

AN ORDINANCE 2014 - 03 - 06 - 0142

**AUTHORIZING AN AMENDMENT IN AN AMOUNT NOT TO EXCEED \$440,000.00 TO THE PROFESSIONAL SERVICES AGREEMENT WITH FOSTER CM GROUP, INC. FOR ADDITIONAL DESIGN REVIEW, CONSTRUCTION INSPECTION, AND TESTING SERVICES RELATED TO THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM AT SAN ANTONIO INTERNATIONAL AIRPORT.**

\* \* \* \* \*

**WHEREAS**, the Residential Acoustical Treatment Program is an ongoing multi-year program that provides acoustical treatment to reduce noise in qualifying homes and multi-family dwellings in aviation noise-impacted neighborhoods near the San Antonio International Airport; and

**WHEREAS**, Foster CM Group, Inc. (Consultant) provides professional services for the Program pursuant to a Professional Services Agreement previously approved by City Council and this amendment would increase the compensation to this Consultant, by the not to exceed amount of \$440,000.00 for additional design review, construction inspection, and testing services associated with the Program; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager, or her designee, is authorized to execute the amendment to the Professional Services Agreement with Foster CM Group, Inc. in the amount not to exceed \$440,000.00, a copy of which is set out in **Exhibit 1**.

**SECTION 2.** Payment in the amount of \$440,000.00, in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00170, Residential Acoustical Treatment Program, is authorized to be encumbered with a purchase order and made payable to Foster CM Group, Inc., for design review, construction inspection and testing services.

**SECTION 3.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 4.** This Ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

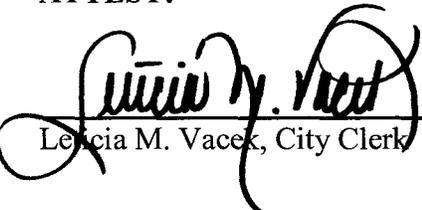
KRH  
03/06/14  
Item No. 18B

**PASSED and APPROVED** this 6<sup>th</sup> day of March, 2014.



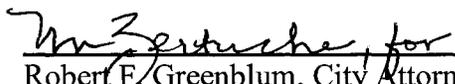
**M A Y O R**  
Julián Castro

**ATTEST:**



\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Robert E. Greenblum, City Attorney

<b>Agenda Item:</b>	<b>18B ( in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 18A, 18B, 19 )</b>						
<b>Date:</b>	03/06/2014						
<b>Time:</b>	10:01:17 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing an amendment to the contract with Foster CM Group in the amount of \$440,000.00 for design review, construction inspection and testing services for the Program.						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				x
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

# **Exhibit 1**

**AMENDMENT NO. 3  
TO  
PROFESSIONAL SERVICES AGREEMENT FOR  
DESIGN REVIEW TEAM SERVICES  
FOR THE  
RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM AT  
SAN ANTONIO INTERNATIONAL AIRPORT**

This Amendment (herein called the "Amendment") to the Agreement for Design Review Team Services for the Residential Acoustical Treatment Program at San Antonio International Airport is entered into by and between the City of San Antonio (herein called the "City"), a Texas municipal corporation, acting by and through its City Manager, and Foster CM Group (hereinafter called "Consultant"), acting by and through its duly authorized corporate representative, as set out below. **WITNESSETH:**

**WHEREAS**, Consultant and City entered into a Professional Services Agreement for design review team services for the Residential Acoustical Treatment Program (RATP) (herein called the "Agreement") as authorized by Ordinance No. 2009-12-10-1004 on December 10, 2009; and

**WHEREAS**, the parties desire to increase the contract amount by \$440,000.00 for a revised total not to exceed contract amount of \$2,490,000.00; and

**NOW THEREFORE**, in consideration of the terms, covenants, agreements and demises herein contained, and in consideration of other good and valuable consideration, each to the other given, the sufficiency and receipt of which are hereby acknowledged, the Agreement entered into by and between the City and the Consultant is amended as follows:

**1. Article 5.2** The total amount of compensation for Consultant's work as set out in Paragraph 5.2 Basis for Compensation of the Agreement is hereby increased by \$440,000.00 for a revised total amount of compensation not to exceed \$2,490,000.00.

Except as amended hereby, all other provisions of the Agreement are hereby retained in their entirety and remain unchanged.

**EXECUTED AND AGREED TO** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

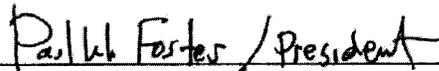
**CITY OF SAN ANTONIO**

**FOSTER CM GROUP**

By: \_\_\_\_\_  
Sheryl Sculley  
City Manager

By:   
Signature

ATTEST:  
  
\_\_\_\_\_  
City Clerk

  
Printed Name & Title

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney