

AGENDA - COUNCIL MEETING - TUESDAY - MAY 7, 2013 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

INVOCATION AND PLEDGE OF ALLEGIANCE - Council Member Hoang

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

NOTE: If a translator is required, please advise when reserving time to speak

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 8, 2013 - 9:00 A. M.

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 50

MISCELLANEOUS - NUMBER 1

1. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **PLANNING COMMISSION:**

Position Five	-	MARK A. KILKENNY , for a term to expire 03/31/2015
Position Six	-	FERNANDO L. BRAVE , for a term to expire 03/31/2014
Position Ten	-	KENNETH J. BOHAN , for a term to expire 03/31/2015
Position Twelve	-	ALGENITA SCOTT DAVIS SEGARS , for a term to expire 03/31/2015
Position Thirteen	-	EILEEN SUBINSKY , for a term to expire 03/31/2014
Position Fourteen	-	BRANDON DUDLEY , for a term to expire 03/31/2015

ACCEPT WORK - NUMBERS 2 through 6

2. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$539,134.45 and acceptance of work on contract with **HALLMARK CAPITAL GROUP, LLC dba HALLMARK-FARRELL ROOFING COMPANY** for Sunnyside Multi-Service Center Roof 15.03% over the original contract amount and under the approved 18.5% contingency **DISTRICT D - ADAMS**
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$433,827.03 and acceptance of work on contract with **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation - 5.32% under the original contract amount - (4277-43) - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN; F - HOANG; G - PENNINGTON; H - GONZALEZ; I - RODRIGUEZ; J - LASTER and K - GREEN**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,714,707.64 and acceptance of work on contract with **SPRINT SAND AND CLAY, LLC** for Bretshire Detention Basin Project HCFCD Project ID #P518-04-00-E003 0.01% under the original contract amount - **DISTRICT B - DAVIS**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$269,173.30 and acceptance of work on contract with **MAR-CON SERVICES, LLC** for Replacement of Timber Bridge at Shawnee Street across HCFCD #106-03-00 - 0.38% under the original contract amount - **DISTRICT E - MARTIN**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,940,661.92 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.**, for City Wide Overlay / Rehabilitation Project Package #17 (Work Order Contract) - 3.11% over the original contract amount and under 5% contingency amount - **DISTRICTS B - DAVIS; C - COHEN; D - ADAMS; E - MARTIN; G - PENNINGTON and I - RODRIGUEZ**

PROPERTY - NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Michael E. McMahan, Levinson Alcoser Associates, L.P., on behalf of Tanglewood Court Associates, LP (Tanglewood Court Associates GP, LLC. [Alan Hassenfly, President], General Partner), for abandonment and sale of a 10-foot-wide prescriptive water line easement, a 10-foot-wide by 32-foot-wide water line easement, and two 10-foot-wide fire hydrant easements, all located within the Three Fountains Square Subdivision, Replat of Block F, out of the Robert Vince Survey, Abstract 77, and/or the Charles Sage Survey, Abstract 697, Parcels SY13-053A, SY13-053B, SY13-053C and SY13-053D - **DISTRICT G - PENNINGTON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 11

8. ORDINANCE appropriating \$2,315,066.20 out of Equipment Acquisition Consolidated Fund for purchase of Patrol Vehicles for the Houston Police Department
- a. **PHILPOTT MOTORS LTD. d/b/a PHILPOTT FORD** - \$978,470.20, **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** - \$3,362,227.00 and **PHILPOTT MOTORS LTD, d/b/a PHILPOTT FORD** - \$61,937.30 for Patrol Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council and the Texas Local Government Purchasing Cooperative (BuyBoard) for the Houston Police Department \$1,892,576.00 and \$194,992.30 - General and Grant Funds

PURCHASING AND TABULATION OF BIDS - continued

9. **RSG AVIATION, INC** for Bell 412 Series Twin-Engine Helicopter Component Overhaul/Exchange and Repair Services for the Houston Police Department - 3 Years - \$330,014.62 - General and Grant Funds
10. **DRIVECAM, INC** for Tier 3 Management Services and DriveCam Online Subscription Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Solid Waste Management Department - \$143,136.00 - General Fund
11. **J. TYLER SERVICES, INC** - \$112,162.52, **CONTRACT RESOURCE GROUP, LLC** - \$58,968.18 and **JIMENEZ CONTRACT SERVICES, LLC** - \$32,300.80 for Office Furniture from the State of Texas Procurement and Support Services Contract through the State Cooperative Purchasing Program for Various Departments - General, Enterprise and Other Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 50

12. RESOLUTION designating the **BUTLER BROTHERS BUILDING** located at 1002 Washington Avenue within the City of Houston as a landmark and protected landmark - **DISTRICT H - GONZALEZ**
13. ORDINANCE **AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to City contracting, including but not limited to the adoption of a city-wide goal for the City's Minority, Women, And Small Business Enterprise Program relating to construction contracts let by the City; containing a repealer; containing a savings clause; making various findings and provisions relating to the foregoing subject
14. ORDINANCE **AMENDING ARTICLE II, CHAPTER 45, OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the protection of vulnerable road users; containing findings and other provisions relating to the foregoing subject; providing for severability
15. ORDINANCE authorizing the issuance of one or more series of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2013 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014; prescribing the terms and form thereof and authorizing the Finance Working Group to determine certain terms and conditions relating thereto; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of a Preliminary Official Statement and official notice of sale to be used in connection with the sale of the Notes; authorizing the preparation and distribution of an Official Statement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement; authorizing a Bond Counsel Agreement and a Special Tax Counsel and Special Disclosure Counsel Agreement; and making other findings and provisions relating to such notes and matters incident thereto; and declaring an emergency
16. ORDINANCE approving a Supplemental Borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2013A to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2013 and ending June 30, 2014; providing for the payment of the principal of and interest on such Notes; authorizing the procedure for determining the terms and conditions of such Notes; authorizing the execution of a Note Purchase Agreement; approving Bond Counsel and Special Tax and Special Disclosure Counsel; making other findings and provisions related to such Notes and matters incident thereto; and declaring an emergency
17. ORDINANCE amending Exhibits "A" of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2012-851), to amend the Master Classification Ordinance to add one new job classification; changing the pay grade of one job classification; to add thirteen Judge of Municipal Court positions; and deleting one job classification; providing a repealer; providing for severability

RESOLUTIONS AND ORDINANCES - continued

18. ORDINANCE approving Foreign Trade Zone Agreement for the payment of Ad Valorem Taxes between the City of Houston and **MITSUBISHI CATERPILLAR FORKLIFT AMERICA, INC, a DELAWARE CORPORATION**; authorizing the Mayor to execute a Letter of Non-opposition to the establishment of a Foreign Trade Special Purpose Subzone - **DISTRICT A - BROWN**
19. ORDINANCE approving Foreign Trade Zone Agreement for the payment of Ad Valorem Taxes between the City of Houston and **TOSHIBA INTERNATIONAL CORPORATION, a CALIFORNIA CORPORATION**; authorizing the Mayor to execute a Letter of Non-opposition to the establishment of a Foreign Trade Special Purpose Subzone - **DISTRICT A - BROWN**
20. ORDINANCE approving and authorizing contract between the City of Houston and the **GREATER EAST END MANAGEMENT DISTRICT** for the provision and acceptance of Local Funds for the design and construction of projects funded by the US DOT Transportation Investment Generating Economic Recovery (TIGER) Grant (Approved by Ordinance No. 2011-912) - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**
21. ORDINANCE authorizing an additional allocation for Interim Operations and Capital Funding of a Recovery/Sobering Facility pursuant to Interlocal Agreement between the City of Houston and the **HOUSTON RECOVERY CENTER LGC**, Approved by Ordinance No. 2013-0069 - \$363,178.57 General Fund
22. ORDINANCE appropriating \$2,500,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **GCR, INC** for Professional Information Technology Consulting Services for the Houston Airport System; providing a maximum contract amount - **DISTRICTS B - DAVIS; E - MARTIN and I - RODRIGUEZ**
23. ORDINANCE approving and authorizing fourth amendment to contract between the City of Houston and **BAYLOR COLLEGE OF MEDICINE** for Professional Staffing Services for the Houston Fire Department Base Station
24. ORDINANCE approving and authorizing a Master Service Agreement between the City of Houston and **CYRUSONE LLC** for Co-Location Services at a Consolidated Tier III Data Center Facility; providing a maximum contract amount - 5 Years - \$2,327,846.00 - Central Service Chargeback Fund
25. ORDINANCE awarding contract to **AMERICAN CADASTRE, LLC d/b/a AMCAD** for Software Maintenance and Support Services for the Vital Statistics Imaging and Retrieval Information System for the Department of Health and Human Services; providing a maximum contract amount 2 Years - \$115,000.00 - Health Special Fund
26. ORDINANCE amending Ordinance No. 2010-684 (Passed on August 25, 2010) to increase the maximum contract amount for contract between the City of Houston and **RUSH TRUCK CENTERS OF TEXAS, L.P. dba RUSH TRUCK CENTER, HOUSTON** for Peterbilt Truck Repair Services for the Public Works & Engineering Department - \$156,243.75 - Fleet Management Fund
27. ORDINANCE de-appropriating \$44,475.00 out of Police Consolidated Construction Fund for a Construction Contract (Approved by Ordinance No. 2011-1131); and appropriating \$44,475.00 out of Police Consolidated Construction Fund for purchase order for Fuel Island Replacement at HPD Westside Command Station - **DISTRICT F - HOANG**
28. ORDINANCE issuing a permit to **TERRY OIL & GAS COMPANY, L.P., dba CLOVER PRODUCTION COMPANY**, to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which the permit is issued - **DISTRICT E - MARTIN**

