

Agenda item #38

**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: Stahl Road – O'Connor to Judson

DATE: June 29, 2006

SUMMARY AND RECOMMENDATIONS

An ordinance accepting the lowest responsive bid, appropriating funds, and awarding a construction contract in the amount \$5,425,671.00 payable to Texas Sterling Construction, L.P., an SBE firm, and authorizes \$412,805.10 for Project Contingency, authorizes \$317,859.93 for Capital Administrative Costs, authorizes \$41,000.00 for Materials Testing, authorizes \$2,000.00 for Advertising Expenses; and amending a professional services agreement in an amount not to exceed \$44,000.00 payable to Pape-Dawson Engineers, Inc., for a total ordinance amount of \$6,243,336.03 in connection with the Stahl Road – O'Connor to Judson project, an authorized 2003 General Obligation Street & Pedestrian Improvement Bond funded project, located in Council District 10. Of the \$6,243,336.03 amount, \$1,167,155.00 will be reimbursed by San Antonio Water System (SAWS), and \$130,465.00 will be reimbursed by CPS Energy.

The professional service agreement to be amended with this ordinance was approved by City Council on March 11, 2004 through Ordinance No. 98953 and authorized \$457,500.00 for professional engineering services. This ordinance will increase the total agreement amount to \$501,500.00. This item represents a portion of an estimated project cost of \$6,882,402.00.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

This project provides for reconstruction of Stahl Road from O'Connor to Judson to four lanes with a raised median, left turn lanes, 4-foot sidewalks, curbs and associated drainage improvements. The project length is 4,580 linear feet. Construction is anticipated to begin in July 2006 and to be completed by February 2007.

This ordinance also authorizes funding in the amount of \$44,000.00 payable to Pape-Dawson Engineers, Inc. for additional professional engineering services. Additional engineering services are required to revise plans related to separating the Metropolitan Planning Organization (MPO) intersection projects from the bid package. The original scope called for the joint bidding of the MPO O'Connor and Judson intersections in this project.

The lowest responsive bid received exceeded the project budget by \$572,318.03. This additional cost is attributed to the increased cost of asphalt and cement, which are the principal components of this project. The additional cost is being funded from 2006 Certificates of Obligation

This project was advertised for construction bids in the Commercial Recorder, the San Antonio Informer, and La Prensa in April 2006. In addition, the bid announcement was made on TVSA and through the Small Business Economic Development Advocacy (SBEDA) Office. Plans were also available for review by potential bidders at the office of Pape-Dawson Engineers, Inc. located at 555 E. Ramsey, San Antonio, Texas 78216. Bids for this project were opened on May 24, 2006 and four (4) firms responded. Of these, Texas Sterling Construction, L.P. submitted the lowest responsive bid. Texas Sterling Construction, L.P. currently has one active contracts with the City in the amount of \$4,823,445.16. A matrix of the bid outcome is included herein as Attachment 3.

The Economic Development Department is reviewing the list of subcontractors on the Good Faith Effort Plan submitted by Texas Sterling Construction, L.P. and the letter of certification is pending approval. A finalized copy of the Good Faith Effort Plan will be provided at the council meeting.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of City Council policy to complete the development and construction of previously approved 2003 General Obligation Street and Pedestrian Improvement Bonds.

FISCAL IMPACT

This is a one-time capital improvement expenditure in the amount of \$6,243,336.03. Funds in the amount of \$4,373,398.00 are available from the 2003 General Obligation Street & Pedestrian Improvement Bonds. Funds in the amount of \$572,318.03 are available from 2006 Certificates of Obligation. Funds in the amount of \$1,167,155.00 will be reimbursed by SAWS and \$130,465.00 will be reimbursed by CPS Energy.

Budgeted funds for this project, as included in the FY06-11 Capital Improvement Program Budget, total \$4,373,398.00. Funds in the amount of \$572,318.03 are not included in the Capital Budget and are being funded from savings realized in the Semlinger Road – Lord to Rigsby and the Ansley Boulevard Drainage #1091 projects.

