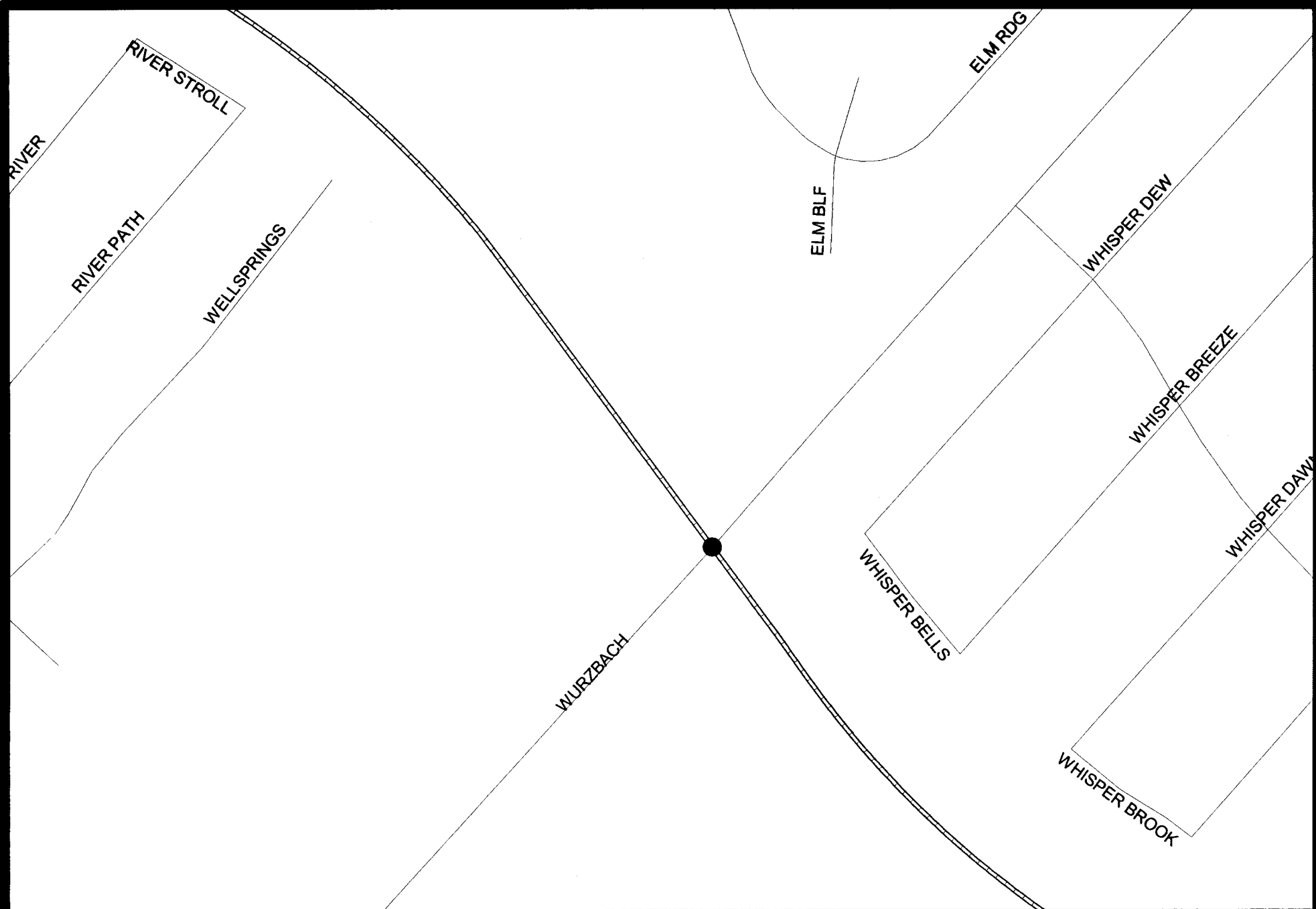


CITY OF SAN ANTONIO
DEPARTMENT OF PUBLIC WORKS
STREET MAINTENANCE DIVISION
PROGRAM PLANNING
AND DESIGN SECTION
DATE: 02/08/05