RESOLUTIONS AND ORDINANCES - continued

29. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of the Houston Airport System; providing a maximum contract amount - **DISTRICTS B - DAVIS; E - MARTIN and I - RODRIGUEZ**
30. ORDINANCE approving and authorizing an agreement for Legal Services between the City of Houston and **BECK REDDEN LLP** for representation of the City in connection with the litigation against Visa and MasterCard, their affiliates and defendants identified in Interchange Class Action styled No. 05-MD-1720-JG-JO; in re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation
31. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to certain improved single-family residential properties within the **ALMEDA PLAZA SUBDIVISION, SECTIONS 1 & 2**, north of Almeda Plaza Drive and Section 4 to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT K - GREEN**
32. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to certain improved single-family residential properties within the **ALMEDA PLAZA SUBDIVISION, SECTIONS 1 and 2**, south of Almeda Plaza Drive and Section 3 to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT K - GREEN**
33. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all improved single-family residential properties within the **BRAEBURN VALLEY SUBDIVISION, SECTIONS 3-7** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT K - GREEN**
34. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to certain improved single-family residential properties within the **OAK FOREST SUBDIVISION, SECTION 17, BLOCKS 1-20** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - COHEN**
35. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to certain improved single-family residential properties within the **OAK FOREST SUBDIVISION, SECTION 17, BLOCKS 21-24** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - COHEN**
36. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to certain improved single-family residential properties within the **OAK FOREST SUBDIVISION, SECTION 17, BLOCKS 30-36** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - BROWN**
37. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all improved single-family residential properties within the **SCENIC WOODS PLAZA SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT B - DAVIS**
38. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all improved single-family residential properties within the **UNIVERSITY OAKS SUBDIVISION and FORTY-THREE NINETY SEVEN NORTH MACGREGOR SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT D - ADAMS**

RESOLUTIONS AND ORDINANCES - continued

39. ORDINANCE consenting to the addition of 10.069 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district
40. ORDINANCE consenting to the addition of 13.710 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, for inclusion in its district
41. ORDINANCE consenting to the addition of 262.89 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 501**, for inclusion in its district
42. ORDINANCE consenting to the addition of 45.49 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**, for inclusion in its district
43. ORDINANCE approving and authorizing first amendment and appropriating \$287,500.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CONSTRUCTION AND MANAGEMENT PROFESSIONALS, LLC d/b/a PKV ENGINEERING** for services associated with the East Water Purification Plant: Forebay Condition Assessment at Plant 3, Forebay Berm Thickness Assessment at Plant 1, Plant 2 and Landfill Access Road Improvements (Approved by Ordinance No. 2011-0719); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT E - MARTIN**
44. ORDINANCE appropriating \$1,745,000.00 out of Street & Traffic Control and Storm Drainage DDSRF; awarding contract to **P2MG, LLC** for FY2013 Local Drainage Project Construction Work Orders #2; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF
45. ORDINANCE appropriating \$4,039,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Repair / Rehabilitation of WCID #47 Wastewater Treatment Plant Blowers and Blower Building; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - MARTIN**
46. ORDINANCE appropriating \$5,655,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BRH-GARVER CONSTRUCTION, L.P.**, for Amy Ridge and Hiram Clarke Lift Station Diversion; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT K - GREEN**
47. ORDINANCE appropriating \$2,637,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLLINS & COLLINS** for Water Line Replacement in Garden Villas West Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

48. ORDINANCE appropriating \$2,726,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Water Line Replacement in Sagemont Park Area 2; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
DISTRICT D - ADAMS
49. ORDINANCE appropriating \$3,270,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **DCE CONSTRUCTION INC** for Water Line Replacement in Windsor Village Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT K - GREEN**
50. ORDINANCE appropriating \$2,324,335.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Water Distribution System Rehabilitation and Renewal II; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (WA11140)

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Davis first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

***CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
MAY 7, 2013 - 2:00PM***

AGENDA

<u>3MIN</u>	<u>3MIN</u>	<u>3MIN</u>
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MR. JEFF NIELSEN – 4001 Sherwood Ln. – 77092 – 713-349-9434 – Chapter 15 – Item 13

NON- AGENDA

<u>1MIN</u>	<u>1MIN</u>	<u>1MIN</u>
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DR. ALKEBU MOTAPA – 5022 Cosby - 77021 – 713-741-5150 – Man and Humanity Police detained Motapa

<u>2MIN</u>	<u>2MIN</u>	<u>2MIN</u>
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<u>3MIN</u>	<u>3MIN</u>	<u>3MIN</u>
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MS. KAREN BANDA – 10213 Rumar Ln. – 77029 – 832-341-4197 – Toxic Pollutants in Houston’s East End

MR. LUIS CANALES – 10111 Fleming Dr. – 77013 – 832-512-8962 - Toxic Pollutants in Houston’s East End

MS. PAOLA RAMON – 10429 Muscatine St. – 77029 – 832-542-7977 - Toxic Pollutants in Houston’s East End

MS. SABRINA OLVERA – 660 Maxey Rd. Trlr. No. 17 – 77013 – 832-695-9504 - Toxic Pollutants in Houston’s East End

MS. ROMELIA SANCHEZ – 1268 Dove St. – 77015 – 832-410-2035 - Toxic Pollutants in Houston’s East End

MS. HEAINE ESPINOZA – 10701 Muscatine St. – 77029 – 713-678-8311 - Toxic Pollutants in Houston’s East End

MR. ROBERT REYNA – 15534 Zabolio, No. 264 – Webster – TX – 77598 – 832-580-6733 – Largest music video in Houston

MR. LOUIS M. LIMONES – 5811 Dwyer – Humble – TX – 77396 – 713-401-4398 – Water bill – disconnected for \$150.00

MR. /COACH R. J. BOBBY TAYLOR - 3107 Sumpter - 77026 - FA34511 – Behavior Coward Conspiracy my born little girl from birth

MR. WILLIAM BEAL – No address – No phone – Superman: The Movie Starring Christopher Reeves

PREVIOUS

<u>1MIN</u>	<u>1MIN</u>	<u>1MIN</u>
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PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – 713-928-2871 – US Chief Justice JRoberts w/Justice Sotomayor confirmed – US President JCharles Re-election



OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

ANNISE D. PARKER
MAYOR

MAY 08 2013

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 4-18-13
date

COUNCIL MEMBER: _____

April 12, 2013

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to City of Houston Code of Ordinances, Chapter 33, I am nominating the following individuals for reappointment to the Planning Commission, subject to Council confirmation:

Mark A. Kilkenny, reappointment to Position Five, for a term to expire March 31, 2015;
Fernando L. Brave, reappointment to Position Six, for a term to expire March 31, 2014;
Kenneth J. Bohan, reappointment to Position Ten, for a term to expire March 31, 2015;
Algenita Scott Davis Segars, reappointment to Position Twelve, for a term to expire March 31, 2015;
Eileen Subinsky, reappointment to Position Thirteen, for a term to expire March 31, 2014; and
Brandon Dudley, reappointment to Position Fourteen, for a term to expire March 31, 2015.

Members of the Planning Commission also serve as members of the Airport Commission.

Résumés are attached for your review.

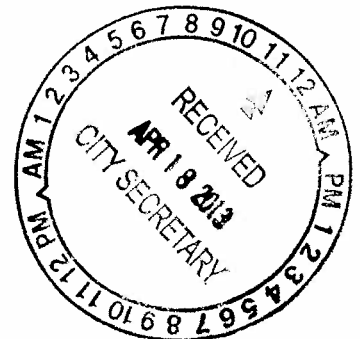
Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachments

cc: Ms. Marlene Gafrick, Director, Planning and Development Department
Mr. Mario Diaz, Director, Houston Airport System



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work

Hallmark Capital Group, LLC dba Hallmark-Farrell Roofing Company
Sunnyside Multi-Service Center Roof
WBS No. H-000018-0004-4

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1 of 2

Agenda Item

2

FROM (Department or other point of origin):
General Services Department

Origination Date

5/11/13

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE:

Scott Minnix

4/16/13

Scott Minnix

Council District(s) affected:

D

For additional information contact:

Jacquelyn L. Nisby

Phone: 832.393.8023

Date and identification of prior authorizing Council action:

Ordinance No. 2012-0260; March 28, 2012

Ordinance No. 2012-0473; May 16, 2012

RECOMMENDATION: The General Services Department recommends approval of final contract amount of \$539,134.45 and acceptance of work on contract with Hallmark Capital Group, LLC dba Hallmark-Farrell Roofing Company for Sunnyside Multi-Service Center Roof – 15.03% over the original contract amount and under the approved 18.5% contingency.

Amount and Source of Funding: No Additional Funding Required

Finance Budget:

Previous Funding:

\$ 478,005.00 ARRA – American Recovery and Reinvestment Act (5300)

\$ 77,547.00 Public Health Consolidated Construction Fund (4508)

\$ 555,552.00 Total Funding

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$539,134.45 or 15.03% over the original contract amount, accept the work and authorize final payment to Hallmark Capital Group, LLC dba Hallmark-Farrell Roofing Company for construction services in connection with the Sunnyside Multi-Service Center Roof for the Department of Health and Human Services.

PROJECT LOCATION: 4605 Wilmington (573B)

PROJECT DESCRIPTION: The project installed a roof overlay over the existing roof; removed existing asbestos containing roof flashing and exterior sealants; performed an infra-red survey of the existing roof system; installed a new overflow drainage system; replaced ceilings to facilitate the drain installation; installed new exterior flashing/caulking/sealants, a new roof hatch and ladder and an elastomeric coating on all exterior wall surfaces. Portions of the existing roof system were removed or repaired, prior to the roof overlay. The new roof cap sheet meets the City of Houston's "Cool Roof" requirements.

PREVIOUS HISTORY AND PROJECT SCOPE: On March 28, 2012, City Council awarded a construction contract to Hallmark Capital Group, LLC dba Hallmark-Farrell Roofing Company to provide construction services for Sunnyside Multi-Service Roof and appropriated \$515,552.00. On May 16, 2012, City Council approved a First Amendment, which increased the director's authority to approve Change Orders up to 18.5%, and appropriated an additional \$40,000.00 to address various unforeseen conditions related to additional water leaks.

