

AN ORDINANCE 2008-03-20-0215

**AUTHORIZING A \$5,925,157.24 AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THC, INC. FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM FOR A REVISED CONTRACT VALUE OF \$28,732,700.54; AND FUNDING THE AMENDMENT WITH \$4,660,126.03 IN GRANT FUNDS, \$1,165,031.51 IN 2007 AIRPORT PFC BOND FUNDS; AND \$100,000.00 IN PROJECT CONTINGENCY.**

\* \* \* \* \*

**WHEREAS**, in April 2005, the City entered into a Professional Design-Build Services Agreement (the "Original Agreement") with THC, Inc. to provide architectural, engineering and construction services related to the Residential Acoustical Treatment Program at the San Antonio International Airport as authorized by Ordinance No. 100660; and

**WHEREAS**, in April 2007, the Original Agreement was amended to extend the term for a two-year period ending on April 17, 2009, modify the Scope of Work to include the Broadway Place apartments, and revise the Fee for Services as authorized by Ordinance No 2006-09-12-1429; and

**WHEREAS**, it is now necessary to amend the Original Agreement to increase the Fee for Services by an amount of \$5,925,157.24; **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 attached Second Amendment to the Original Agreement with THC, Inc. to increase compensation in an amount not to exceed \$5,925,157.54 for Program construction phase "design-build" and Acoustical Treatment Consultant (ATC) construction contractor labor, equipment and materials due to the ATC and its construction contractors and subcontractors during the two-year extended term ending April 17, 2009.

**SECTION 2.** The amount of \$1,461,426.50 is appropriated in SAP Fund 51006002, 2007 Airport PFC Revenue, SAP WBS AV-00015-01-01-04, SAP GL account 6102100 – Interfund Transfer out entitled Transfer to Trf To 33-00170-90-09. The amount of \$1,461,426.50 is authorized to be transferred to SAP Fund 51099000.

**SECTION 3.** The budget in SAP Fund 51099000, SAP Project Definition 33-00170, Residential Acoustical Treatment Program, shall be revised by increasing SAP WBS element 33-00170-90-09 entitled Trf Fr AV-00015-01-01-04, SAP GL account 6101100 – Interfund Transfer In, by the amount \$1,461,426.50.

**SECTION 4.** The budget in SAP Fund 51099000, SAP Project Definition 33-00170, Residential Acoustical Treatment Program, shall be revised by decreasing SAP WBS element

33-00170-90-03 entitled Trf Fr AV-00007-01-01-02, SAP GL account 6101100 – Interfund Transfer In, by the amount \$296,394.99.

**SECTION 5.** The amount of \$296,394.99 is reverted in SAP Fund 51014000, PFC Capital Improvement Fund, SAP WBS AV-00007-01-01-02, SAP GL account 6102100 – Interfund Transfer out entitled Transfer to 33-00170-90-03. The amount of \$296,394.99 is authorized to be transferred from SAP Fund 51099000.

**SECTION 6.** The budget in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00170, Residential Acoustical Treatment Program, shall be revised by decreasing SAP WBS Element 33-00170-01-02-02 entitled THC Contingency, SAP GL account 5406530, by the amount of \$100,000.00.

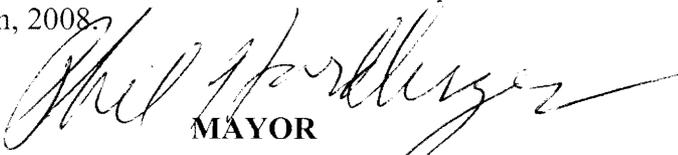
**SECTION 7.** The budget in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00170, Residential Acoustical Treatment Program, shall be revised by decreasing SAP WBS Element 33-00170-05-07 entitled Unallocated Appropriations, SAP GL account 5406530, by the amount of \$ 4,660,126.03.

**SECTION 8.** The amount of \$5,925,157.54 is appropriated in SAP Fund 51099000, Airport Capital Projects, SAP Project Definition 33-00170, Residential Acoustical Treatment Program, SAP WBS Element 33-00170-05-02-01, entitled Construction - THC, SAP GL Account 5201140, and is authorized to be encumbered and made payable to THC, Inc for professional services.

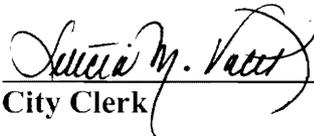
**SECTION 9.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, or the City Manager’s designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, 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.

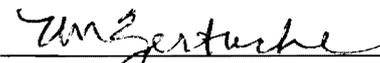
**SECTION 10.** This Ordinance shall take effect immediately upon passage by eight (8) affirmative votes; otherwise it shall be effective ten (10) days after its passage.

