

AN ORDINANCE **9 8 9 5 2**

SELECTING BAIN MEDINA BAIN, INC. (MBE) TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE DUKE AREA STREETS, PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$102,987.80; AUTHORIZING \$15,448.17 FOR CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$118,435.97 FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

SECTION 1. Bain Medina Bain, Inc. is hereby selected to provide professional engineering services in connection with Duke Area Streets, Phase I Project. A copy of the proposal is attached hereto as **Attachment I**.

SECTION 2. City staff is authorized and directed to commence negotiations with said firm to reach an agreement on a contract for such work at a fair and reasonable price not to exceed \$102,987.80.

SECTION 3. If a contract can be negotiated in accordance with the terms of the standard-form contract for engineering services, and in accordance with the price provisions contained herein, the City Manager, Deputy City Manager, an Assistant City Manager, or an Assistant to the City Manager is authorized to execute such an agreement without further City Council action. A copy of such standard form contract appears in substantially the same form as **Attachment II** and is incorporated by reference herein. Should a contract be negotiated which varies from the standard terms, the contract must be considered through a subsequent ordinance. If so, City Council must approve the contract terms and insure that the compensation provided meets the legal requirements set out in Section 2254.004 of the Texas Government Code.

SECTION 4. The amount of \$15,448.17 to **Bain Medina Bain, Inc.** for miscellaneous engineering contingency expenses is hereby authorized.

SECTION 5. The following financial adjustments area hereby authorized to effect this Ordinance:

- a) The amount of \$102,987.80 is appropriated in Fund No. 45-801009, 2003 Street Bonds, in Index Code 485193, entitled "Engineering Contract", and is authorized to be encumbered and made payable to **Bain Medina Bain, Inc.** for engineering services in connection with the Duke Area Streets, Phase I project, contingent upon the future sale of General Obligation Bonds.

- b) The amount of \$15,448.17 is appropriated in Fund No. 45-801009, 2003 Street Bonds, in Index Code 485201, entitled "Engineering Contingency", and is authorized to be encumbered and made payable for design contingency expenses in connection with the Duke Area Streets, Phase I Project, contingent upon the future sale of General Obligation Bonds.

SECTION 6. This Ordinance is also a declaration of the City's official intent to reimburse itself from the proceeds derived from the sale of General Obligation Bonds, Certificates of Obligation, or other sources of revenue or financing, for any authorized expenditures previously incurred from lawfully available funds of the City.

SECTION 7. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 8. This ordinance shall take effect on the 21st day of March 2004.

PASSED AND APPROVED this 11th day of March 2004.



M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney