

AN ORDINANCE **2006-04-06-0434**

**AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH BAIN MEDINA BAIN, INC., IN THE AMOUNT OF \$12,010.00 FOR ADDITIONAL ENGINEERING SERVICES, REVISIONS TO THE RAILROAD PERMIT EXHIBITS, AND ADDING ASSOCIATED FIELD AND REVIEW MEETINGS, IN CONNECTION WITH THE JONES MALTSBERGER – (U.S. 281 TO U.P.R.R.) PROJECT, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION PROJECT LOCATED IN DISTRICT 9, AND APPROPRIATING FUNDS FROM CERTIFICATES OF OBLIGATION FUNDS.**

\* \* \* \* \*

**WHEREAS**, by Ordinance Number 89387, passed and approved on March 11, 1999, a professional services contract was awarded to **Bain Medina Bain, Inc.** in connection with the Jones Maltsberger (U.S. 281 to U. P. R. R. ) Project; and

**WHEREAS**, it is necessary to authorize additional compensation to **Bain Medina Bain, Inc.** in the amount of \$12,010.00 for necessary revisions to the railroad permit exhibits and associated field and review meetings and

**WHEREAS**, approval of this Ordinance will be a continuation of City Council policy to complete previously approved Metropolitan Planning Organization (MPO) funded capital improvement projects, **NOW THEREFORE**;

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

**SECTION 1.** The professional services contract with **Bain Medina Bain, Inc.** passed and approved on March 11, 1999, is hereby amended to provide revisions to the railroad permit exhibits and associated field and review meetings for the amount of \$12,010.00. The City Manager or her designee is hereby authorized to execute said Amendment, a copy of which is in substantial form and attached hereto and incorporated herein for all purposes as Attachment I.

**SECTION 2.**

A. The amount of \$12,010.00 is appropriated in fund 43151000, 2001 MPO, WBS CO-00025-01-01-50 GL account 6102100 – Interfund Transfer out entitled Transfer to 23-00840-90-06. The amount of \$12,010.00 is authorized to be transferred to fund 45099000.

B. The budget in fund 45099000, Project Definition 23-00840, Jones Maltsberger: US 281 to E. of UPRR, shall be revised by increasing WBS element 23-00840-90-06 entitled Trf Fr CO-00025-01-01-50, GL account 6101100 – Interfund Transfer In, by the amount of \$12,010.00.

C. The amount of \$12,010.00 is appropriated in Fund 45099000, General Obligation Capital Projects, Project Definition 23-00840, Jones Maltsberger: US 281 to E. of UPRR, WBS element

23-00840-01-02, entitled Design Costs, G/L Account 5201170, and is authorized to be encumbered and made payable to Bain Medina Bain, Inc.

**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 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 4.** This Ordinance shall be effective on April 16, 2006.

**PASSED AND APPROVED** this the 6<sup>th</sup> day of April, 2006.



M A Y O R

**PHIL HARDBERGER**

ATTEST:   
CITY CLERK

APPROVED AS TO FORM:   
for City Attorney

**ATTACHMENT I**

**AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT  
ENGINEERING SERVICES**

**PROJECT NAME: THE JONES MALTSBERGER-( U.S. 281 TO U.P.R.R.)**

Pursuant to paragraph numbered 32.1 of the Professional Services Agreement with Bain Medina Bain, Inc. (the "Agreement") approved by City Council on March 11, 1999 by and between the City of San Antonio, a Texas municipal corporation (hereinafter referred to as "CITY") and Bain Medina Bail, Inc. (hereinafter referred to as "CONTRACTOR"), relating to the above referenced Project, the undersigned hereby agree to amendment of said Agreement as herein set forth:

1. Attachment "A" of the Agreement, entitled "Scope of Services," is hereby amended to include revisions to the railroad permit exhibits and associated field review meetings in accordance with the proposal for said services submitted by the CONTRACTOR.
2. Article V of the Agreement, entitled "COMPENSATION," is hereby amended to add the sum of \$12,010.00 to the fee for the CONTRACTOR's work, for a total sum of \$110,091.18, which total sum includes additional amounts approved by prior City Council action(s).
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 \_\_\_\_\_, 2006.

CITY OF SAN ANTONIO, A TEXAS  
MUNICIPAL CORPORATION:

CONTRACTOR:

By: \_\_\_\_\_  
Title: City Manager

BAIN MEDINA BAIN, INC.

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**APPROVED AS TO FORM:** \_\_\_\_\_  
Assistant City Attorney