

AN ORDINANCE 2012-12-06-0930

AUTHORIZING AN AMENDMENT TO A CONTRACT WITH SAN ANTONIO BIKE SHARE, IN AN INCREASED AMOUNT OF \$1,050,000.00, FOR A TOTAL CONTRACT VALUE OF \$2,661,746.00, TO PROCURE ADDITIONAL BIKE SHARE BICYCLES, STATIONS, AND RELATED COSTS IN THE URBAN CORE FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ENERGY EFFICIENCY CONSERVATION BLOCK GRANT.

* * * * *

WHEREAS, President Obama signed the American Recovery and Reinvestment Act of 2009 (ARRA) into law on February 17, 2009, which provides a total of \$787 billion in spending and tax cuts; and

WHEREAS, Ordinance 2010-06-17-0563 authorized a contract, funded by the ARRA in an amount not to exceed \$841,579.00, with the non-profit San Antonio Bike Share to implement, manage and operate the bike share program in and around the downtown; and

WHEREAS, amendments to the San Antonio Bike Share contract have increased the funding for the bike share program with ARRA grant funds from the U.S. Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) program funds, the Centers for Disease Control (CDC) Communities Putting Prevention to Work (CPPW) program funds, and a grant from the U.S. Department of Transportation (DOT) Paul S. Sarbanes program; San Antonio Bike Share has also raised funds through advertising, corporate and private donations, and user fees; and

WHEREAS, in consultation with DOE, the City identified the opportunity to further expand the bike share program in the urban core with the addition of \$1,050,000.00 in EECBG funding and an extension of the grant through September 22, 2013; and

WHEREAS, this Ordinance authorizes an amendment to a contract with San Antonio Bike Share, in an increased amount of \$1,050,000.00, for a total contract value up to \$2,661,746.00, to procure additional bike share stations, bicycles, and related costs, funded through the ARRA by the DOE EECBG grant; **NOW THEREFORE**,

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

SECTION 1. The City Manager, or her designee, or the Director, Office of Sustainability (OS), or his designee, is hereby authorized to execute a contract amendment with San Antonio Bike Share, in an additional amount up to \$1,050,000.00, for a total contract value up to \$2,661,746.00 for the development and continued expansion of the Bike Share Program in the urban core. A copy of the amendment is attached hereto and incorporated herein as **Attachment 1**. The execution authority granted by this Ordinance expires 60 days after the effective date.

SECTION 2. The Director, OS, or his designee, is hereby authorized to use the grant funds to reimburse San Antonio Bike Share for services for the further expansion of the Bike Share Program in the urban core. The OS is authorized to make revisions or deviate from the budget as necessary to comply with local, state and federal regulations applicable to the implementation of the EECBG grant program, to be supported by written justification, and where applicable, consistent with program guidelines and the concurrence of DOE.

SECTION 3. Fund 2301455001 entitled "EECBG" and Internal Order 155000000090, are hereby designated for use in the accounting for the fiscal transactions in this contract amendment. The sum of \$1,050,000.00 is hereby appropriated in the above designated fund and will be disbursed from 5202020 "Contractual Services". This will bring the total contract amount for San Antonio Bike Share to \$2,661,746.00.

SECTION 4. The sum of \$1,050,000.00 is hereby appropriated in the above designated fund. Payment is authorized to San Antonio Bike Share upon amending of the Purchase Order.

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 shall be effective immediately upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage hereof.

PASSED and APPROVED this 6th day of December, 2012.

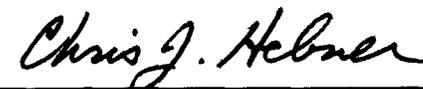

M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

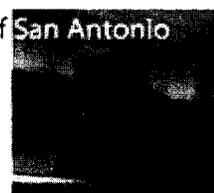


for Michael D. Bernard, City Attorney



Request for
COUNCIL
 ACTION

City of San Antonio



Agenda Voting Results - 13

Name:	5, 6, 7, 8A, 8B, 9, 10A, 10B, 11, 12, 13, 14, 15, 16A, 16B, 17A, 17B, 17C, 18, 19, 20, 21, 23, 24, 25, 26A, 26B						
Date:	12/06/2012						
Time:	02:23:22 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing an amendment to a contract with San Antonio Bike Share, in an increased amount of \$1,050,000.00, for a total contract value of \$2,661,746.00, to procure additional bike share bicycles, stations, and related costs in the urban core funded by the American Recovery and Reinvestment Act of 2009 Energy Efficiency Conservation Block Grant. [David Ellison, Assistant City Manager; Laurence Doxsey, Director, Office of Sustainability]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7	x					
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
Carlton Soules	District 10		x				

