

Agenda item #12

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

**TO:** Sheryl Sculley, City Manager

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

**SUBJECT:** Professional Program Management Services for the Housing and Urban Development (HUD) 108 Loan Program Projects

**DATE:** June 8, 2006

**SUMMARY AND RECOMMENDATIONS**

An ordinance authorizing the negotiation and execution of a professional services agreement for an amount not to exceed \$4,814,685.00 with Post, Buckley, Schuh and Jernigan, Inc. (PBS&J), for professional program management services, design services, pavement engineering and scoping and estimating services. This ordinance appropriates funds in the amount of \$4,814,685.00 for program management services and design services to be provided by PBS&J and \$66,367.00 for Public Works Capital Administrative Costs, for a total ordinance amount of \$4,881,052.00 in connection with the Housing and Urban Development (HUD) 108 Loan Program projects.

Staff recommends approval of this ordinance.

**BACKGROUND INFORMATION**

On November 17, 2005, and February 9, 2005 the Public Works Department presented to City Council the need for professional program management services to assist the department in the timely completion of the numerous capital improvements projects that were coming to fruition due to additional funding received. Recognizing that this need existed, City Council authorized the utilization of professional Program Management services by CH2M HILL, Inc. to assist the Public Works Department in the management and administration of the 2005 Storm Water Revenue Bond funded projects and the Local Agency Management (LAM) program and Lockwood, Andrews & Newnam, Inc. (LAN) for professional program management services to assist in the administration of the Advanced Transportation District (ATD) projects.

This ordinance authorizes the City Manager or her designee to negotiate and execute a professional services agreement with PBS&J for an amount not to exceed \$4,814,685.00 over a five year period. The scope of services to be performed by PBS&J includes, but is not limited to, program management and administration, design firm management, design quality assurance and quality control review and coordination, bidding services and construction oversight. PBS&J will be managing 26 HUD 108 streets and drainage projects which have a total budget of \$29,786,648.

On April 19, 2005 the City released a Request for Qualifications from firms desiring to provide program management services, which was posted on the City's website. A total of thirteen (13) interest statements were received. City staff rated all firms, giving consideration to qualifications, program management experience, quality of service and previous project performance. Of the thirteen firms, the following seven were selected for further evaluation through an interview process:

Carter Burgess	Lockwood, Andrew and Newnam, Inc. (LAN)
CH2M HILL, Inc.	Post, Buckley, Schuh & Jernigan (PBS&J)
Claunch and Miller, Inc.	Sunland Group
Freese and Nichols, Inc.	

Following the interviews of these seven firms, the Public Works Architectural and Engineering (A/E) Selection Committee met and discussed the statements of qualifications, as well as their evaluations for each of the submitting firms. After careful consideration, PBS&J was selected as one of the top ranked firms, to provide program management services and determined to be the most qualified to assist with the HUD 108 Loan funded projects. The Statement of Interest Review Summary is included herein as Attachment 1. PBS&J currently has two (2) projects with the City for a total fee of \$699,000.00 and an Indefinite Delivery contract in an amount not to exceed \$500,000.00.

### **POLICY ANALYSIS**

Approval of this ordinance will be a continuation of City Council policy to complete previously approved Capital Improvement Projects. The utilization of outside consultants is consistent with the City's policy of enlisting outside management services from time to time to assist in completing capital projects.

### **FISCAL IMPACT**

The proposal submitted by PBS&J represents an estimate of the work to be performed. All services rendered will be compensated based on an hourly fee as services are requested by the City.

Funds in the amount of \$4,881,052.00 are included in the FY 2006-2011 Capital Improvements Budget in the HUD 108 project budgets. These funds are to be appropriated and authorized payable as follows:

\$3,318,417.00	payable to PBS&J for design services in connection with the HUD 108 Program
\$1,496,268.00	payable to PBS&J for program management services in connection with the HUD 108 Program
\$ 66,367.00	for Public Works Capital Administrative Charges

## **COORDINATION**

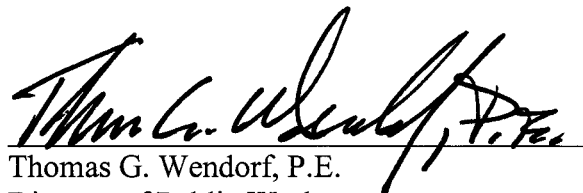
This request for ordinance has been coordinated with the City Attorney's Office, the Office of Management and Budget, the Human Resources Department, the Contract Services Department and the Finance Department.

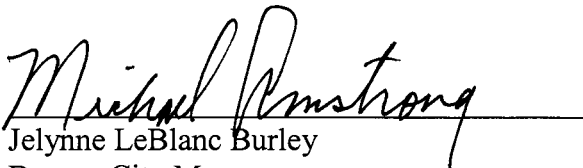
## **SUPPLEMENTARY COMMENTS**

The Discretionary Contracts Disclosure Form required by the Ethics Ordinance is included herein as attachment 2.