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CITY OF SAN ANTONIO
DEPARTMENT OF PUBLIC WORKS
STREET MAINTENANCE DIVISION
PROGRAM PLANNING
AND DESIGN SECTION
DATE: 02/06/05





BAIN MEDINA BAIN

ENGINEERS & SURVEYORS

7073 SAN PEDRO
SAN ANTONIO, TEXAS 78216
210-494-7222
FAX 210-490-5120
WWW.BMB1.COM

February 18, 2005

Revised February 22, 2005

Nellie Shannon, P.E.
Assistant Public Works Director
Public Works Department
City of San Antonio
P O Box 839966
San Antonio, Texas 78283-3966

RE: UPRR Adjustments
BMB Project No. C-1014

Dear Ms. Shannon:

Bain Medina Bain, Inc. (BMB) is pleased to submit this proposal to provide professional surveying and engineering services for assisting in designing adjustments to the roads at various UPRR crossings. BMB proposes to survey, provide engineering and a traffic control plan for each crossing selected for engineering assistance.

BMB proposes the following services:

1. Meet with CSA to review project and visit each crossing.
2. Set local control.
3. Survey key features of each site including railroad tracks, pavement, curbs, drainage, etc.
4. Obtain any existing information of each site such as block maps, aerial photos, utilities, construction drawings, etc.
5. Prepare a base drawing showing existing information and survey information with a roadway profile.
6. Calculate any hydrologic or hydraulic calculations if necessary.
7. Set a proposed roadway profile based on a adjusted railroad grade or proposed railroad grade.
8. Show proposed roadway improvements on a plan view.
9. Show proposed drainage improvements if necessary.
10. Submit to CSA for review and comment.
11. Meet with CSA to discuss comments.
12. Revise per comments and resubmit.

The following are the RR crossings selected.

| No. | Street | Estimated Design Fee | Estimated TCP fee |
|-----|-------------|----------------------|-------------------|
| 39 | Mission | \$7,000 | \$1,200 |
| 7 | N. Brazos | \$3,000 | \$1,200 |
| 16 | W. Woodlawn | \$5,000 | \$1,200 |
| 34 | Dreamland | \$8,000 | \$1,200 |
| 35 | Wurzbach | \$8,000 | \$1,200 |
| 36 | Orsinger | \$7,500 | \$1,200 |

SUBTOTAL \$ 40,600

\$7,200

TOTAL \$47,700

BMB's fee will be hourly plus cost and will be based on the agreed to hourly rates for the Citywide Sidewalk and Street Improvements Project. BMB estimates that the fee will not exceed \$47,700.00.

Services performed will be in a manner consistent with that level of care and skill ordinarily exercised by members of the engineering profession currently practicing under similar conditions. No other warranty, expressed or implied is made.

If you have any questions or need additional information, please feel free to call.

Sincerely,



Carl Bain, P.E.
Vice President

CB/jta

City of San Antonio Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part I, Section 18.2

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:

Pamela Bain

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

Bain Medina Bain, Inc.

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;

Not Applicable

- (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 or indirectly to any *current or former member* of City Council, and *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 entity 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: |
|---|---------------|----------------------------|
| David Carpenter | \$140.00 | April 2001 |
| CECPAC | \$360.00 | March 2001 |
| Friends of Ed Garza and Nelson Wolff | \$150.00/each | September and October 2002 |
| Friends of Bonnie Conner, Robert Tejada, Carroll Schubert, Bobby Perez, Toni Moorehouse, Lyle Larson, David Carpenter, Julian Castro, Paul Elizondo and Enrique Barrera | \$50.00/each | July thru October 2002 |
| Toni Moorehouse, Enrique Barrera and Carroll Schubert | \$70.00/each | May 2003 |
| Ron Segovia Campaign, Joel Williams Campaign | \$70.00/each | July 2004 |

Disclosure 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 would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

| | | |
|---|---|------------------------------|
| | | |
| Signature:  | Title: President Company: Bain Medina Bain, Inc. | Date: January 3, 2005 |