

AN ORDINANCE 2009-03-19-0201

APPROVING A \$108,131.00 AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN (PBS&J) FOR ADDITIONAL PROFESSIONAL PROGRAM MANAGEMENT AND ENGINEERING SERVICES IN CONNECTION WITH AUTHORIZED U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDED CAPITAL IMPROVEMENT PROJECTS, INCLUDING THE INDIAN CREEK CHANNEL IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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WHEREAS, the City Council has approved the use of 2007 General Obligation Bond funds and the U.S. Department of Housing and Urban Development (HUD) 108 Loan Program funds in connection with the Indian Creek Channel Improvements Project (the "Project"), located in District 4; and

WHEREAS, by Ordinance No. 2006-06-08-0683 passed and approved on June 8, 2006, the City Council authorized a professional services agreement with Post, Buckley, Schuh and Jernigan, Inc. (PBS&J) for professional program management and design services; and

WHEREAS, in connection with said Project, there exists a need for additional professional engineering and program management services, including completion of the War Cloud project and improving the existing channel on Indian Creek from Five Palms to Godeck; and

WHEREAS, it is the City Council's intention to authorize and amend the professional services agreement with Post, Buckley, Schuh and Jernigan, Inc. (PBS&J) for performance of such additional services; **NOW THEREFORE:**

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

SECTION 1. The sum of \$108,131.00, representing costs for additional professional engineering and program management services is hereby authorized to be paid to Post, Buckley, Schuh and Jernigan, Inc. (PBS&J) in connection with the Indian Creek Channel Improvements Project referenced in this Ordinance. In this regard, the professional services agreement with Post, Buckley, Schuh and Jernigan, Inc. (PBS&J), authorized by Ordinance No. 2006-06-08-0683, passed and approved on June 8, 2006, is hereby authorized to be amended to reflect the additional services and costs therefore. The City Manager or, in her stead, a Deputy City Manager, an Assistant City Manager or an Assistant to the City Manager is hereby authorized to

execute said amendment, a copy of which is in substantially final form and attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. The budget in Fund Number 45099000, General Obligation Capital Projects, Project Definition Number 40-00057, Indian Creek Channel Improvements, shall be revised by decreasing WBS Element 40-00057-01-02-01, entitled "City Design," GL Account Number 5201170, by the amount of \$108,131.00.

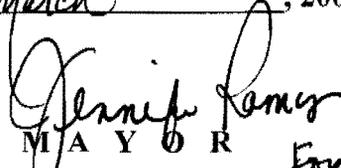
SECTION 3. The budget in Fund Number 45099000, General Obligation Capital Projects, Project Definition Number 40-00057, Indian Creek Channel Improvements, shall be revised by increasing WBS Element 40-00057-01-02, entitled "Design Costs," GL Account Number 5201170, by the amount of \$71,731.00, and is authorized to be encumbered and made payable to Post, Buckley, Schuh & Jernigan Inc., for Engineering Services.

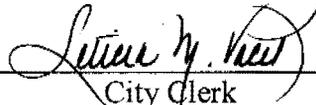
SECTION 4. The budget in Fund Number 45099000, General Obligation Capital Projects, Project Definition Number 40-00057, Indian Creek Channel Improvements, shall be revised by increasing WBS Element 40-00057-01-05, entitled "Program Management Costs," GL Account Number 5201040, by the amount of \$36,400.00, and is authorized to be encumbered and made payable to Post, Buckley, Schuh & Jernigan Inc., for Program Management Services.

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 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 6. This Ordinance shall become effective on and after the 29th day of March, 2009.

PASSED AND APPROVED this 19th day of March, 2009.


MAYOR
PHIL HARDBERGER *For*

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

**AMENDMENT # 6
TO
PROFESSIONAL SERVICES AGREEMENT
ENGINEERING SERVICES
FOR**

HUD 108 LOAN & PAVEMENT MANAGEMENT PROJECTS

The City of San Antonio, a Texas Municipal Corporation, (hereinafter referred to as "CITY") presently contracts with Post, Buckley, Schuh, and Jernigan, Inc., (hereinafter referred to as "CONSULTANT"), for Hud 108 Loan and Pavement Management Projects, pursuant to a Professional Services Agreement (hereinafter referred to as the "Agreement") approved by City Council on June 08, 2006 through Ordinance No. 20060608-0683 for \$4,814,685.00.

SIXTH AMENDMENT

This amendment of the Professional Services Agreement (hereinafter referred to as "this Amendment") is entered into by and between the CITY acting by and through its designated representative. The undersigned hereby agree to amend said Agreement pursuant to Ordinance No.

_____ passed and approved on _____, 2009 as herein set forth:

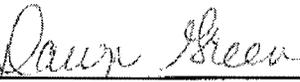
1. Article V entitled "COMPENSATION," is hereby amended to add the lump sum of \$108,131.00 to the fee for the CONSULTANT's additional work for a total contract amount not to exceed \$5,645,864.00.
2. Article III entitled "SCOPE OF SERVICES" shall be amended to modify the plan set to accommodate CPS poles, additional engineering services, and project management professional services in accordance with the CONSULTANT's proposal January 15, 2009.
3. This amendment to the Agreement shall not prejudice any present or future rights, remedies, benefits, or powers belonging or accruing to CITY 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 amendments.

Amendment AGREED TO this the _____ day of _____, _____.

