

AN ORDINANCE **2006-03-09-0309**

RATIFYING SERVICES, AUTHORIZING AN EXTENSION THROUGH JUNE 30, 2006, AND AMENDMENT OF THE CURRENT PROFESSIONAL SERVICES CONTRACT WITH PADGETT, STRATEMANN & CO., L.L.P., TO PROVIDE FOR ADDITIONAL SERVICES AND COMPENSATION IN THE AMOUNT OF \$40,000.00, FOR TOTAL COMPENSATION OF \$90,000.00.

* * * * *

WHEREAS, pursuant to Ordinance No. 101879, passed and approved December 15, 2005, the City entered into a *Professional Services Contract* ("Contract") with Padgett, Stratemann & Co., L.L.P ("Consultant") to provide staff augmentation services to the City in order to facilitate the reconciliation of the City's financial accounts and provide additional accounting services as needed; and

WHEREAS, pursuant to the Contract, Consultant has assisted with the reconciliation of various accounts, verification of the accuracy and completeness of financial data transferred to the SAP information systems accounting application, verifying and documenting the flow of data through SAP, and other services that may be required; and

WHEREAS, City staff has recommended that the Contract with Consultant be extended for an additional term commencing February 16, 2006, and ending June 30, 2006, with the Consultant to receive compensation during the extended term in an amount not to exceed \$40,000.00, and that the Contract be amended to provide that the City shall have the right to interrupt staff augmentation services during the extended term if it is determined that such services are not required at any time, and to resume such services if it is determined that such services are once more required; **NOW THEREFORE:**

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

SECTION 1. The extension and amendment of the *Professional Services Contract* with Padgett, Stratemann & Co., L.L.P., for a term commencing February 16, 2006, and ending June 30, 2006, to provide the accounting services described above at the rate of \$85-\$115 per hour, with a maximum expenditure not to exceed \$40,000.00, and to add provisions enabling the City to interrupt staff augmentation services during the extended term if it is determined that such services are not required at any time, and to resume such services if it is determined that such services are once more required, is hereby ratified. The City Manager, her designee, and/or the Acting Director and/or the Acting Assistant Director of the Department of Finance are hereby authorized 45 calendar days from the date of passage of this Ordinance in which to execute an extension and amendment of the Contract in accordance with the provisions set out above, subject to the approval of the City Attorney. In the event the parties are unable to execute the extension and amendment of the Contract containing terms substantially in accordance with those set forth in Exhibit A, attached hereto and made a part hereof for all purposes, within the

specified time period, authority to execute such extension and amendment of the Contract is subject to subsequent City Council action.

SECTION 2. Payment not to exceed \$40,000 is authorized to Padgett Stratemann & Company LLP 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 her 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 is effective immediately, upon passage by eight (8) affirmative votes; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

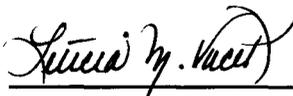
PASSED AND APPROVED on March 9, 2006.



M A Y O R

PHIL HARDBERGER

ATTEST:



(City Clerk)

APPROVED AS TO FORM: 

for City Attorney

E X H I B I T A

**EXTENSION AND AMENDMENT OF
PROFESSIONAL SERVICES CONTRACT**

This *Extension Of Professional Services Contract* ("Extension and Amendment") is entered into by and between the **CITY OF SAN ANTONIO, TEXAS** (hereinafter referred to as "CITY"), a Texas Municipal Corporation, acting by and through its City Manager, or her designated representative, pursuant to Ordinance No. _____, passed and approved March 9, 2006, and **PADGETT STRATEMANN & CO, L.L.P.**, a Texas limited liability company (hereinafter referred to as "CONSULTANT"), both of whom may be referred to collectively as the "Parties", and is as follows:

WHEREAS, pursuant to Ordinance No. 101879, passed and approved on December 15, 2005, CITY's City Council authorized the execution of a certain *Professional Services Contract* with CONSULTANT, pursuant to which CONSULTANT has provided staff augmentation services to the CITY in order to facilitate the reconciliation of CITY'S financial accounts and provide additional accounting services as needed, for a term commencing December 15, 2005, and ending February 15, 2006 ("Contract"); and

WHEREAS, the Parties have agreed to extend the Contract for an additional term to commence February 16, 2006, and end June 30, 2006, with the scope of services to be provided by CONSULTANT during this Extension and Amendment to be revised to include the City's right to interrupt and resume staff augmentation, with the total compensation to be paid to CONSULTANT during this Extension and Amendment not to exceed \$40,000.00, and with the aggregate compensation to be paid to CONSULTANT under the Contract and this Extension and Amendment not to exceed \$90,000.00; **NOW, THEREFORE:**

FOR VALUABLE CONSIDERATION, CITY and CONSULTANT hereby severally and collectively agree as follows:

I. Article II. Term of the Contract is hereby amended so that it shall hereafter read as follows:

II. TERM

2.1 This Agreement shall commence on February 16, 2006, and shall terminate on June 30, 2006, unless extension or earlier termination shall occur pursuant to any of the provisions of this Agreement.

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II. Article III. Scope Of Services of the Contract is hereby amended so as to add thereto Section 3.5, which shall read as follows:

3.5 Should Director determine, in his sole, unfettered discretion, at any time(s) during the term of this Extension, that staff augmentation utilizing personnel provided by CONSULTANT is temporarily not required in whole or in part by CITY, CITY shall have the right to interrupt such staff augmentation in whole or in part. Director shall give CONSULTANT written notice of such interruption not less than three (3) business days prior to the date on which such staff augmentation shall be interrupted, specifying **(i)** CONSULTANT'S personnel whose services are temporarily not required, **(ii)** the estimated duration of the interruption; **(iii)** the date (if any) during the term of this Extension on which such interrupted staff augmentation by CONSULTANT shall resume; and **(iv)** the extent of such resumption.

III. Article IV. Compensation To Consultant, Section 4.1 of the Contract is hereby amended so that it shall hereafter read as follows:

4.1 In consideration of CONSULTANT'S performance in a satisfactory and efficient manner, as determined by Director in his sole, unfettered discretion, of all services and activities set forth in this Extension, CITY agrees to pay CONSULTANT an amount not to exceed FORTY THOUSAND AND NO/100 dollars (\$40,000.00) as total compensation, to be paid to CONSULTANT as set out in Sections 4.2 and 4.3 below. The Parties acknowledge and agree that the aggregate compensation to be paid to CONSULTANT under the Contract and this Extension and Amendment shall not exceed \$90,00.00.

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IV. Except as amended above, all of the terms and conditions of the Contract shall remain unchanged and in full force and effect during the extended term provided for in this Extension.

EXECUTED and **AGREED** to as of the dates indicated below, to be effective from and after February 16, 2006. This Agreement may be executed in multiple copies, each of which shall constitute an original.

CITY:
CITY OF SAN ANTONIO

CONSULTANT:
**PADGETT STRATEMANN &
CO., L.L.P.**

Ben Gorzell, Jr., CPA
Acting Director of Finance

Title: _____

Date: _____

Date: _____

Approved as to Form:

City Attorney

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EXTENSION AND AMENDMENT OF
PROFESSIONAL SERVICES CONTRACT