

AN ORDINANCE 2008-12-11-1136

AUTHORIZING A TWO-YEAR EXTENSION TO THE CONTRACT WITH MORRIS & MCDANIEL, INC. TO PREPARE VALIDATED WRITTEN PROMOTIONAL EXAMINATIONS FOR THE SAN ANTONIO POLICE DEPARTMENT FOR ANNUAL COMPENSATION IN THE AMOUNT OF \$186,840.00 FOR EXAMINATION DEVELOPMENT AND IN AN AMOUNT NOT TO EXCEED \$15,000.00 FOR APPEALS.

WHEREAS, the City must administer written promotional examinations for sworn personnel in the San Antonio Police Department; and

WHEREAS, it is necessary to engage the services of a consultant to prepare validated written promotional examinations for the SAPD; and

WHEREAS, pursuant to Ordinance 101849, the City entered into a contract with Morris & McDaniel, Inc. to provide this service for a three-year period; and

WHEREAS, said contract provides for one two-year extension at the City's option; and

WHEREAS, the City wishes to extend said contract for a two-year period ending December 31, 2010, for annual compensation in the amount of \$186,840.00 for examination development and in an amount not to exceed \$15,000.00 for appeals; **NOW THEREFORE:**

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

SECTION 1. The City Manager and her designee are hereby authorized to execute a two-year extension to the contract entered into with Morris and McDaniel, Inc. pursuant to Ordinance 101849 to prepare validated written promotional examinations for the San Antonio Police Department for annual compensation in the amount of \$186,840.00 for examination development and in an amount not to exceed \$15,000.00 for appeals. A copy of the extension is attached hereto and incorporated herein, and the terms of the extension are hereby approved.

SECTION 2. Funding for this ordinance is available in Fund 11001000 (General Fund), Cost Center 8002130000 (Assessment Center Police) and 8002130001 (Assessment Police), General Ledger 5201040 (Fees to Professional Contractors) as part of the FY09 Budget. Payment not to exceed the budgeted amount is authorized to Morris and McDaniel, Inc., and should be encumbered with a purchase order.

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 take effect ten days from the date of passage.

PASSED AND APPROVED this 11th day of December, 2008.



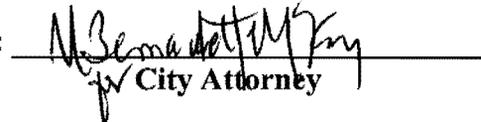
M A Y O R
PHIL HARDBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney



Request for
**COUNCIL
ACTION**



Agenda Voting Results - 8

Name:	8, 9, 11, 12, 13, 15, 18, 19, 21, 22, 23, 24, 25, 27, 28, 29, 30, 34, 35A, 35B, 35C, 35D, 35E, 36, 37, 38, 39, 41, 42, 46, 47
Date:	12/11/2008
Time:	05:03:36 PM
Vote Type:	Motion to Approve
Description:	An Ordinance authorizing a two-year extension to the contract with Morris & McDaniel, Inc. to prepare validated written promotional examinations for the San Antonio Police Department for annual compensation in the amount of \$186,840.00 for examination development and in an amount not to exceed \$15,000.00 for appeals. [Sharon De La Garza, Assistant City Manager; Nikki Ramos, Interim Director, Human Resources]
Result:	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				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				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	

AN ORDINANCE 101849

AUTHORIZING THE EXECUTION OF A CONTRACT WITH MORRIS & MCDANIEL, INC., TESTING CONSULTANT, FOR THE PREPARATION OF VALIDATED WRITTEN PROMOTIONAL EXAMINATIONS AND VALIDATED WRITTEN SCENARIO-BASED PROMOTIONAL EXAMINATIONS FOR CERTAIN POSITIONS IN THE SAN ANTONIO POLICE DEPARTMENT, FOR A TERM OF THREE YEARS, WITH AN OPTION TO RENEW FOR AN ADDITIONAL TWO YEAR PERIOD, FOR AN ANNUAL COMPENSATION IN THE AMOUNT OF \$186,840.00 FOR EXAMINATION DEVELOPMENT AND AN ANNUAL AMOUNT NOT TO EXCEED \$15,000.00 FOR ANY NECESSARY APPEALS, FOR A TOTAL ANNUAL AMOUNT OF \$201,840.00.