## **ATTACHMENTS**

1. Statement of Interest Review Summary
2. Discretionary Contracts Disclosure Form

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

  
Jelynn LeBlanc Burley  
Deputy City Manager

Approved for Council Consideration:

  
Sheryl Sculley  
City Manager

**CITY OF SAN ANTONIO - ARCHITECT/ENGINEER REVIEW COMMITTEE**  
**STATEMENTS OF INTEREST REVIEW SUMMARY**  
**PROJECT MANAGEMENT**

Architect/Engineer Candidates	EVALUATOR'S SCORE							SBEDA			TOTAL POINTS (Out of 100)	RANKING
	Rater 1	Rater 2	Rater 3	Rater 4	Rater 5	Rater 6	SUBTOTAL	10 Locally Headquartered Business Enterprise	5 Historically Underutilized Enterprise (HUE)	5 Small Business Economic Development Advocacy Policy Compliance (SBEDA)		
CH2M Hill	70.0	65.0	76.0	77.0	80.0	76.0	444.0	6.00	2.50	5.00	87.50	1
Post, Buckley, Schuh & Jernigan dba PBS & J	72.0	76.0	74.0	72.0	72.0	74.0	440.0	6.00	2.50	5.00	86.83	2
Lockwood, Andrew & Newnam, Inc.	71.0	72.0	72.0	74.0	76.0	75.0	440.0	6.00	1.65	3.00	83.98	3
Sunland Group	54.0	48.0	65.0	62.0	60.0	48.0	337.0	10.00	5.00	5.00	76.17	4
Claunch & Miller, Inc.	69.0	58.0	67.0	70.0	65.0	58.0	387.0	3.20	2.50	5.00	75.20	5
Carter Burgess	58.0	55.0	68.0	66.0	68.0	56.0	371.0	6.00	2.30	4.00	74.13	6
TCB/AECOM	61.0	68.0	55.0	62.0	60.0	46.0	352.0	8.00	2.50	5.00	72.17	7
Freese and Nichols, Inc.	66.0	48.0	60.0	69.0	62.0	55.0	360.0	6.00	2.00	4.00	72.00	8
Pape-Dawson Engineers, Inc.	62.0	46.0	50.0	62.0	49.0	55.0	324.0	10.00	1.95	3.00	68.95	9
Vickrey & Associates, Inc.	37.0	40.0	39.0	56.0	48.0	44.0	264.0	10.00	5.00	5.00	64.00	10
S & B Infrastructure, LTD	40.0	50.0	35.0	57.0	56.0	38.0	276.0	6.00	2.61	5.00	59.61	11
AG/CM, Inc.	30.0	29.0	42.0	50.0	40.0	42.0	233.0	5.00	2.50	5.00	51.33	12
All Points Inspection	14.0	16.0	29.0	40.0	16.0	20.0	135.0	0.00	5.00	5.00	32.50	13

NOTE: This form is a local government record and shall be retained in accordance with the provisions of the Local Government Code, Section 201. Evaluators must complete and sign this form, then submit to the Public Works Department/ Contract Services Office for retention.

**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:

N/A

and /or

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

PBS&J

and the name of:

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

LNV, Inc. dba LNV Engineering; Pape-Dawson Engineers, Inc.; Bain Medina Bain, Inc.; Ximenes & Associates, Inc.; Foster CM Group

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;

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

<sup>1</sup> 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**

*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.*

**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
John L. German, P.E.	Mayor Ed Garza	\$150	05/03
John L. German, P.E.	Councilmember Patti Radle	\$75	05/03
John L. German, P.E.	Councilmember Patti Radle	\$90	02/04
John L. German, P.E.	Councilmember Joel Williams	\$75	05/03
John L. German, P.E.	Councilmember Joel Williams	\$75	07/04
John L. German, P.E.	Councilmember Chip Haass	\$75	05/03
John L. German, P.E.	Councilmember Chip Haass	\$75	08/04
John L. German, P.E.	Councilmember Roger Flores, Jr.	\$75	05/03
John L. German, P.E.	Councilmember Roger Flores, Jr.	\$75	08/04
John L. German, P.E.	Councilmember Roger Flores, Jr.	\$75	10/04
John L. German, P.E.	Councilmember Art Hall	\$200	05/05
John L. German, P.E.	Councilmember Elect Kevin Wolff	\$200	04/05

**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<sup>2</sup> 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.

*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:**



James W. Bishop

**Title:** Executive Vice President,  
Regional Director

**Company:** PBS&J

**Date:** May 19, 2005

<sup>2</sup> 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<sup>1</sup> that is a **party** to the discretionary contract:

**Post, Buckley, Schuh, and Jernigan, Inc.**

(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:**

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



**No subcontractor(s); or**

**List subcontractors: Pape Dawson Engineers; LNV Engineering; Bain Medina Bain; HVJ, Inc.; Foster Group; Ximenes and Associates**

(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:**

<sup>1</sup> 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.

# 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.

### (5) Political Contributions

List all political contributions totaling 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 of 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:
John L. German	Councilmember Roger Flores, Jr.	\$75	08/04
John L. German	Councilmember Roger Flores, Jr.	\$75	10/04
John L. German	Councilmember Art Hall	\$200	05/05
John L. German	Councilmember Kevin Wolff	\$200	04/05
John L. German	Councilmember Roland Gutierrez	\$100	10/05
John L. German	Councilmember Richard Perez	\$125	11/05
John L. German	Councilmember Kevin Wolff	\$100	3/06
John L. German	Councilmember Art Hall	\$100	3/06
Larry Keith Pyron	Councilmember Kevin Wolff	\$100	3/06


### (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<sup>2</sup> 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.

<b>Signature:</b>  <b>John L. German, P.E.</b>	<b>Title:</b> <b>Vice President/ District Director</b>  <b>Company or D/B/A:</b> <b>Post, Buckley, Schuh, and Jernigan, Inc., DBA PBS&amp;J</b>	<b>Date:</b>  <b>March 23, 2006</b>
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<sup>2</sup> 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.