REQUIRED AUTHORIZATION

CUIC ID # 25CONS209

General Services Department:

Housing and Community Development Department:

Department of Health and Human Services:

Richard A. Vella
Richard A. Vella
Chief of Design & Construction Division

Neal Rackleff
Neal Rackleff
Director

Stephen L. Williams, M.ED, M.P.A.
Stephen L. Williams, M.ED, M.P.A.
Director

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Date	SUBJECT: Accept Work Hallmark Capital Group, LLC dba Hallmark-Farrell Roofing Company Sunnyside Multi-Service Center Roof WBS No. H-000018-0004-4	Originator's Initials KTH	Page 2 of 2
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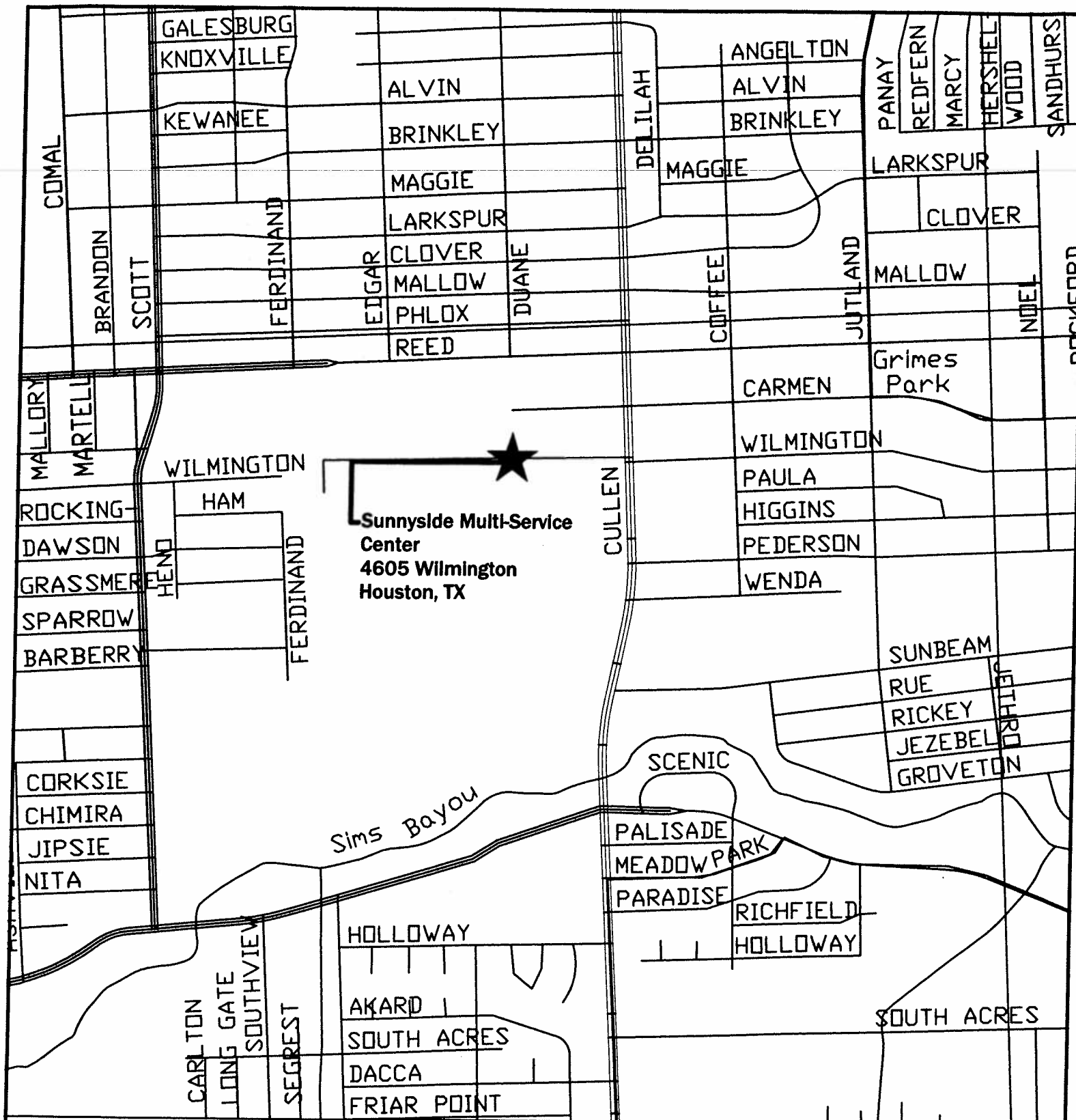
CONTRACT COMPLETION AND COST: The contractor completed the project within 77 days: the original contract time of 60 days, plus 17 days approved by Change Orders. The final cost of the project including Change Orders is \$539,134.45, an increase of \$70,450.45 over the original contract amount.

Building Envelope Consultants, LLC was the project design consultant.

PREVIOUS CHANGE ORDERS: Change Orders 1-3 repaired existing roof drains, replaced wet insulation and roof membrane and electrical junction boxes at all roof top fans.

SM:RAV:JLN:MCP:MD:kth

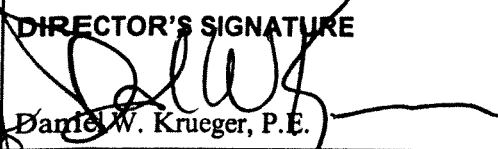
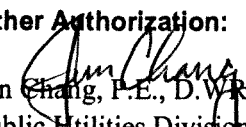
c: Marta Crinejo, Jacquelyn L. Nisby, Christopher Gonzales, Celina Ridge, Claudette Manning, Pirooz Farhoomand, Gabriel Mussio, File



Sunnyside Multi-Service Center Roof **4605 Wilmington (Key Map 537D)**

TO: Mayor via City Secretary

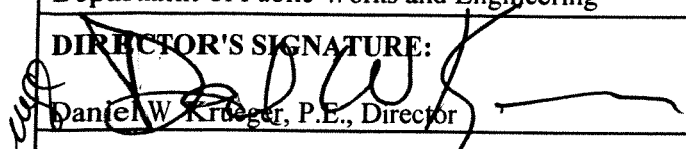
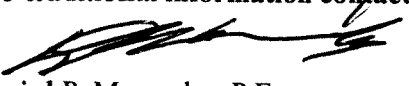
REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation WBS# R-000266-0139-4		Page 1 of 1	Agenda Item # 3
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/2/13	Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: (A, B, C, F, G, H and I) A, B, C, F, G, H, I, J and K	
For additional information contact: Jason Iken, P.E. Senior Assistant Director Phone: (832) 395-4989		Date and Identification of prior authorizing Council action: Ordinance No. 2009-894, dated 09/23/2009	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$433,827.03, which is 5.32% under the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. <i>M.P. 4/18/2013</i> Original appropriation of \$486,120.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.			
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided cleaning and television inspection in support of rehabilitation to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to CleanServe, Inc. with an original contract amount of \$458,209.81. The Notice to Proceed date was 11/12/2009 and the project had 730 calendar days for completion. LOCATION: The project was located at various locations within Council Districts A, B, C, F, G, H and I. CONTRACT COMPLETION AND COST: The contractor, CleanServe, Inc., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$433,827.03, a decrease of \$24,382.78 or 5.32% under the original contract amount. Fewer point repairs were needed than anticipated. The final amount of this work order contract was not affected by Change Order No. 1. MWDBE PARTICIPATION: This contract was not a goal-oriented contract per Article V, Chapter 15. DWK:JC:JI:DR:mb Attachments			
Project File 4277-43		REQUIRED AUTHORIZATION	
Finance Department		Other Authorization:  Jun Chang, P.E., D.W.R.E., Deputy Director Public Utilities Division	

4277-43	Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation				
WBS No. R-000266-0139-4	CleanServe Inc.				
WORK ORDER	KEY MAP	SUBDIVISION	BASIN	Old Council Dist.	New Council Dist.
6	452K,L,Q	OAK GROVE	II064	A	C
13	451T	LONG POINT OAKS	IA034	A	A
14	451P	CENTRAL GARDENS	IA035	A	A
17	449L	SPRING MEADOWS	WD065	A	A
22	452J	OAK FOREST	IA059	A	C
9	455M,L	RAILWOOD	FB016	B	B
21	451D,H	PINEMONT PLAZA	NW148	B	B
4	492W,432A	MONTCLAIR	AS049	C	C
7	489G	TOWN AND COUNTRY	WDP05	C	G
8	531V	WILLOW MEADOWS	SW004	C	K
3	530J, N	SHARPSTOWN COUNTRY CLUB TERRACE	KB312	F	J
18	529W	KEEGAN GLEN	MA326	F	F
1	529S, T	KEEGAN GLEN	MA328	F	F
15	489P, Q	LAKESIDE ESTATE T/H	WD027	G	F,G
19	489Q, U	WALNUT BEND	WD032	G	F,G
2	453Y	WHITE OAK	IIP23	H	H
10	453P, Q	STYERS U/R	IIP25, IIP23 & II023	H	H
16	492C, D	HOUSTON ESTATES	II128	H	C
20	493A,B & 453X,W	NORHILL	II117	H	C,H
5	575G,H,L,M	EAST HAVEN	EH346	I	I
11	493R	SSBB	II266	I	I
12	493L	SSBB	II167	I	I

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Bretshire Detention Basin Project HCFCD Project ID #P518-04-00-E003; WBS No. M-000296-0007-4.	Page 1 of 2	Agenda Item # 4
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/2/13	Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: B (B) <i>ja</i>	
For additional information contact:  Daniel R. Menendez, P.E. Deputy Director Phone: (832) 395-2201	Date and identification of prior authorizing Council action: Ord. # 2011-0545 dated: 06/22/2011	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$4,714,707.64 or 0.01% under the original Contract Amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$5,380,900.00 with \$4,715,038.30 from the Reimbursement of Equipment/Projects Fund No. 1850 and \$665,861.70 from the Drainage Improvement Commercial Paper Series F Fund No. 4030.

PROJECT NOTICE/JUSTIFICATION: This project consisted of the construction of a storm water detention basin. This project provides permanent detention volume along Halls Bayou for the City of Houston and Harris County Flood Control District (HCFCD). Construction of the project was funded by the Texas Department of Rural Affairs through the Texas Community Development Block Grant (CDBG) Disaster Recovery Entitlement Grant funds. The land and engineering were provided by the HCFCD. The City bid and constructed the basin using grant funds not to exceed \$6,000,000.00. HCFCD will maintain the basin after construction. This project benefited 93,590 people of which 68% are low to moderate income individuals.

DESCRIPTION/SCOPE: This project consisted of clearing and grubbing approximately 40-acres of the site, excavation and disposal off-site of approximately 837,141 cubic yards of excavate, and certain demolition as shown on the construction plan. The project included construction of a detention basin ranging in depth from approximately 9 to 15-feet from top of bank to bottom of basin, three approximately 6-feet deep wet ponds for storm water quality basins, and eight concrete backslope interceptor structures with 24-inch corrugated metal pipe outfall. Type "E" inlets and 24-inch reinforced concrete pipe leads are covering storm water runoff from the street right-of-way to the storm water quality basins. The project included demolition and removal of all abandoned underground utilities within the perimeter of the proposed basin. McDonough Engineering Corporation designed the project with 400 calendar days allowed for construction. The project was awarded to Sprint Sand and Clay, LLC. with an original Contract Amount of \$4,715,038.30.

LOCATION: The proposed facility is constructed on ground currently owned by HCFCD which is adjacent to Halls Bayou. The site is bounded on the south by Parker Road, on the east by Jensen Dr., on the west by Shady Lane, and the north by Halls Bayou. The project is located in the Key Map Grids 414W, X.

CONTRACT COMPLETION AND COST: The Contractor, Sprint Sand and Clay, LLC. has completed the work under the subject Contract. The project was completed with an additional 60 days approved by Change Order No. 1 and 2. The final cost of the project, including overrun and underrun of estimated bid quantities is \$4,714,707.64 a decrease of \$330.66 or 0.01% under the original Contract Amount.


REQUIRED AUTHORIZATION

20HA223

Finance Department:

Other Authorization:

Other Authorization:


Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

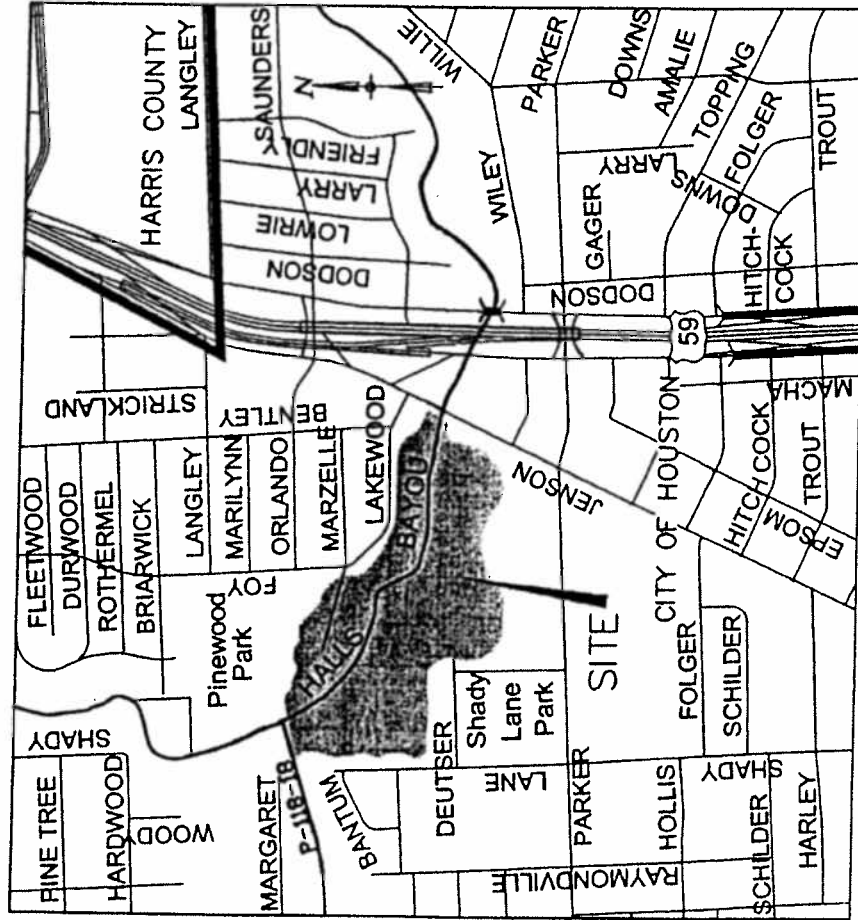
Date	SUBJECT:. Accept Work for Bretshire Detention Basin Project HCFCF Project ID #P518-04-00-E-003; WBS No. M-000296-0007-4.	Originator's Initials <i>ha</i>	Page 2 of 2
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The decreased cost is a result of the difference between planned and measured quantities of various base unit price items, which were not necessary to complete the project.

MBE/SBE PARTICIPATION: The MBE/SBE goal established for this project was 16%. According to Mayor's Office of Business Opportunity, the participation was 17.70%. Contractor's MBE/SBE performance evaluation was rated Outstanding.


DWK:DRM:RJM:JAC:ha

H:\E&C Construction\North Sector\PROJECT FOLDER\M-000296-0007-4\FINAL\RCA\RCA - Closeout.doc



VICINITY MAP

KEY MAP NO 414 W & X
 GIMS MAP NO 5461B & 5462D
 ZIP CODE 77093

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Replacement of Timber Bridge at Shawnee Street across HCFC #106-03-00; WBS No. N-00445N-0030-4.

Page
1 of 1

Agenda Item
#

5

FROM (Department or other point of origin):

Origination Date


Agenda Date

Department of Public Works and Engineering

5/2/13

MAY 08 2013

DIRECTOR'S SIGNATURE:


Daniel W. Krueger, P.E., Director

Council District affected:

E
(E)

25

For additional information contact:


Daniel R. Menendez, P.E.

Deputy Director

Phone: (832) 395-2201

Date and identification of prior authorizing Council action:

Ord. # 2012-0498 dated: 05/30/2012

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$269,173.30 or 0.38% under the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$313,000.00 from FUND 4040 – METRO Projects Construction DDSRF.

PROJECT NOTICE/JUSTIFICATION: This project was part of Work Order Bridge Rehabilitation Program of Capital Improvement Plan (CIP) to repair and replace existing damaged timber bridge with concrete bridge.

DESCRIPTION/SCOPE: This project consisted of removing and replacing of existing old timber bridge at Shawnee Street with a new concrete bridge of 35-feet span including concrete drill shafts, pre-stressed concrete slab beams, deck slab, approach slabs, bridge railing and sidewalk. Entech Civil Engineers, Inc. designed the project with 120 calendar days allowed for construction. The project was awarded to Mar-Con Services, LLC. with original Contract amount of \$270,211.26.

LOCATION: This project area is generally bounded by College Street on the north, Edgebrook Drive on the south, SH3 on the east and IH45 on the west. The project is located in Key Map Grid 576 E.

CONTRACT COMPLETION AND COST: The Contractor, Mar-Con Services, LLC., has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$269,173.30, a decrease of \$1,037.96 or 0.38% under the original Contract Amount.

The decreased cost is a result of the difference between planned and measured quantities. This decrease is primarily the result of an underrun in Bid Item No. 3 - Flagmen, and Extra Unit Price Items, which were not necessary to complete the project.

M/WBE PARTICIPATION: The Contract was not a goal-oriented Contract per Art. V, Chapter 15.


DWK:DRM:PK:CJ:ha

H:\E&C Construction\East Sector\PROJECTS\N-00445N-0030-4 Shawnee Bridge\Close Out\Close Out Docs\RCA\RCA - Closeout.doc


REQUIRED AUTHORIZATION

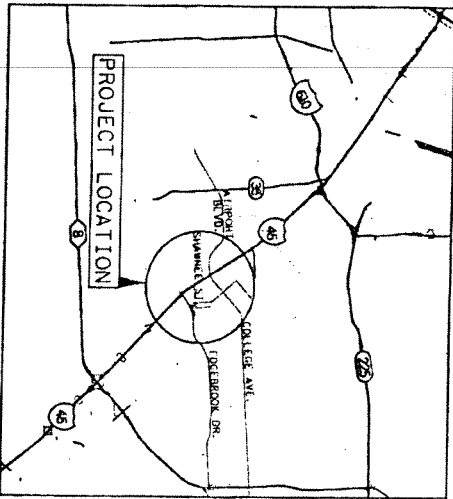
20HA226

Finance Department:

Other Authorization:

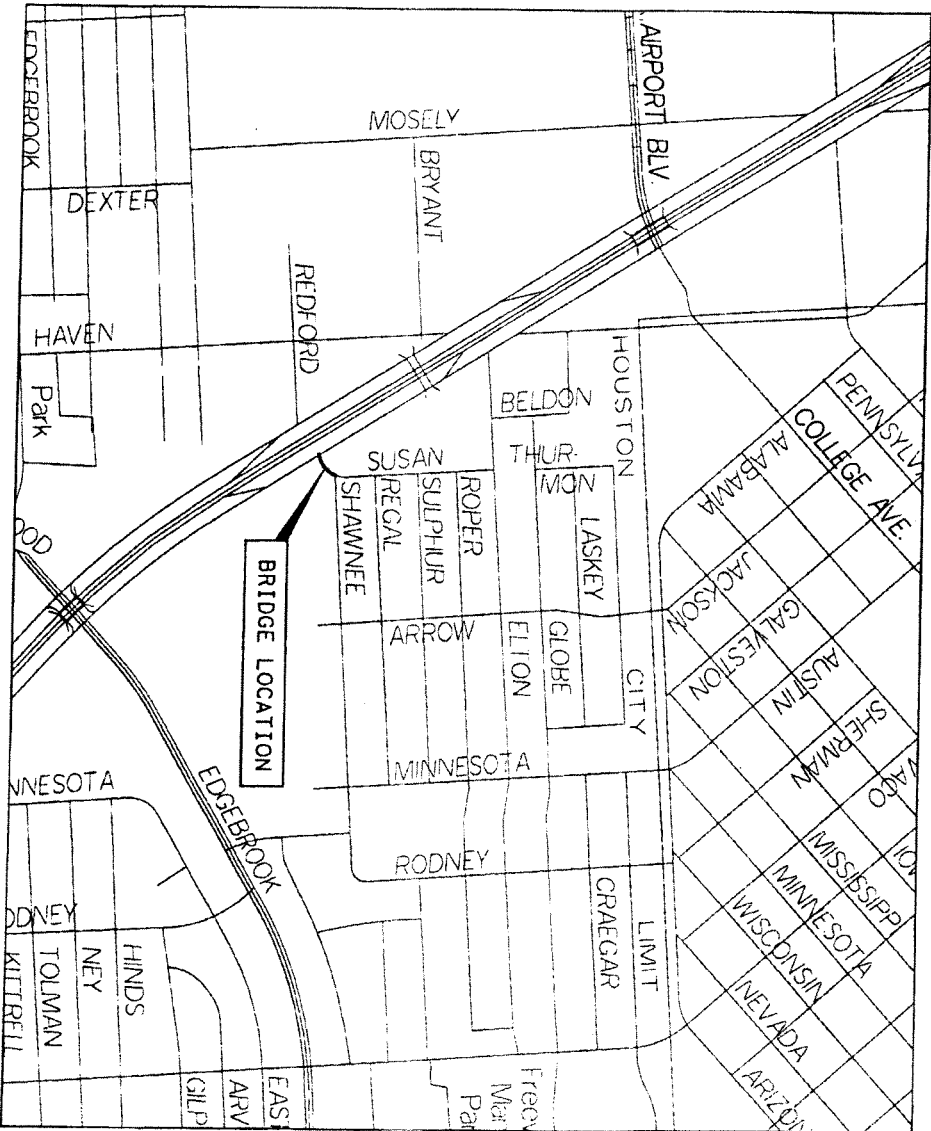
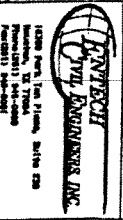
Other Authorization:


Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division



VICINITY MAP


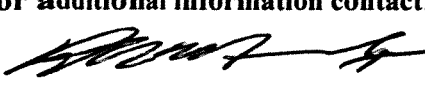
LEGEND
 — SHAWNEE ST.