RE COPY

WHEREAS, the San Antonio Police Department needs to secure the services of a test-preparation consultant to prepare written and scenario-based promotional examinations for the ranks of detective-investigator, sergeant, lieutenant, and captain; and

WHEREAS, after the issuance of a request for proposals in September 2005, six proposals were received and evaluated; and

WHEREAS, the firm of Morris & McDaniel, Inc. was determined to be the highest ranked applicant; and

WHEREAS, the contract with Morris & McDaniel, Inc. will be for a term of three years, with an option to renew for an additional two-year period; and

WHEREAS, said contract will provide for an annual compensation in the amount of \$186,840.00 for examination development and an annual amount not to exceed \$15,000.00 for any necessary appeals, for a total annual amount of \$201,840.00; **NOW THEREFORE:**

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

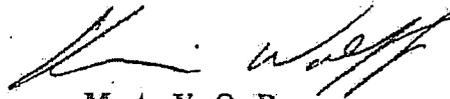
SECTION 1. The City Manager, or her designee, is hereby authorized to execute professional services contract with Morris & McDaniel, Inc. to prepare written and scenario-based promotional examinations for the San Antonio Police Department for the ranks of detective-investigator, sergeant, lieutenant, and captain, for a term of three years, with an option to renew for an additional two-year period, for a total annual amount of \$201,840.00. A copy of said contract is attached hereto and incorporated herein. The terms and conditions contained in said contract are hereby approved.

SECTION 2. Funds for this expenditure are available in the General Fund 11001000, Fund Center 8002130000, Assessment Center Police, as part of the FY06 budget. Funds not to exceed \$201,840.00 are authorized to be paid to Morris & McDaniel, Inc. from Cost Center 8002130001, ASSESSMENT POLICE, General Ledger 5201040, Fees to Professional Contractors, and should be encumbered when a purchase order is issued.

SECTION 3. The financial allocations in this ordinance are subject to approval by the Director of Finance. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific cost centers, WBS elements, internal orders, general ledger accounts, and funds as necessary to carry out the purposes of this ordinance.

SECTION 4. This ordinance shall become effective ten days from the date of passage.

PASSED AND APPROVED this 15th day of December, 2005.



M A Y O R

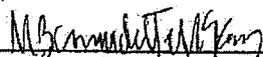
Fm

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

**RENEWAL AND EXTENSION OF
PROFESSIONAL SERVICES CONTRACT**

This Renewal and Extension of the PROFESSIONAL SERVICES CONTRACT is entered into by and between the **CITY OF SAN ANTONIO** ("**CITY**"), A Texas Municipal Corporation, acting by and through its City Manager, pursuant to Ordinance No. _____, passed and approved on _____, 200_, and **MORRIS & MCDANIEL, INC.**, having its principal place of business in Washington, D.C., (hereinafter referred to as "**CONTRACTOR**"), acting by and through its President, David M. Morris.

I.

The **CITY** hereby exercises its option to renew and extend the term of the original PROFESSIONAL SERVICES CONTRACT ("**CONTRACT**") for an additional one-year period, such option having been granted to the **CITY** in Section IV, "TERM OF AGREEMENT" and in compliance with Section XX, "ENTIRE AGREEMENT" of the **CONTRACT** originally entered into by the **CITY** and **VENDOR**, said **CONTRACT** having been approved by San Antonio Ordinance No. 101849, passed and approved on December 15, 2005.

II.

Section IV. TERM OF AGREEMENT of the **CONTRACT** is hereby amended to read as follows:

- 4.1 This **CONTRACT** will be in force from the date of execution through December 31, 2010. With at least sixty (60) days written notice prior to termination, the **CITY** may extend the term of this **CONTRACT** for one 2-year extension under the same terms, with the 2-year extension subject to the same notice requirement and appropriate action by City Council. The **CITY** may terminate this **CONTRACT** at any time if funds are restricted, or if service is unsatisfactory. **CONTRACT** funds for each calendar year will be requested as part of the **CITY**'s annual budget. If City Council approves, the **CONTRACT** will be funded in the **CITY**'s budget for each fiscal year.

III.

All other terms, conditions, covenants, and provisions of the **CONTRACT** remain in effect save and except for Section IV, which the undersigned parties agree is hereby amended.

IV.

All said terms, conditions, covenants and provisions herein or as previously agreed to shall comply with all federal, state and local laws and regulations.

EXECUTED this 30TH day of OCTOBER, 2008.

(EFFECTIVE DATE: _____, 2008)

CITY OF SAN ANTONIO

MORRIS & MCDANIEL, INC.

