

Agenda item # 29

**CITY OF SAN ANTONIO
AVIATION DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Sheryl Sculley, City Manager

FROM: Mark H. Webb, Aviation Director

SUBJECT: Professional Services Agreement – Design Review Team

DATE: June 29, 2006

SUMMARY & RECOMMENDATION

An ordinance authorizing the negotiation and execution of a Professional Services Contract with the firm of Foster CM Group (FCMG) (an SBE, MBE, AABE, DBE), as the Design Review Team Consultant in connection with the Residential Acoustical Treatment at San Antonio International Airport (Program) to provide consulting services for an amount not to exceed \$965,586.00.

The contract assigns to the FCMG, the work effort, accountability and responsibility to serve as the independent evaluation and quality control element for the City of San Antonio, Aviation Department's Residential Acoustical Treatment Program (RATP).

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

In October 2004, City Council approved a contract with THC, Inc. to provide Architectural, Engineering and Construction Services, serving as the Acoustical Treatment Consultant (ATC) under a modified design/build contract in connection with the Residential Acoustical Treatment Program at San Antonio International Airport.

The State statutes governing Municipality Design-Build Contracts require Independent Design Review. This project is partially funded with FAA Grants. It is a requirement of the Grant Assurances and it is in the best interest of the City to provide full time resident inspection and to provide independent acoustical/air quality testing. These measures will insure the ATC is performing the acoustical treatment in accordance with FAA standards.

The City requested Interest Statements from firms to enlist the services of an independent Design Review Team (DRT) to review plans prepared by the ATC, and to have an independent Inspection Team (IT) for construction inspection. All proposals received for this Project were evaluated by City staff based on 1) Experience, Background & Qualifications; 2) Proposed Plan; 3) Qualifications; and 4) Small Business Compliance. The City Architect/Engineer Selection Committee reviewed the ratings and recommended that FCMG be selected for this Project based

upon their demonstrated ability, qualifications and experience. A copy of the rating sheet is attached.

City staff has negotiated an agreement with FCMG to provide Design Review, Inspection and Testing for a fee not to exceed \$965,586.00 which is considered fair and reasonable for the scope of work involved. This fee is divided into the following tasks:

Inspection	\$607,256.00
Design Review	\$246,190.00
Acoustical Testing	\$ 44,000.00
Air Quality Testing	<u>\$ 68,140.00</u>
Total	\$965,586.00

POLICY ANALYSIS

This action is consistent with the City's policy of implementing the FAA approved Noise Compatibility Program.

FISCAL IMPACT

The Federal Aviation Administration (FAA) participation for this program is 80% with 20% Airport matching share. Funding in the amount of \$965,586.00 for this action will be from previously appropriated unencumbered funds in the amount of \$700,000.00 (\$560,000.00 FAA Funds and \$140,000.00 airport match). The remaining \$265,586.00 will be from FAA Grant 50-05 (\$212,469.00) and the airport PFC Capital Improvement Fund (\$53,117.00).

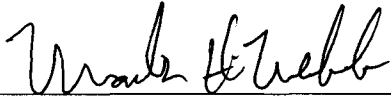
This action appropriates \$607,256.00 for inspection fees, \$246,190.00 for design review expenses and \$112,140.00 for testing fees for a total authorized expenditure of \$965,586.00.

COORDINATION

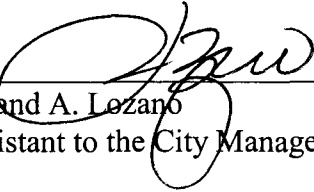
This request for ordinance has been coordinated with the following departments: Public Works, Finance, Management and Budget and the City Attorney's Office.

SUPPLEMENTARY COMMENTS

The required Discretionary Contracts Disclosure Form is attached.



Mark H. Webb
Aviation Director



Roland A. Lozano
Assistant to the City Manager

Approved for Council Consideration:



Sheryl Sculley
City Manager

Attachments

San Antonio International Airport

ARCHITECT/ENGINEER STATEMENT OF INTEREST REVIEW

CITY OF SAN ANTONIO

Weight Factors		55	25	80	10	5	5	100
No.	Architect/Engineer Candidates	Experience, Background & Qualifications	Proposed Plan for Service Delivery	Technical Rating	Local Business Enterprise	Historically Underutilized Enterprise	Compliance with SBEDA Policy	TOTAL
1	Cleanology Service & Supply	3.25	2.50	5.75	10	5	4	24.8
2	Elbert & Associates	32.50	16.50	49.00	1.5	0.75	5	56.3
3	Foster CM Group	51.50	24.25	75.75	10	5	5	95.8
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SUMMARY								

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.

RECEIVED
AVIATION DEPT.
PLAN. & ENG

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(1) Identify any individual or business entity¹ that is a party to the discretionary contract:

Foster CM Group, 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:

(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:

(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

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.

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:
Paul W. Foster	Richard Perez	\$125	02/2005
	Joel Williams	\$100	03/2005
	Julian Castro	\$100	03/2005
	Art Hall	\$100	03/2005
	Roger Flores	\$250	03/2005
	Julian Castro	\$350	04/2005
	Julian Castro	\$350	04/27/2005
	Art Hall	\$100	06/2005
	Phil Hardberger	\$250	06/2005
	Phil Hardberger	\$50	06/2005

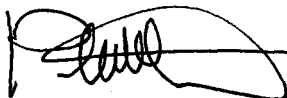
(6) Disclosures in Proposals

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.

☒ 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: 	Title: President Company or D/B/A: Foster CM Group, Inc.	Date: June 1, 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.