

ORDINANCE

2019-05-02-0351

AMENDING THE ON-CALL PROFESSIONAL SERVICES AGREEMENTS, TO INCREASE THE ORIGINAL CONTRACT CAPACITY OF \$2,000,000.00 BY AN ADDITIONAL \$750,000.00 FOR A TOTAL OF \$2,750,000.00 WITH BAIN MEDINA BAIN, INC. AND TO INCREASE THE ORIGINAL CONTRACT CAPACITY OF \$1,100,000.00 BY AN ADDITIONAL \$500,000.00 FOR A TOTAL OF \$1,600,000.00 WITH TERRA DESIGN GROUP, INC. FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE HOWARD W. PEAK GREENWAY TRAILS SYSTEM. FUNDING FOR THIS ORDINANCE IS AVAILABLE FROM THE 2015 SALES TAX VENUE FUND INCLUDED IN THE FY 2019 - FY 2024 CAPITAL IMPROVEMENT PROGRAM.

* * * * *

WHEREAS, the Howard W. Peak Greenway Trail System has been funded through a portion of a 1/8-cent voter-approved sales tax since its inception in 2000; and

WHEREAS, the objectives of the program are to acquire and preserve open space along San Antonio creekways and to develop multi-use hike and bike trails, trailheads, signage and associated amenities for use by San Antonio residents and visitors; and

WHEREAS, a Request for Qualifications (RFQ) process for architectural and engineering design services was conducted in late 2016 and early 2017, to which nine (9) firms submitted proposals; and

WHEREAS, the proposals were evaluated and ranked by a selection committee, who recommended selection of Bain Medina Bain, Inc. and Terra Design Group, Inc. to be awarded on-call professional services agreements for design, permit preparation, bidding assistance, and construction administration; and

WHEREAS, on March 2, 2017, City Council approved professional services agreements with Bain Medina Bain, Inc. in an amount up to \$2,000,000.00 and with Terra Design Group in an amount up to \$1,100,000.00 through Ordinance 2017-03-02-0130; and

WHEREAS, both agreements were executed for a period of three years with optional 2-year extensions; and

WHEREAS, under these agreements, Bain Medina Bain, Inc. and Terra Design Group have begun design on several trail segments for the most recent Sales Tax Initiative, approved by voters in 2015; and

WHEREAS, since the time that the original professional services agreements were approved by City Council, Parks and Recreation staff have further defined scopes of work for trail design and identified the need to increase design capacity in order to design additional trail segments in conjunction with existing greenway trail projects; and

WHEREAS, the proposed amendments to on-call professional services agreements with Bain Medina Bain, Inc. and Terra Design Group will provide the additional contracting capacity necessary for completion of Howard W. Peak Greenway Trails System projects to be implemented with the 2015 Sales Tax Initiative, including architectural and engineering design, permit preparation, bidding assistance, and construction administration; and

WHEREAS, the consultants' scopes of work will also include recommendations for design enhancements and Low Impact Development (LID) water quality features as outlined in the scope of the 2015 Sales Tax Initiative; **NOW THEREFORE:**

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

SECTION 1. The City Manager or designee or the Director of the Parks and Recreation Department or designee is authorized to execute amendments to two (2) on-call professional services agreements increasing a \$2,000,000.00 contract with Bain Medina Bain, Inc. by an additional \$750,000.00 for a total of \$2,750,000.00 and increasing a \$1,100,000.00 with Terra Design Group, Inc. by an additional \$500,000.00 for a total of \$1,600,000.00, both for architectural and engineering design services for the Howard W. Peak Greenway Trails System. A copy of each amendment in substantially final form are attached hereto and incorporated herein for all purposes as **Attachment I and II.**

SECTION 2. Funding for this ordinance will be identified when work orders are issued. If funding for any work orders is not previously appropriated, funding will be identified and appropriated through subsequent City Council action. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with Operating and/or Capital Budgets and is included in the FY 2019 - 2023 Capital Improvements Program.

