

CONSENT AGENDA
ITEM NO. 11

**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: Information Technology Services Department (ITSD) Computer Room

DATE: January 5, 2006

SUMMARY AND RECOMMENDATIONS

An ordinance selecting York International Corporation to provide engineering services and construction in connection with the necessary construction, rehabilitation, and alteration of air conditioning and electrical capacity up grades at the Information Technology Services Department (ITSD) Facility-Computer Room Project, an authorized 2001 Certificates of Obligation funded project located at 515 S. Frio Street in Council District 1; authorizing the negotiation and execution of a Design-Build Contract in an amount not to exceed \$785,444.46; authorizing \$72,555.54 for project contingency, for a total amount of \$858,000.00.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This project provides for the design and installation of additional air conditioning units and related electrical upgrades at the ITSD Computer Room located at 515 S. Frio Street. Previously, Alderson and Associates, Inc. performed architectural services and the design of schematic construction documents consisting of drawings, outline specifications, and engineering calculations necessary for the Design Build Project Manual used to advertise the Request for Proposals for the HVAC and Electrical Upgrades at the ITSD Computer Room. Alderson and Associates, Inc. also prepared a construction schedule that will minimize interruptions and ensure full operation during construction, HVAC and electrical design cost estimates, and a structural evaluation of the existing facility. Construction for this project is scheduled to begin in February 2006 and to be completed by October 2006.

This ordinance authorizes compensation in the amount of \$785,444.46 payable to York International Corporation for professional engineering services for the design of necessary air conditioning and electrical capacity upgrades as indicated in the Design/Build Contract included herein as Attachment 3, at the ITSD Computer Room project located at 515 S. Frio Street. This ordinance also authorizes \$72,555.54 for project contingency.

This firm was selected following the City's release of a Request for Qualifications on April 29, 2005 to which two (2) firms responded. The Public Works Architectural and Engineering (A/E) Selection Committee, which included representatives from the Information Technology Services Department, the Economic Development Department, and support from the Contract Services Department met and discussed the statements of qualifications, as well as their evaluations for each of the submitting firms. After careful consideration, the Committee selected York International Corporation, which was the number one ranked firm. The Evaluation of Qualification Statements Review Summary is included herein as Attachment 2. York International Corporation currently has no City projects.

Negotiations for this project were extensive due to the fact that the proposals came in approximately \$1,000,000 over budget. After numerous discussions with York International Corporation and ITSD the project scope was reduced to include those items which were most urgent and that could be completed within the existing budget.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to participate in the development of existing infrastructure.

FISCAL IMPACT

This is a one-time capital improvement expenditure within budget and included in the FY 06-11 Capital Improvement Program Budget. Funds in the amount of \$858,000 are available from Certificates of Obligation funds to be appropriated and payable as follows:

\$ 785,444.46	payable to York International Corporation for professional engineering services
\$ 72,555.54	for project contingency

COORDINATION

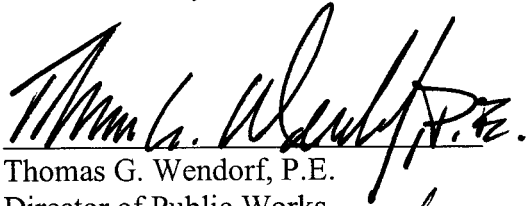
This request has been coordinated with the Office of Budget and Management, the Finance Department, the Information Technology Services Department, and the Contract Services Department.

SUPPLEMENTARY COMMENTS

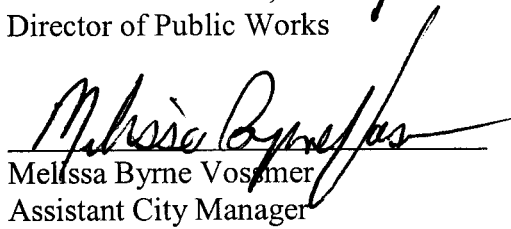
The Discretionary Contracts Disclosure form required by the Ethics Ordinance is attached.