Sheryl L. Sculley
City Manager



David M. Morris
President

APPROVED:

Michael Bernard
Assistant City Attorney



CITY OF SAN ANTONIO Request for Council Action

Agenda Item # 8
Council Meeting Date: 12/11/2008
RFCA Tracking No: R-4154

DEPARTMENT: Human Resources

DEPARTMENT HEAD: Nikki M Ramos

COUNCIL DISTRICT(S) IMPACTED:
City Wide

SUBJECT:
Promotional Examination Preparation Services for SAPD

SUMMARY:

This ordinance authorizes the City Manager, or her designee, to execute a two-year extension to the contract with Morris & McDaniel, Inc., testing consultant, to prepare validated written promotional examinations for the positions of Police Detective Investigator, Police Sergeant, Police Lieutenant and Police Captain, and validated written scenario-based promotional examinations for the positions of Police Lieutenant and Police Captain for the San Antonio Police Department. This contract provides for annual compensation in the amount of \$186,840.00 for examination development, and shall provide an annual amount not to exceed \$15,000.00 for appeals, should such become necessary, for a total annual contract amount of \$201,840.00. These costs reflect no increase to the original contract rates.

BACKGROUND INFORMATION:

Texas Local Government Code, Chapter 143, known as the Fire and Police Civil Service Law, and the current Collective Bargaining Agreement (CBA) by and between the City of San Antonio and the San Antonio Police Officers' Association, mandate the use of written examinations as part of the promotional process. The CBA also requires the administration of a written scenario-based examination as part of the promotional process for the positions of Police Lieutenant and Captain.

In 2005, City Council approved a three (3) year contract with Morris & McDaniel with an option to renew for an additional two (2) year period. This ordinance would grant the two (2) year contract extension.

Services provided by Morris & McDaniel, Inc. include a job analysis of each of the job ranks, including a review of existing job descriptions, job content and any training materials currently in place. The firm will develop/maintain an administrator's manual, test instructions, scoring keys and test questions for each rank's written test. Each written examination will be prepared in a manner that is in compliance with professional, state, and federal guidelines related to testing, which include the Americans with Disabilities Act (ADA), Equal Employment Opportunity Commission (EEOC) guidelines, Department of Justice requirements, and the City's current CBA. Morris & McDaniel, Inc. has thirty-two years of professional experience in item writing for written knowledge tests for protective service ranks.

Written scenario-based examinations for the ranks of Lieutenant and Captain shall also be developed by Morris and McDaniel, Inc., and are designed to assess the ability of the candidates to apply sound management and supervisory principles.

The consultant offers the required expertise to develop valid promotional examinations that are reliable, legally and professionally defensible and fair. Should it be necessary, Morris & McDaniel, Inc. will also represent the City's Human Resources Department in all appealable matters concerning the construction of any promotional written examination before the Firefighters' and Police Officers' Civil Service Commission, and will prepare for and participate in the on-site appeal procedure of the examination process for each rank.

ISSUE:

Chapter 143 of the Texas Local Government Code requires that promotional eligibility lists be created as a result of a competitive examination. The City has previously contracted with professional testing consultants with the expertise to provide for the development of written promotional examinations for SAPD. Approval of this contract extension will ensure our ability to continue to administer professionally developed and validated examinations.

ALTERNATIVES:

The civil service statute (Chapter 143 of the Local Government Code) requires written exams for Police promotional positions. Additionally, utilizing third party test preparation provides legally defensible validated tests. Taking no action to renew this contract would require the City to seek an alternate third party to develop the examinations.

FISCAL IMPACT:

The annual cost of this contract is \$186,840.00 for examination development and an annual amount not to exceed \$15,000.00 for necessary appeals, for a total annual amount of \$201,840.00. The funds for this contract extension have been budgeted.

RECOMMENDATION:

Staff recommends approval of this ordinance to extend the contract with Morris & McDaniel, Inc., in order to maintain administration of professionally developed promotional examinations.

ATTACHMENT(S):

File Description	File Name
Ordinance Authorizing 2005 Contract with Morris & McDaniel	Ordinance Authorizing 2005 Contract with Morris & McDaniel.pdf
Morris & McDaniel Contract Renewal	Morris & McDaniel Contract Renewal.pdf
Morris & McDaniel Discretionary Contracts Disclosure	Morris & McDaniel Discretionary Contracts Disclosure.pdf
Voting Results	
Ordinance/Supplement Documents	200812111136.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Nikki M Ramos Director (Interim) Human Resources

APPROVED FOR COUNCIL CONSIDERATION:

Sharon De La Garza Assistant City Manager