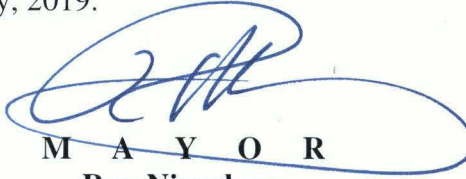
SECTION 3. An on-call professional service agreement contract was previously awarded to Bain Medina Bain, Inc. in the amount of \$2,000,000.00 for design services on Ordinance 2017-03-02-0130. This Ordinance is increasing the contract amount by \$750,000.00 to a revised contract total of up to \$2,750,000.00 and is authorized to be encumbered with a purchase order and made payable to Bain Medina Bain, Inc., for design services for the Howard W. Peak Greenway Trails System.

SECTION 4. An on-call professional service agreement contract was previously awarded to Terra Design Group, Inc. in the amount of \$1,100,000.00 for architectural and engineering design services on Ordinance 2017-03-02-0130. This Ordinance is increasing the contract amount by \$500,000.00 to a revised contract total of up to \$1,600,000.00 and is authorized to be encumbered with a purchase order and made payable to Terra Design Group, Inc., for architectural and engineering design services for the Howard W. Peak Greenway Trails System.

SECTION 5. 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.

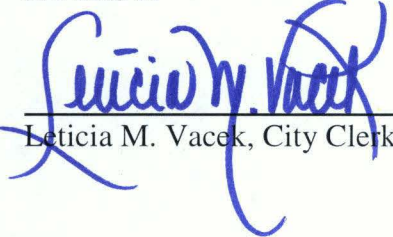
SECTION 6. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 2nd day of May, 2019.



M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	8 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23)						
Date:	05/02/2019						
Time:	09:38:36 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance amending the on-call professional services agreements to increase the original contract capacity of \$2,000,000.00 by an additional \$750,000.00 for a total of \$2,750,000.00 with Bain Medina Bain, Inc. and to increase the original contract capacity of \$1,100,000.00 by an additional \$500,000.00 for a total of \$1,600,000.00 with Terra Design Group, Inc. for architectural and engineering design services for the Howard W. Peak Greenway Trails System. Funding for this ordinance is available from the 2015 Sales Tax Venue Fund included in the FY 2019 - FY 2024 Capital Improvement Program. [Colleen M. Bridger, MPH, PhD, Interim Assistant City Manager; Xavier D. Urrutia, Director, Parks & Recreation]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
Art A. Hall	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6	x					
Ana E. Sandoval	District 7		x			x	
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10	x					

SW/ah
5/2/19
Item No. 8

ATTACHMENT I

**AMENDMENT No. 1 TO THE PROFESSIONAL SERVICES AGREEMENT
WITH TERRA DESIGN GROUP**

This Amendment No. 1 to the Professional Services Agreement with Terra Design Group is made by and through the City of San Antonio, a Texas municipal corporation ("City"), acting by and through its City Manager or her designee, pursuant to Ordinance No. _____, passed and approved on _____, 2019, and Terra Design Group a Texas for-profit corporation ("Consultant").

WHEREAS, Ordinance No. 2017-03-02-0130 authorized the City and Consultant to enter into a Professional Services Agreement for design and construction administration for architectural and engineering design services for the Howard W. Peak Greenway Trail System Project ("Project") not to exceed \$1,100,000.00 in value; and

WHEREAS, City wishes to continue implementation of the voter-approved 2015 Sales Tax Initiative and requires additional architectural and engineering design services for such implementation; and

WHEREAS, City and Consultant wish to increase original \$1,100,000.00 contracting capacity by an additional \$500,000.00 to a total contracting capacity of \$1,600,000.00 in order to complete architectural and engineering design services for the Howard W. Peak Greenway Trail System Project.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the City and Consultant hereby agree as follows:

- A. Article II Compensation, Section 2.1 is deleted in its entirety and is hereby replaced with the following: The compensation for all services included in this Agreement **SHALL NOT EXCEED ONE MILLION SIX HUNDRED THOUSAND (\$1,600,000.00)**. It is agreed and understood that such amount will constitute full compensation to Firm for all Basic Services, Additional Services and Reimbursables. Unless and until City further makes appropriations for any services not included in the Scope of Basic Services, Additional Services and Reimbursables of this Agreement, the obligation of City to Firm for Total Compensation in connection with this agreement cannot and will not exceed such sum of **ONE MILLION SIX HUNDRED THOUSAND (\$1,600,000.00)**, without further written amendment to this Agreement.

Except as modified herein, all terms and conditions contained in the Agreement entered into under authority of Ordinance No. 2017-03-02-0130 shall remain in full force and effect.

All other terms of the original Professional Services Agreement shall stand as otherwise stated.

Signed this _____ day of _____, 2019.

City of San Antonio, a Texas municipal
corporation

Consultant: Terra Design Group

By: _____
Xavier D. Urrutia, Director
Parks and Recreation Department

By: Walter H. Heand
Name:
Title:

Date: _____

Date: 4.18.19

Attest: _____
City Clerk

Approved as to Form:

City Attorney

SW/ah
5/2/19
Item No. 8

ATTACHMENT II

AMENDMENT No. 1 TO THE PROFESSIONAL SERVICES AGREEMENT

WITH BAIN MEDINA BAIN, INC.

This Amendment No. 1 to the Professional Services Agreement with Bain Medina Bain, Inc. is made by and through the City of San Antonio, a Texas municipal corporation ("City"), acting by and through its City Manager or her designee, pursuant to Ordinance No. _____, passed and approved on _____, 2019, and Bain Medina Bain, Inc. a Texas for-profit corporation ("Consultant").

WHEREAS, Ordinance No. 2017-03-02-0130 authorized the City and Consultant to enter into a Professional Services Agreement for design and construction administration for architectural and engineering design services for the Howard W. Peak Greenway Trail System Project ("Project") not to exceed \$2,000,000.00 in value; and

WHEREAS, City wishes to continue implementation of the voter-approved 2015 Sales Tax Initiative and requires additional architectural and engineering design services for such implementation; and

WHEREAS, City and Consultant wish to increase original \$2,000,000.00 contracting capacity by an additional \$750,000.00 to a total contracting capacity of \$2,750,000.00 in order to complete architectural and engineering design services for the Howard W. Peak Greenway Trail System Project.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the City and Consultant hereby agree as follows:

- A. Article II Compensation, Section 2.1 is deleted in its entirety and is hereby replaced with the following: The compensation for all services included in this Agreement **SHALL NOT EXCEED TWO MILLION, SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$2,750,000.00)**. It is agreed and understood that such amount will constitute full compensation to Firm for all Basic Services, Additional Services and Reimbursables. Unless and until City further makes appropriations for any services not included in the Scope of Basic Services, Additional Services and Reimbursables of this Agreement, the obligation of City to Firm for Total Compensation in connection with this agreement cannot and will not exceed such sum of **TWO MILLION, SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$2,750,000.00)**, without further written amendment to this Agreement.

Except as modified herein, all terms and conditions contained in the Agreement entered into under authority of Ordinance No. 2017-03-02-0130 shall remain in full force and effect.


All other terms of the original Professional Services Agreement shall stand as otherwise stated.

Signed this _____ day of _____, 2019.

City of San Antonio, a Texas municipal
corporation

Consultant: Bain Medina Bain, Inc.

By: _____
Xavier D. Urrutia, Director
Parks and Recreation Department

By:  _____
Name: Carl Bain, P.E.
Title: Vice-President

Date: _____

Date: April 18, 2019

Attest: _____
City Clerk

Approved as to Form:

City Attorney