BRIDGE LOCATION

PROJECT LOCATION MAP
 REPLACEMENT OF TIMBER BRIDGE
 SHAWNEE ST ACROSS HCPCD #106-03-00
 WSB NO. N-00445N - 0030 -3



SUBJECT: Accept Work for City Wide Overlay/ Rehabilitation Project Package #17 (Work Order Contract); WBS No. N-001037-0062-4.	Page 1 of 2	Agenda Item # 6
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/2/13	Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: (All) B, C, D, E, G, I	
For additional information contact:  Daniel R. Menendez, P.E. Deputy Director Phone: (832) 395-2201	Date and identification of prior authorizing Council action: Ord. # 2011-1162 dated: 12/14/2011	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$4,940,661.92 or 3.11% over the original Contract Amount and under 5% contingency amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$5,576,124.00 from Metro Projects Construction Fund 4040.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City Wide Overlay Program and was required to improve and maintain a safe road surface and accessibility.

DESCRIPTION/SCOPE: This project package provided construction to address the needed improvements of the arterial and major thoroughfare streets by asphalt overlay resurfacing and repair of deteriorated base and replacement of damaged curbs and ramps. This was a work order contract where projects were assigned as they were designed. The project was designed in-house by the Engineering Branch staff with 365 calendar days allowed for construction. The project was awarded to Angel Brothers Enterprises, Ltd. with an original Contract Amount of \$4,791,182.00.

LOCATION: The project locations are listed below:


<u>S. No.</u>	<u>Street</u>	<u>Limit</u>	<u>Key Map Grid</u>	<u>Council District</u>
1.	McKinney St.	Hwy 59 to York	493R, 493V, 494S	I
2.	Kirby St.	US 59 to Bissonnet St.	492Y	C
3.	Fuqua St.	FM 865 (Cullen) to Cottingham	573V, 574S	D
4.	Bay Area Blvd.	Hwy 3 to Reseda	618T, 618P, 618Q	E
5.	Montrose Blvd.	Allen Parkway to W. Dallas	493J	C
6.	San Felipe St.	Kirby Dr. to Shepherd Dr.	492Q	G
7.	Montrose Blvd.	US 59 to Bissonnet St.	493W	C
8.	Little York Road	Hirsch Road to Homestead Road	414U, 414V	B

CONTRACT COMPLETION AND COST: The Contractor, Angel Brothers Enterprises, Ltd., has completed the work under the subject Contract. The project was completed with an additional 33 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities is \$4,940,661.92, an increase of \$149,479.92 or 3.11% over the original Contract Amount.

The increased cost is a result of the difference between planned and measured quantities. This increase is primarily the result of an overrun in various Base Unit Price Items and Extra Unit Price Items, which were necessary to complete the project.

REQUIRED AUTHORIZATION

20HA225A

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	SUBJECT:. Accept Work for City Wide Overlay/ Rehabilitation Project Package #16 (Work Order Contract); WBS No. N-001037-0062-4.	Originator's Initials AS	Page 2 of 2
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MBE/SBE PARTICIPATION: The MBE/SBE goal established for this project was 18%. According to Mayor's Office of Business Opportunity, the participation was 20.55%. Contractor's MBE/SBE performance evaluation was rated Outstanding.


DWK:DRM:RJM:DO:ha

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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Request for the abandonment and sale of a 10-foot-wide prescriptive water line easement, a 10-foot-wide by 32-foot-wide water line easement, and two 10-foot-wide fire hydrant easements, all located within the Three Fountains Square Subdivision, Replat of Block F, out of the Robert Vince Survey, Abstract 77, and/or the Charles Sage Survey, Abstract 697. **Parcels SY13-053A, SY13-053B, SY13-053C, and SY13-053D**

Page

1 of 2

Agenda Item #

7

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

5/2/13

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE:


Daniel W. Krueger, P.E., Director

Council District affected: G

W

Key Map: 491N/491P

For additional information contact:

Nancy P. Collins  Phone: (832) 395-3130
Senior Assistant Director-Real Estate

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the abandonment and sale of a 10-foot-wide prescriptive water line easement, a 10-foot-wide by 32-foot-wide water line easement, and two 10-foot-wide fire hydrant easements, all located within the Three Fountains Square Subdivision, Replat of Block F, out of the Robert Vince Survey, Abstract 77, and/or the Charles Sage Survey, Abstract 697. **Parcels SY13-053A, SY13-053B, SY13-053C, and SY13-053D**

Amount and

Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

Michael E. McMahan, Levinson Alcoser Associates, L.P., 1177 West Loop South, Houston, Texas 77027, on behalf of Tanglewood Court Associates, LP (Tanglewood Court Associates GP, LLC. [Alan Hassenfly, President], General Partner), requested the abandonment and sale of a 10-foot-wide prescriptive water line easement, a 10-foot-wide by 32-foot-wide water line easement, and two 10-foot-wide fire hydrant easements, all located within the Three Fountains Square Subdivision, Replat of Block F, out of the Robert Vince Survey, Abstract 77, and/or the Charles Sage Survey, Abstract 697. Tanglewood Court Associates, LP, the property owner, plans to demolish the existing structures adjacent to the subject easements and construct a grocery store, bank, restaurant, retail shopping center, and a 450-unit apartment complex.

This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

p:\tp\sy13-053.rca1.doc

CUIC #20TP9349

REQUIRED AUTHORIZATION


Finance Department:

Other Authorization:

Other Authorization:



Mark L. Loethen, P.E., CFM, PTOE
Deputy Director
Planning and Development Services Division

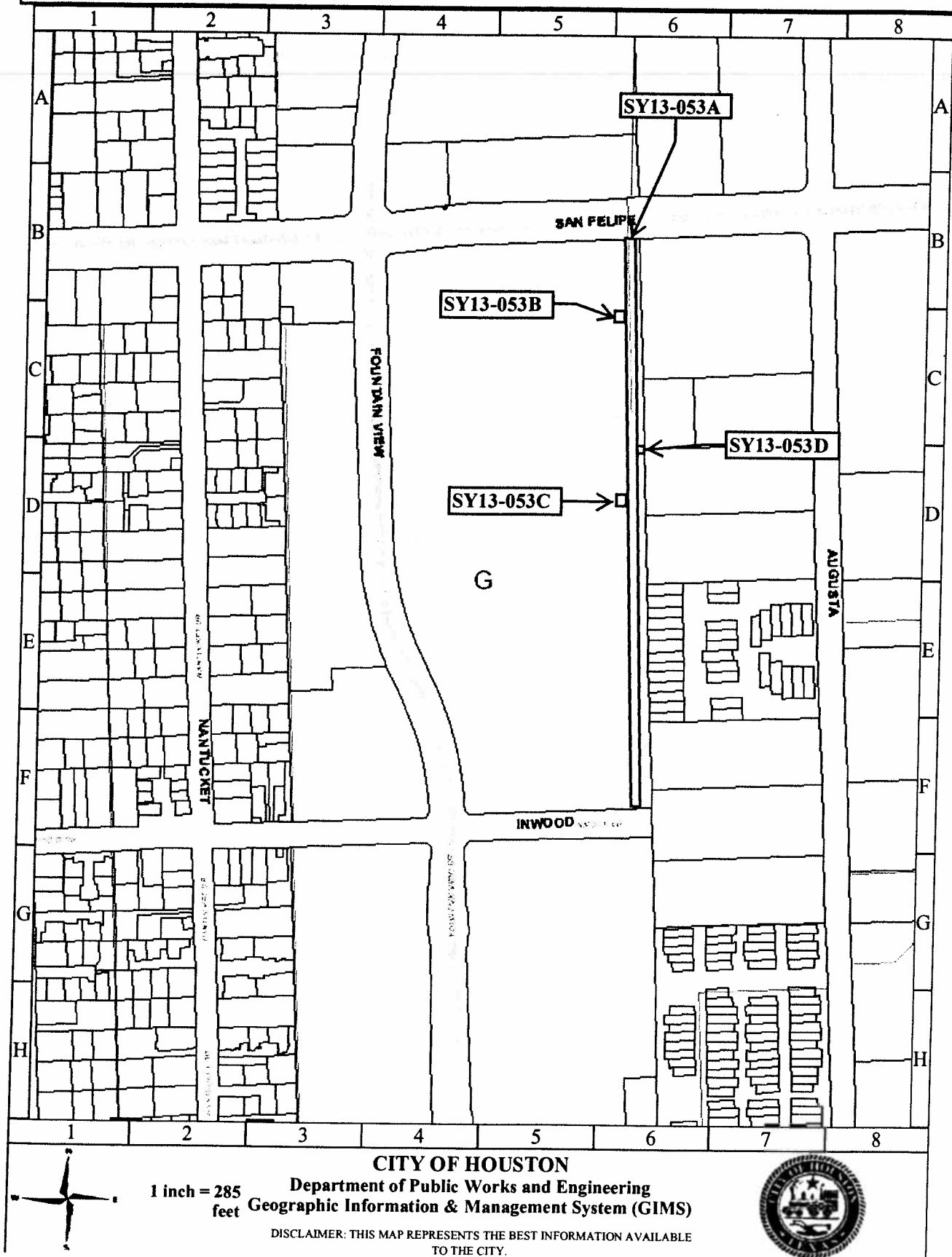
Date:	Subject: Request for the abandonment and sale of a 10-foot-wide prescriptive water line easement, a 10-foot-wide by 32-foot-wide water line easement, and two 10-foot-wide fire hydrant easements, all located within the Three Fountains Square Subdivision, Replat of Block F, out of the Robert Vince Survey, Abstract 77, and/or the Charles Sage Survey, Abstract 697. Parcels SY13-053A, SY13-053B, SY13-053C, and SY13-053D	Originator's Initials 	Page <u>2</u> of <u>2</u>
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1. The City abandon and sell a 10-foot-wide prescriptive water line easement, a 10-foot-wide by 32-foot-wide water line easement, and two 10-foot-wide fire hydrant easements, all located within the Three Fountains Square Subdivision, Replat of Block F, out of the Robert Vince Survey, Abstract 77, and/or the Charles Sage Survey, Abstract 697;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to: (a) convey to the City a temporary 10-foot-wide water line and fire hydrant easement, located within the Three Fountains Square Subdivision, Replat of Block F, out of the Robert Vince Survey, Abstract 77, and/or the Charles Sage Survey, Abstract 697 (Parcel KY13-170), (b) keep the existing fire hydrants active within the temporary 10-foot-wide water line and fire hydrant easement until the existing structures have been demolished and the site cleared, (c) provide a Certificate of Compliance as proof that the structures have been demolished and the site cleared, (d) cut, plug, and abandon the 8-inch water line from the 16-inch water main in San Felipe Road to the 8-inch water main in Inwood Drive, (e) relocate any existing service connections to the 8-inch water main in Fountain View Drive, (f) cut, plug, and abandon or completely remove the fire hydrants upon the demolition of the occupied buildings and completion of Items 3a and 3b, (g) install additional fire hydrants in accordance with the City of Houston Fire Code and applicable Houston Building Code for the project's intended use, (h) pay the depreciated value of the water line and fire hydrant being abandoned, and (i) complete all of the foregoing items at no cost to the City and under the proper permits;
4. The applicant be required to prepare drawings that show all public utilities (water) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the Motion shall be attached to the plan set when it is submitted for plan review;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the City's property interests are not expected to exceed \$1,000,000.00, that the value be established by Paul Lewis, an independent appraiser appointed by the Director of Public Works and Engineering.