**PASSED AND APPROVED** this 20th day of March, 2008.

  
MAYOR

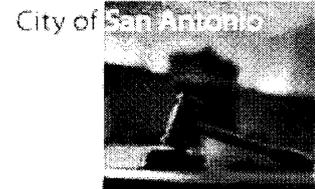
**PHIL HARDBERGER**

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney



Request for  
**COUNCIL**  
 ACTION



### Agenda Voting Results - 10

<b>Name:</b>	6, 8, 9, 10, 11, 15, 16, 18, 20, 21, 22, 24						
<b>Date:</b>	03/20/2008						
<b>Time:</b>	10:27:36 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing a \$5,925,157.24 amendment to the professional services agreement with THC, Inc. for construction services in connection with the Residential Acoustical Treatment Program for a revised contract value of \$28,732,700.54; and funding the amendment with \$4,660,126.03 in grant funds, \$1,165,031.51 in 2007 Airport PFC Bond funds; and \$100,000.00 in project contingency. [Penny Postoak Ferguson, Assistant City Manager; Mark Webb, Director, Aviation]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2	x					
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				x



CMS or Ordinance Number: CN4600002863

TSLGRS File Code:1075-16

Document Title:  
CONT - Residential Acoustical Treatment Program  
Amendment

**Commencement Date:**

**5/17/2005**

**Expiration Date:**

**5/17/2008**

**SECOND AMENDMENT TO AGREEMENT FOR ACOUSTICAL TREATMENT  
PROFESSIONAL DESIGN-BUILD SERVICES  
AND EXERCISE OF OPTION**

**STATE OF TEXAS           §**  
  **§**  
**COUNTY OF BEXAR       §**

This Second Amendment to the Agreement for Acoustical Treatment Professional Design-Build Services for the San Antonio International Airport ("Amendment") is entered into by and between the City of San Antonio, a Texas Municipal Corporation (hereinafter referred to as "City") acting by and through its City Manager, and **THC, Inc.** (hereinafter referred to as "Consultant" or "THC"), both of which may be referred to herein collectively as the "Parties".

**WHEREAS**, in April of 2005, as authorized by Ordinance No. 100660, dated April 7, 2005 the City entered into a Professional Design-Build Service Agreement (the "Original Agreement") with THC to provide architectural, engineering and construction services related to the Residential Acoustical Treatment Program at the San Antonio International Airport (the "Program"); and

**WHEREAS**, The Original Agreement was extended for a two-year term ending on April 17, 2009, as authorized by Ordinance No 2006-09-12-1429, and the Scope of Work was amended to include the Broadway Place apartments and Revise the Fee for Services; and

**WHEREAS**, it is now necessary to amend the Original Agreement to increase the fee for services; **NOW THEREFORE**,

In consideration to 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 Original Agreement by and between the parties is amended as follows:

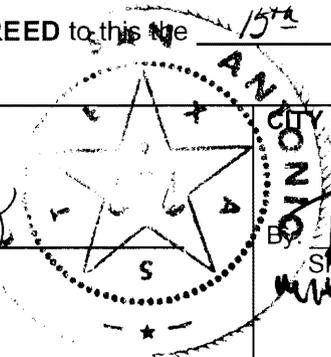
**1. Revised Fee for Services.** Section 4.2 of the Original Agreement to read as follows:

This Second Amendment provides increases compensation for ATC construction phase "design-build" and ATC construction contractor labor, equipment and materials due to the ATC and its construction contractors and subcontractors during the two year extended term ending April 17, 2009 in an amount that shall not exceed Five Million Nine Hundred Twenty-Five Thousand One Hundred Fifty-Seven and 54/100 U.S. Dollars (\$5,925,157.54 U.S.) without a written amendment to this Agreement.

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2. All provisions of the Original Agreement that are not modified by this Amendment remain in full force and effect.

EXECUTED and AGREED to this 15<sup>th</sup> day of April 2008.

ATTEST:	
 By: <u>[Signature]</u> City Clerk	CITY OF SAN ANTONIO, TEXAS By: <u>[Signature]</u> Sheryl Sculley City Manager
APPROVED AS TO FORM:	ACOUSTICAL TREATMENT CONSULTANT
By: <u>[Signature]</u> for City Attorney	THC, INC. By: <u>[Signature]</u> Joe A. Carroll, President
	Federal Tax Identification No.: <u>58-2089125</u>



CMS or Ordinance Number: OR00000200803200215

TSLGRS File Code: 1000-05

Document Title:  
ORD - Residential Acoustical Treatment Program  
Amendment

**Ordinance Date:**  
**3/20/2008**