**CITY OF SAN ANTONIO, A TEXAS
MUNICIPAL CORPORATION**

**Post, Buckley, Schuh,
and Jernigan, INC.**

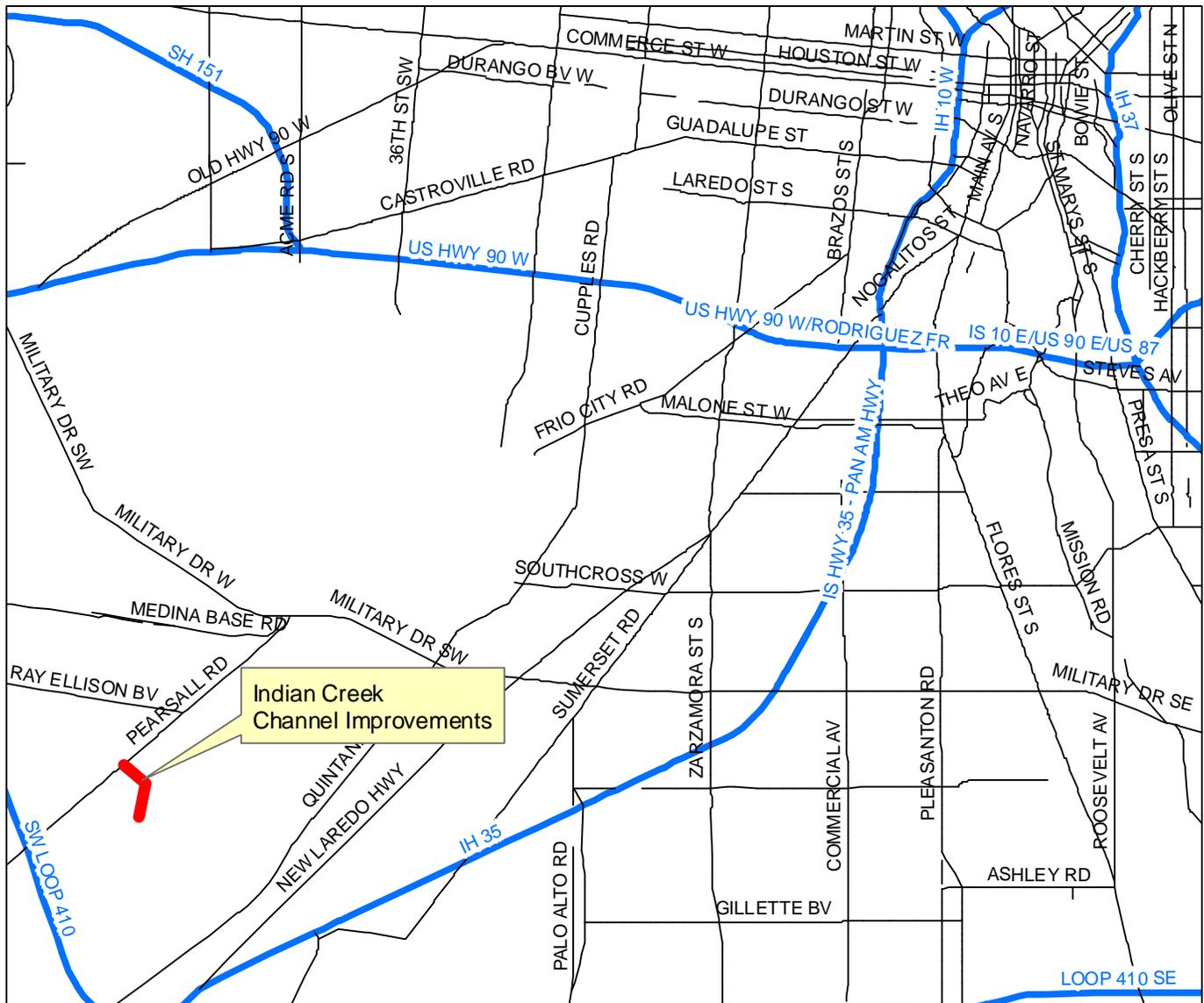
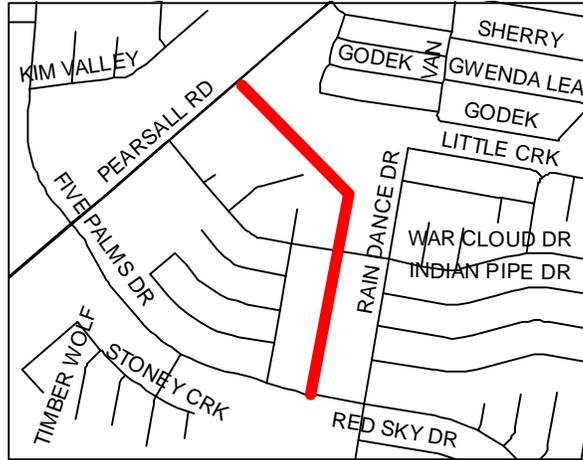
By: _____
City Manager

By:  _____
Designated Representative

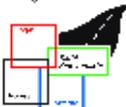
APPROVED:

City Attorney

Indian Creek Channel Improvements



Capital Improvements
Management Services



CITY OF SAN ANTONIO
DEPARTMENT OF CAPITAL IMPROVEMENTS MANAGEMENT SERVICES
HORIZONTAL DIVISION