DWK:NPC:tp

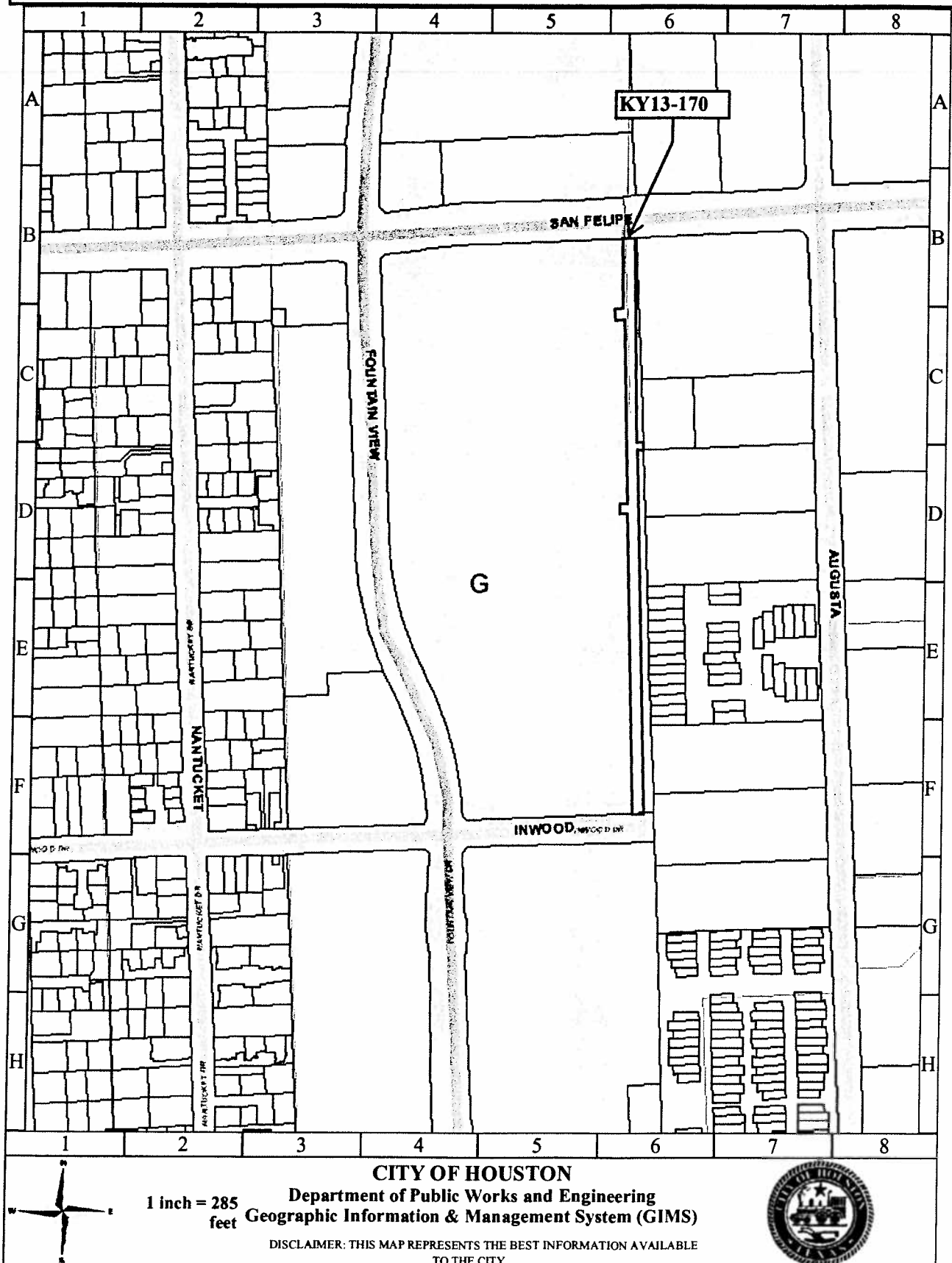
c: Jun Chang, P.E., D.WRE
Marta Crinejo
David Feldman
Marlene Gafrick
Terry A. Garrison
Daniel Menendez, P.E.

Abandonment and sale of a 10-foot-wide prescriptive water line easement, a 10-foot-wide by 32-foot-wide water line easement, and two 10-foot-wide fire hydrant easements, all located within the Three Fountains Square Subdivision, Replat of Block F, out of the Robert Vince Survey, Abstract 77, and/or the Charles Sage Survey, Abstract 697. Parcels SY13-053A, SY13-053B, SY13-053C, and SY13-053D - Council District G



PARCEL MAP -

Temporary 10-foot-wide water line and fire hydrant easement, all located within the Three Fountains Square Subdivision, Replat of Block F, out of the Robert Vince Survey, Abstract 77, and/or the Charles Sage Survey, Abstract 697. Parcel KY13-170



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9682

Subject: Purchase of Patrol Vehicles and a Bomb Squad Response Truck through the Houston-Galveston Area Council and the Texas Local Government Purchasing Cooperative for the Houston Police Department - S38-E24594-H

Category #
1 & 4

Page 1 of 2

Agenda Item

8-8A

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

May 02, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Kenneth Hoglund Phone: (832) 393-6901
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$2,315,066.20 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the purchase of patrol vehicles and a bomb squad response truck through the Houston-Galveston Area Council (H-GAC) and the Texas Local Government Purchasing Cooperative (BuyBoard) in the total amount of \$4,402,634.50 for the Houston Police Department.

Award Amount: \$4,402,634.50

Finance Budget

\$2,315,066.20 - Equipment Acquisition Consolidated Fund (Fund 1800)
\$1,892,576.00 - General Fund (Fund 1000)
\$ 194,992.30 - Fed/Local/State Pass (Fund 5030)
\$4,402,634.50 - Total Funding

SPECIFIC EXPLANATION:

The Director of the Fleet Management Department and the City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$2,315,066.20 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of 20 police interceptor sedans, 147 police utility vehicles and 1 bomb squad response truck through the Interlocal Agreement for Cooperative Purchasing with H-GAC and Buyboard in the amount of \$4,402,634.50 for the Houston Police Department, and that authorization be given to issue purchase orders to the cooperative purchasing agencies' contractors as shown below. These vehicles will be used citywide by the Department's police officers to respond to accidents, crimes and emergency incidents. The bomb squad response truck will be used citywide by the Department to transport personnel and specialized equipment in response to all explosive-related service calls to assess and disable suspected explosive devices. The funding for these vehicles is included in the adopted FY13 Equipment Acquisition Plan.

H-GAC Contractors:

Philpott Motors LTD, d/b/a Philpott Ford: Approve the purchase of 20 all-wheel drive, full-size, 4-door sedans and 20 all-wheel drive, utility vehicles in the amount of \$978,470.20.

Caldwell Automotive Partners, LLC, d/b/a Caldwell Country Chevrolet: Approve the purchase of 127 heavy duty 2-wheel drive, 4-door, utility vehicles in the amount of \$3,362,227.00.

Buyboard Contractor:

Philpott Motors LTD, d/b/a Philpott Ford: Approve the purchase of 1 bomb squad response truck in the amount of \$61,937.30.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 5/2/2013	Subject: Purchase of Patrol Vehicles and a Bomb Squad Response Truck through the Houston-Galveston Area Council and the Texas Local Government Purchasing Cooperative for the Houston Police Department - S38-E24594-H	Originator's Initials LF	Page 2 of 2
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These new patrol vehicles will meet the EPA's current emission standards for low emission vehicles and the bomb squad response truck will meet the current EPA emission standard for trucks with diesel engines. They will come with a warranty of three years or 36,000 miles, and the life expectancy is four years or 100,000 miles. These new patrol vehicles will replace existing units that have reached their useful life and will be sent to auction for disposition. See the attached Equipment Usage Summary for vehicle replacement details.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing an Interlocal Agreement for this purchase.

Attachment: Equipment Usage Summary

Buyer: Lena Farris
PR Nos. 10167261, 10167265, 10167189, 10167292, 10168704 & 10169381

**EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
E24594-H RCA 9682**

NOTE The City's policy to replace police vehicles is 4 years or 100K miles. The vehicles referenced on this list either (i) exceed the years, (ii) the mileage, (iii) a combination of both, or (iv) have been wrecked. Wrecked vehicles are annotated with an asterisk. Further, older vehicles, some with low mileage, still need replacement because of police safety issues, increased maintenance costs, and limited parts availability.

DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT/DIVISION FLEET USAGE	EQUIPMENT REPLACEMENT		
ALL WHEEL DRIVE, FULL SIZE SEDAN, PATROL VEHICLE	10167265	20	Houston Police Department These vehicles will be used citywide by the Department's police officers to respond to accidents, crimes and emergency incidents.	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
				01981	22	10,587
				23916	17	36,288
				25956	16	104,000
				27024	15	77,754
				27353	15	100,868
				29278	14	135,351
				29788	13	60,693
				30415	13	161,688
				30955	12	98,855
				31161	13	188,237
				31165	13	89,093
				31353	12	78,781
				31375	12	189,187
				31445	12	46,685
				31568	12	137,722
				31593	12	125,631
				31604	12	88,391
				31777	12	89,756
				31820	12	92,967
				<u>31866</u>	12	82,936
				20 Units		
ALL WHEEL DRIVE, UTILITY VEHICLE	10167261	20	These vehicles will be used citywide by the Department's police officers to respond to accidents, crimes and emergency incidents.	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
				32286	12	139,487
				32382	12	167,853
				32395	12	169,347
				32400	12	122,766
				32534	11	159,188
				32645	11	78,550
				32706	11	111,263
				32711	11	91,000
				32715	11	141,243
				33073	10	130,856
				33202	10	131,000
				33626	9	111,418
				33762	13	193,763
				33835	9	117,950
				34025	9	129,375
				34390	8	124,780
				34391	8	115,000
				34436	8	182,177
				34486	8	100,868
				<u>31906</u>	12	164,177
				20 Units		

**EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
E24594-H RCA 9682**

ALL WHEEL DRIVE, UTILITY VEHICLE	10167189	31	These vehicles will be used citywide by the Department's police officers to respond to accidents, crimes and emergency incidents.	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
				34511	8	149,655
				35120	7	134,111
				35271	8	139,168
				35284	7	165,332
				35369	8	195,125
				35409	8	144,665
				37726	5	74,282*
				37734	5	124,202
				37739	5	133,597
				37745	5	51,576*
				38783	5	19,838*
				34380	9	146,494
				34434	8	141,365
				34579	8	64,392*
				35018	8	137,002
				35021	8	138,320
				35239	8	131,850
				35273	8	112,176
				35306	8	69,152
				35375	8	132,713
				35408	8	141,075
				35477	8	147,587
				35487	8	126,884
				35768	7	153,913
				35781	7	126,571
				35785	7	148,725
				35787	7	183,822
				35963	7	64,392
				35979	7	138,080
				36003	7	160,517
				36041	7	103,067
				31 Units		
ALL WHEEL DRIVE, UTILITY VEHICLE	10167292	20	These vehicles will be used citywide by the Department's police officers responding to accidents, crimes, and emergency incidents.	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
				36043	7	86,209
				36093	7	113,023
				36731	6	102,275
				36745	6	89,880*
				36747	6	121,206
				36841	6	113,905
				36986	6	127,083
				37133	5	120,122
				37174	5	67,442*
				37195	5	133,597
				37409	5	82,808*
				37490	5	99,018*
				37526	5	109,363

**EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
E24594-H RCA 9682**

ALL WHEEL DRIVE, UTILITY VEHICLE	10167292 (Contd.)		These vehicles will be used citywide by the Department's police officers responding to accidents, crimes, and emergency incidents.	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
				37594	5	46,961*
				37598	5	121,135
				37664	5	64,804*
				37674	5	51,732*
				37704	5	111,275
				37115	5	112,131
				<u>37364</u> 20 Units	5	60,992*
ALL WHEEL DRIVE, UTILITY VEHICLE	10116704	43	These vehicles will be used citywide by the Department's police officers responding to accidents, crimes, and emergency incidents.	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
				29596	14	148,768
				31250	13	39,342
				31495	12	82,534
				32305	12	65,123
				33134	10	86,660
				33205	10	129,858
				33711	9	90,244
				33713	9	94,200
				33740	9	94,174
				33807	9	93,008
				34426	8	133,859
				34431	8	113,874
				34474	8	126,790
				34507	8	134,003
				34547	8	145,669
				34627	8	110,180
				35015	8	136,738
				35160	8	156,033
				35256	8	77,564
				35268	8	121,328
				35371	8	148,374
				35466	7	144,069
				35801	7	143,575
				35821	7	140,621
				35946	7	133,837
				35952	7	61,067
				36010	7	60,433
				36013	7	84,440
				36045	7	74,254
				36779	6	127,385
				36802	6	99,466
				36842	6	190,522
				37019	6	77,731
				37167	5	124,696
				37613	5	80,303
				37724	5	112,905
				38780	4	107,227
				38923	4	104,513
				38975	4	72,601
				39172	4	95,920

**EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
E24594-H RCA 9682**

ALL WHEEL DRIVE, UTILITY VEHICLE	1016704 (Contd.)		These vehicles will be used citywide by the Department's police officers responding to accidents, crimes, and emergency incidents.	39453 39911 <u>40870</u> 43 Units	4 4 3	82,775 72,278 48,786*
ALL WHEEL DRIVE, UTILITY VEHICLE	10169381	28	These vehicles will be used citywide by the Department's police officers responding to accidents, crimes, and emergency incidents.	32704 28820 27061 34041 31799 37456 31399 35704 30220 30571 30573 30598 30914 31166 31598 31642 31776 32966 33653 33993 33994 34169 35890 38376 41588 35208 31767 <u>31155</u> 28 Units	11 18 17 9 12 13 11 16 14 13 13 20 13 13 12 14 12 11 9 9 9 9 7 5 2 4 12 13	78,502 143,437 75,706 128,031 107,458 58,843* 135,013 86,325 117,608 138,197 131,216 89,927 121,846 95,418 65,633 69,670 127,070 112,751 138,742 129,929 141,000 136,519 119,951 60,363* 57,260* 142,605 131,714 155,216
ALL WHEEL DRIVE, UTILITY VEHICLE	10167399	5	These vehicles will be used citywide by the Department's police officers to conduct commercial vehicle inspections.	31232 32112 32340 30906 <u>35304</u> 5 Units	13 12 12 12 8	106,144 104,610 111,918 145,670 117,426
BOMB SQUAD RESPONSE VEHICLE	10167453	1	This vehicle will be used by the Department's bomb squad technician to transport personnel and specialized equipment in response to explosive related service calls to assess and disable suspected explosive devices.	31232	13	106,144 *Wrecked vehicles, cost of repairs exceeds value of vehicles.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9671

Subject: Formal Bids Received for Bell 412 Series Twin-Engine Helicopter Component Overhaul/Exchange and Repair Services for the Houston Police Department S21-S24425

Category #
4

Page 1 of 1

Agenda Item
9

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

April 18, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells
For additional information contact:
Joseph A. Fenninger 4/19/13 Phone: (713) 308-1708
Desiree Heath Phone: (832) 393-8742

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to RSG Aviation, Inc. on its low overall bid in an amount not to exceed \$330,014.62 for Bell 412 Series twin-engine helicopter component overhaul/exchange and repair services for the Houston Police Department.

Estimated Spending Authority: \$330,014.62

Finance Budget

\$180,014.62 - General Fund (1000)
\$ 75,000.00 - Federal Government (5000)
\$ 75,000.00 - Fed/Local/State Pass Fund (5030)
\$330,014.62 - Total

SPECIFIC EXPLANATION: The Chief of the Houston Police Department and the City Purchasing Agent recommend that City Council approve an award to RSG, Aviation, Inc., on its low overall bid in an amount not to exceed \$330,014.62 for Bell 412 Series twin-engine helicopter component overhaul/exchange and repair services for the Houston Police Department. It is further requested that authorization be given to make purchases, as needed, for a 36-month period. This award consists of items such as hydraulic pumps, engine coolers, and automated flight control systems which may require overhaul/exchange service dependent on the Department's Bell 412EP helicopter airframe components' scheduled life-limited status or unscheduled failure resulting in the component's non-airworthy condition. Additionally, this award includes a labor component in the amount of \$120,000.00 for repair work that cannot be performed by City aircraft maintenance personnel.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twelve (12) prospective bidders viewed the solicitation document on SPD's e-bidding website, and three (3) bids were received as outlined below:

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Precision Heliparts	\$280,680.00 (Partial Bid/Higher Unit Price)
2. Uniflight, LLC	\$281,574.50 (Partial Bid/Higher Unit Price)
3. RSG Aviation, Inc.	\$330,014.62

HIRE HOUSTON FIRST: The proposed award requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed supplier does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

Buyer: Laura A. Guthrie

Attachment: M/WBE zero-percent goal document approved by the Office of Business Opportunity.

ESTIMATED SPENDING AUTHORITY

DEPARTMENT	FY2013	OUTYEARS	TOTAL
POLICE	\$110,000.00	\$220,014.62	\$330,014.62

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NDT

Calvin D. Wells 4/19/13



CITY OF HOUSTON
Houston Police Department

Interoffice

CONFIDENTIAL
RECEIVED

APR 02 2013

OBO

To: Marsha Murray, Asst. Director
Mayor's Office of Business
Opportunity

From: Frank Rodriguez – Division Manager
HPD Budget & Finance/Procurement

Date: April 3, 2013

Subject: M/WBE 0% Goal Request

Items or Scope of Services of Bid:

Bell 412 Series Twin Engine Helicopter Component Overhaul and/or Exchange.

The total dollar value is: **\$ 330,014.62**

I am requesting approval of a : **0 % goal.**

Justification:

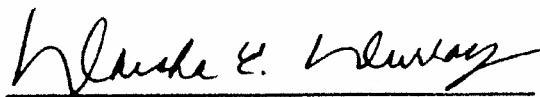
Bidders on the Bell 412 Series Helicopter Component Overhaul and/or Exchange on the parts and labor must be certified by the Federal Aviation Administration (FAA) and its repair facilities must be approved by an authorized maintenance center by this agency. It appears that there are no MWBEs that have received the certification therefore there is no potential for MWBE participation for the above solicitation.

Concur:

 FOR

Frank Rodríguez, Division Manager
Houston Police Department

Approved:



Marsha Murray, Assistant Director
Mayor's Office of Business Opportunity

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9683

Subject: Purchase of Tier 3 Management Services and DriveCam Online Subscription Services from the General Services Administration (GSA) Schedule 70 Contract through the Cooperative Purchasing Program for the Solid Waste Management Department - S49-N23677

Category #
4

Page 1 of 2

Agenda Item

10

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

April 19, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Vic Ayres Phone: (713) 837-9131
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

CM 2012-0352, Passed 05/09/2012

RECOMMENDATION: (Summary)

Approve the purchase of Tier 3 management services and DriveCam online subscription services for a 12-month period in the total amount of \$143,136.00 from the General Services Administration (GSA) Schedule 70 Contract through the Cooperative Purchasing Program for the Solid Waste Management.