Funds are authorized to be appropriated and payable as follows:

\$5,425,671.00	to Texas Sterling Construction, L.P. for construction services
\$ 412,805.10	for Project Contingency
\$ 317,859.93	for Capital Administrative Costs
\$ 44,000.00	payable to Pape-Dawson Engineers, Inc. for professional engineering services
\$ 41,000.00	for Materials Testing
\$ 2,000.00	for Advertising Expenses

COORDINATION

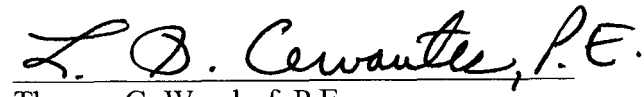
This request for ordinance has been coordinated with the Office of Management and Budget and the Finance Department.

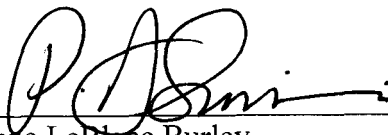
SUPPLEMENTARY COMMENTS

The required Discretionary Contracts Disclosure Form is attached.

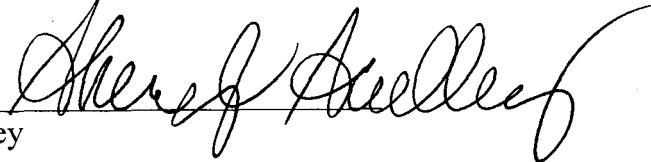
ATTACHMENTS

1. Project Map
2. Discretionary Contracts Disclosure Form
3. Bid Tab


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


Jelynn LeBlanc Burley
Deputy City Manager

Approved for Council Consideration:


Sheryl Sculley
City Manager

STAHL RD.: O'CONNOR - JUDSON



CITY OF SAN ANTONIO
DEPARTMENT OF PUBLIC WORKS
CAPITAL PROGRAMS DIVISION



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 entity¹ that is a **party** to the discretionary contract:

Pape-Dawson Consulting Engineers, 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:

**Poznecki-Camarillo & Associates, Inc.
SAM, Inc.**

(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.

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:
See attachment			


(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 question² 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.

X 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: Wayne Brasington 	Title: CFO Company: Pape-Dawson Engineers, Inc.	Date: May 31, 2006
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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.

May 31, 2006



**DISCRETIONARY CONTRACT ETHICS STATEMENT
PAPE-DAWSON ENGINEERS, INC.**

Political contributions of more than \$100 made during the previous twenty-four months to Council members, candidates and political action committees.

Eugene H. Dawson

May 2005	Phil Hardberger	\$1,000
January 2006	Phil Hardberger	\$1,000

Eugene H. Dawson, Jr.

February 2005	Kevin A. Wolff	\$250
March 2005	Roger Flores	\$250
May 2005	Phil Hardberger	\$1,000
July 2005	Richard Perez	\$500
September 2005	Kevin A. Wolff	\$250
January 2006	Phil Hardberger	\$1,000
April 2006	Delicia Herrera	\$500

Samuel G. Dawson

January 2005	Kevin A. Wolff	\$500
March 2005	Roger Flores	\$250
April 2005	Art Hall	\$250
April 2005	Roger Flores	\$200
May 2005	Phil Hardberger	\$1,000
July 2005	Sheila McNeil	\$200
Sept 2005	Kevin A. Wolff	\$250
Sept 2005	Richard Perez	\$250
Nov 2005	Chip Haass	\$300
Dec 2005	Phil Hardberger	\$1,000

Officers

August 2004	Consulting Engineers	\$1,800
	Council of Texas – PAC	
Various	Candidates and Previous	\$7,650
	Council not holding office	

Pape-Dawson Engineers, Inc.

Wayne Brasington
Chief Financial Officer

PAPE-DAWSON ENGINEERS, INC.

[illegible]