**AMENDMENT FIVE
TO AGREEMENT BETWEEN THE CITY OF SAN ANTONIO
AND SAN ANTONIO BIKE SHARE
FOR BIKE SHARE/RENTAL AND BIKE TOURS PROGRAM**

The City of San Antonio, a Texas Municipal Corporation ("CITY") presently contracts with San Antonio Bike Share ("BIKE SHARE"), for services for the Bike Share/Rental and Bike Tours Program, pursuant to an Agreement ("AGREEMENT") approved by City Council June 17, 2010, through Ordinance No. 2010-06-17-0563, for an amount not to exceed \$841,579.00.

On June 23, 2011, City Council Ordinance No. 2011-06-23-0583 approved Amendment One to the Agreement. Included in Amendment One is an increase to the original budget of an additional \$403,522.00, for a new budget sum not to exceed \$1,245,101.00.

On January 19, 2012, Amendment Two to the AGREEMENT was approved by City Council Ordinance No. 2012-01-19-0033. Amendment Two included an increase of \$15,645.00 in funds from the Communities Putting Prevention to Work (CPPW) Grant for a total compensation amount not to exceed \$1,260,746.00.

On June 14, 2012, Amendment Three to the AGREEMENT was approved by City Council Ordinance No. 2012-06-14-0434. Amendment Three included an increase of \$27,000.00 in funds from the Communities Putting Prevention to Work (CPPW) Grant for a total compensation amount not to exceed \$1,287,746.00.

Amendment Four of the AGREEMENT, signed August 8, 2012, allocated a portion of the U.S. Department of Transportation (DOT) Sarbanes Grant funds to BIKE SHARE and implemented the Sarbanes Grant application scope of work for the Mission Reach B-Cycle Bike Share Expansion Project, as authorized by Ordinance 2011-05-05-0349. Amendment Four included an increase of up to \$324,000.00 in funds from the DOT Sarbanes Grant for a total compensation amount not to exceed \$1,611,746.00.

This Amendment Five of the Agreement ("AMENDMENT FIVE") adds an additional \$1,050,000.00 from the American Recovery and Reinvestment Act of 2009 (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) program to be used for contractual services to include up to 15 (Fifteen) B-cycle bike stations, up to 200 (Two hundred) B-cycle bicycles, and related installation and operational costs for the Bike Share Program.

This Amendment Five is entered into by and between the CITY, acting by and through its designated representative, and BIKE SHARE. The undersigned hereby agree to amend said contract, as amended, as follows:

1. Page two, paragraph one of the Compensation Section, the amended budget sum of \$1,611,746.00 is increased by the addition of ARRA funds from the EECBG program in an amount not to exceed an additional \$1,050,000.00, for a new budget sum not to exceed \$2,661,746.00, as authorized by the San Antonio City Council under Ordinance No. 2012-

12-06-_____, passed and approved on December 6, 2012. References to the original compensation amount throughout the AGREEMENT shall reflect the increased amount.

- 2. Additional funds shall provide up to 15 (Fifteen) additional stations, up to 200 (Two Hundred) B-cycle bicycles, and related installation and operating costs. This may include capital and installation costs, B-cycle bicycles, site preparation and permitting, way finding costs, satellite hub equipment, a maintenance vehicle, a maintenance trailer and mechanical support. The 15 stations will be sited at key locations that build-out the current urban network, providing density and convenience that enhance customer safety and experience.
- 3. This AMENDMENT FIVE to the AGREEMENT shall not prejudice any present or future rights, remedies, benefits, or powers belonging to or accruing to CITY and/or BIKE SHARE under the terms of the AGREEMENT herein amended.
- 4. Except as provided otherwise herein, the AGREEMENT shall remain unaffected, unchanged, and unimpaired by reason of the foregoing AMENDMENT FIVE.

AMENDMENT AGREED TO this _____ of December, 2012.

CITY OF SAN ANTONIO, A TEXAS
MUNICIPAL CORPORATION

SAN ANTONIO BIKE SHARE

By _____

By UM Sneed

Title

Executive Director
Title

APPROVED AS TO FORM
Michael D. Bernard
City Attorney

By: Assistant City Attorney