ATTACHMENTS

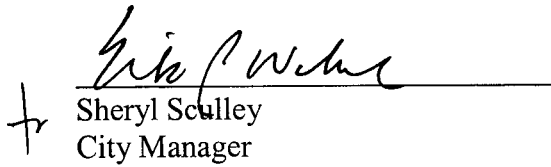
1. Project Map
2. Evaluation of Qualification Statements Review Summary
3. Design/Build Contract
4. Discretionary Contracts Disclosure Form



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



Melissa Byrne Vosmer
Assistant City Manager



Sheryl Sculley
City Manager

Attachment #1
Project Location Map



City of San Antonio
Discretionary Contracts Disclosure

*For use of this form, see Section 2-59 through 2-61 of the City Code (Ethics Code)
Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.*

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

and /or

(2) the identity of any **business entity**³ that would be a party to the discretionary contract:

York International Inc.

and the name of:

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

Marmon Mok LLP
Fred Clark Electrical Contractor

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

³ 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.
ITSD Computer Room Design Build – RFQ
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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 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. Reeves, AIA
Gregory J. Houston, AIA
Dror Baldinger, AIA
Wade Cleary, P.E.
Carlos Moreno, AIA

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 individual or an entity include, but are not limited to, contributions made by the officers, owners, attorneys, or registered lobbyists of the individual or the entity.

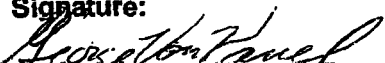
By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
See Marmon Mok Disclosure			

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 question⁴ as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), by participating in official action relating to the discretionary contract.

None

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, whichever occurs first.

Signature: 	Title: District Manager	Date: 11-28-05
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⁴ 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 Section 2-59 through 2-61 of the City Code (Ethics Code)
Attach additional sheets if space provided is not sufficient.*

(1) Identify any individual or business entity that is a party to the discretionary contract:

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

(2) Identify any individual or business entity which is a partner, parent or subsidiary business entity, of any individual or business entity identified above in Box (1):

☐ No partner, parent or subsidiary; or

List partner, parent or subsidiary of each party to the contract and identify the corresponding party:

Stephen R. Souter, AIA
William M. Reeves, AIA
Gregory J. Houston, AIA
Dror Baldinger, AIA
Wade Cleary, PE
Carlos Moreno, AIA

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

☒ No subcontractor(s); or

List subcontractors:

(4) Identify any lobbyist or public relations firm employed by any party to the discretionary contract for purposes related to seeking the discretionary contract:

☒ No lobbyist or public relations firm employed; or

List lobbyists or public relations firms:

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. A sole proprietor should list the name of the individual and the d/b/a, if any.

(5) Political Contributions:
List all political contributions (having one hundred dollars (\$100) or more within the past twenty-four (24) months made 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 Box (1), (2), (3) or (4) above or by the officers, owners or any business entity listed in Box (1), (2) or (3).

☐ No contributions made; If contributions made, list below:


By Whom Made:	To Whom Made:	Amount:	Date of Contribution:
SEE ATTACHED LIST			

(6) Disclosures in Proposals:
Any individual or business entity seeking a discretionary contract with the city must disclose any known facts which, reasonably understood, raise a question as to whether any city official or employee would violate Section 2-43 of the City Code (Ethics Code), ("conflicts of interest") by participating in official action relating to the discretionary contract.

☒ Party not aware of facts which would raise a "conflicts-of-interest" issue under Section 2-43 of the City Code; or

Party aware of the following facts:

This form is required to be supplemented in the event there is any change in the information 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, whichever occurs first.

Signature: Wade Cleary 	Title: Associate Partner Company or D/B/A: Marmon Mok, L.L.P.	Date: November 22, 2005
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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.

MARMON MOK, L.L.P.

November 22, 2005

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

Contributions made within last 24 months (11/22/03 – 11/22/05)

02/23/04	Patti Radle Campaign	\$ 250	
05/04/04	Citizens 4 Charter Reform	\$ 1,000	
07/23/04	Chip Haass Campaign	\$ 250	
08/05/04	Ray Lopez – City Council	\$ 300	
08/05/04	Carroll Schubert for Mayor	\$ 500	
08/05/04	Kevin Wolff for City Council #9	\$ 250	
09/09/04	Patti Radle Campaign	\$ 250	
10/25/04	Roger Flores Re-Election	\$ 250	
10/28/04	Ray Lopez Campaign	\$ 200	
2/23/05	Ron Segovia Campaign	\$ 250	
3/23/05	Richard Perez Re-Election	\$ 250	
3/23/05	Kevin Wolff Campaign	\$ 250	
4/15/05	Chip Haass Campaign	\$ 250	
5/02/05	Phil Hardberger for Mayor	\$ 250	(contribution made by Reeves)
5/02/05	Carroll Schubert for Mayor	\$ 250	
5/02/05	Phil Hardberger for Mayor	\$ 250	(contribution made by Souter)
8/2/05	Richard Perez Campaign	\$ 250	
9/21/05	Citizen for the Advancement of Community College Education Political Action Committee	\$2,000	
10/4/05	Paul Elizondo Campaign	\$ 250	
10/25/05	Citizen for the Advancement of Community College Education Political Action Committee	\$1,000	