Award Amount: \$143,136.00

Finance Budget

\$143,136.00 - General Fund (Fund 1000)

SPECIFIC EXPLANATION:

The Director of the Solid Waste Management Department and the City Purchasing Agent recommend that City Council approve the purchase of Tier 3 management services and DriveCam online subscription services for a 12-month period in the total amount of \$143,136.00 from the General Services Administration (GSA) Schedule 70 Contract through the Cooperative Purchasing Program under Section 211 of the E-Government Act of 2002 for the Solid Waste Management Department, and that authorization be given to issue a purchase order to the GSA contractor, DriveCam, Inc.

In June and September 2010, the department purchased 187 and 40 DriveCam video event recorders (VERs), respectively, of which 224 were installed in its automated sideloaders and heavy trash tractor-trailer fleet; the remaining three are used as replacements when VERs are sent out for warranty repair. In May of 2012, the Department purchased 80 VERs that completed the upfitting of the Department's heavy vehicle fleet of automated sideloaders, automated recycling, recycling split body, rearloaders, roll-offs and the heavy trash tractor-trailer fleet. Currently, the Department has 307 VERs in its inventory.

The 12-month renewal of Tier 3 managed services and DriveCam online subscription services will allow for the continued operation of the video event recording system, which monitors unsafe or risky driving behavior of the Department's drivers and documents occurrences of heavy braking or quick stops and vehicle impacts. Such behavior is then transmitted to the DriveCam office for review and filtering for relevant events. If poor driving behavior or contact with an object is noted, DriveCam provides a 12-second video to the Department for review and follow-up action, if required.

The scope of work requires the contractor to provide Tier 3 managed services, which includes cellular upload, data hosting, equipment monitoring, event review services, program results and reporting for each VER. In addition, the contractor will continue to provide online DriveCam software, software updates and technical support.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 4/19/2013	Subject: Purchase of Tier 3 Management Services and DriveCam Online Subscription Services from the General Services Administration (GSA) Schedule 70 Contract through the Cooperative Purchasing Program for the Solid Waste Management Department - S49-N23677	Originator's Initials NA	Page 2 of 2
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Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/Proposals were not solicited because the department is utilizing an Interlocal Agreement for this purchase.

Buyer: Norbert Aguilar
PR No. 10166701

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9674

Subject: Purchase of Office Furniture from the State of Texas
Procurement and Support Services Contract for Various Departments
S54-E24572

Category #
4

Page 1 of 2

Agenda Item
11

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

April 11, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells
For additional information contact:
Joseph A. Fenninger Phone: (713) 308-1708
Ray DuRousseau Phone: (832) 393-8726

Council District(s) affected
All

Date and Identification of prior authorizing
Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of office furniture in the total amount of \$203,431.50 from the State of Texas Procurement and Support Services Contract for various departments.

Award Amount: \$203,431.50

Finance Budget

See Page 2 of 2 for Funding Information

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of office furniture in the total amount of \$203,431.50 from the State of Texas Procurement and Support Services Contract through the State Cooperative Purchasing Program for various departments and that authorization be given to issue purchase orders to the State contract suppliers listed below. This office furniture will be used to furnish various offices as detailed in the attached Furniture Distribution Summary.

J. Tyler Services, Inc.: Approve the purchase of chairs, desks, bookcases, filing cabinets, conference tables and workstations in the amount of \$112,162.52.

Contract Resource Group, LLC: Approve the purchase of chairs, desks, conference tables and workstations in the amount of \$58,968.18.

Jimenez Contract Services, LLC: Approve the purchase of office workstations in the amount of \$32,300.80.

Since July 2012, less than \$50,000.00 in purchase orders have been issued to Jimenez Contract Services, LLC. With the issuance of these purchase orders, the aggregate total spend to Jimenez Contract Services, LLC will be over \$50,000.00; thus, requiring City Council approval.

This purchase consists of furniture to replace existing furniture that is worn and beyond economical repair, as well as provides furnishings to support existing and budgeted positions. The furniture will come with the manufacturer's standard warranty and the life expectancy is 10 to 15 years. The old furniture will be sent to the Property Disposal Management Office for disposition.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 4/8/2013	Subject: Purchase of Office Furniture from the State of Texas Procurement and Support Services Contract for Various Departments S54-E24572	Originator's Initials MM	Page 2 of 2
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Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing an Interlocal or Cooperative Purchasing Agreement for this purchase.

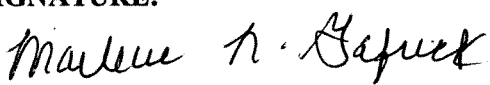
Sections 271.081 through 271.083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program.

Funding Detail

<u>DEPARTMENT</u>	<u>FUND</u>	<u>AMOUNT</u>
Houston Police	General Fund (1000)	\$32,300.80
Houston Police	Equipment Acquisition Consolidated Fund (1800) Appr. Ord. # 2012-910, 10/23/12	\$51,103.78
Houston Police	Federal State Local – Pass Through Fund (5030)	\$10,524.95
Public Works & Engineering	Project Cost Recovery Fund (1001)	\$2,362.60
Public Works & Engineering	Building Inspection Fund (2301)	\$4,659.64
Public Works & Engineering	Dedicated Drainage & Street Renewal Fund (2310)	\$12,744.40
Public Works & Engineering	PWE-W & S System Operating Fund (8300)	\$33,038.99
Houston Airport System	HAS – Revenue Fund (8001)	\$14,174.08
Health & Human Services	Health Special Fund (2002)	\$29,281.05
Health & Human Services	Special Waste Transportation & Inspection Fund (2423)	\$13,241.21
	TOTAL:	<u>\$203,431.50</u>

Attachment: Furniture Distribution Summary

Buyer: Mabel G. Martinez

SUBJECT: Approval of a resolution designating the Butler Brothers Building at 1002 Washington Avenue as a Landmark and Protected Landmark in accordance with Chapter 33, Code of Ordinances		Category #	Page 1 of 1	Agenda Item # 12
FROM (Department or other point of origin): Planning and Development		Origination Date April 12, 2013		Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: 		Council District affected: H		
For additional information contact: Erin Glennon Phone: (713) 837-7784		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) Approval of a resolution designating the Butler Brothers Building-Houston Permitting Center at 1002 Washington Avenue as a Landmark and Protected Landmark				
Amount and Source of Funding: N/A			Finance Budget:	
SPECIFIC EXPLANATION: <p>A property owner may initiate an application for the designation of a Landmark and Protected Landmark, for which a 90-day waiver certificate may not be issued by the planning official. This application for Landmark and Protected Landmark designation of the Butler Brothers Building at 1002 Washington Avenue was initiated by the owner, the City of Houston.</p> <p>A public hearing was held on December 6, 2012 by the Houston Archaeological and Historical Commission and there were no objections to the designation. The Houston Archaeological and Historical Commission determined that the application satisfied applicable criteria of the ordinance and unanimously recommended approval of the Landmark and Protected Landmark designation.</p> <p>Attachments: Application and Staff Report</p> <p>xc: Minnette Boesel, Mayor's Assistant for Cultural Affairs David M. Feldman, City Attorney Omar Izfar, Real Estate Section, Office of the City Attorney C.A. McClelland, Chief, Police Department Terry A. Garrison, Chief, Fire Department</p>				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

PROTECTED LANDMARK DESIGNATION REPORT

LANDMARK NAME: Butler Brothers Building (Houston Permitting Center)

AGENDA ITEM: III.b

HPO FILE NO: 12PL113

OWNER: City of Houston

DATE ACCEPTED: 06-7-2012

APPLICANTS: Same

HAHC HEARING: 12-06-2012

LOCATION: 1002-1008 Washington Avenue

SITE INFORMATION: Reserve A, Block 1, City of Houston Permitting Center, City of Houston, Harris County, Texas. The site includes a historic four-story brick and concrete warehouse built in 1919. It is sited facing south on the corner of Washington Avenue and Elder Street. The north side of the site abuts the Southern Pacific railroad tracks.

TYPE OF APPROVAL REQUESTED: Protected Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The Butler Brothers Building was constructed in 1919 for the Butler Brothers firm, a wholesale general merchandise company based in Chicago. Butler Brothers supplied retail goods to mid-size and smaller retailers. The company had warehouses all over the country; several were built during the early 20th century. The firm did not stay long in Houston, as the building was reoccupied in 1924 by the Universal Terminal Warehouse Company. The building was originally two stories tall plus a basement. Two additional stories were added by 1940 by Henry F. Jonas and Tabor.

The building remained under Universal Terminal Warehouse Company's management into the 1980s. By 1996, it was vacant. The City of Houston purchased the building in 2009 and undertook a LEED certified renovation of the building with the purpose of turning it into the City Permitting Center. This project was completed in 2011. The City of Houston won the Good Brick Award for the restoration of the Butler Brothers Building in 2012 from Preservation Houston.

The Butler Brothers Building is significant for its architecture and for its architectural type, as well as being tied to the history of commerce and transportation of Houston. The Butler Brothers Building meets Criteria 1, 3, 4, and 5 for Protected Landmark designation.

HISTORY AND SIGNIFICANCE

The Butler Brothers operated an office in Houston at 107½ Main Street in 1919. In November 1919, *Houston*, the Houston Magazine Publishing Company's magazine for the Young Men's Business League, reported:

“‘Merchandise distributors’ says Butler Bros was building a fireproof warehouse on Washington at Tenth. 150 feet on Washington, which was the front entrance, and 250 ft. on Tenth (this was the entire block of Tenth). The building had two stories and a basement plus a foundation that could support five more floors.”

The Butler Brothers company was a merchandise distribution company that supplied goods to medium sized retailers. The online *Encyclopedia of Chicago* explains further:

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

"George and Edward Butler founded a wholesale mail-order company in Boston in 1877. Butler Bros. opened a Chicago warehouse in 1879, and the city became home to the company's catalog department. (All of its operations were based in Chicago after 1930, when the purchasing department moved from New York.) By 1910, the Chicago offices employed about 1,000 people. Like Sears and Montgomery Ward, other Chicago companies that had large mail-order operations, Butler Bros. moved into brick-and-mortar retailing during the 1920s. By the beginning of the 1930s, it operated over 100 of its own "Scott" and "L. C. Burr" stores; at the same time, it had begun a franchising business that allowed independent retailers to become members of the "Ben Franklin" and "Federated" chains, which were supplied by Butler Bros. By 1936, there were about 2,600 Ben Franklin stores and 1,400 Federated stores around the country, mostly in small towns. During the 1940s and 1950s, Butler Bros. approached \$120 million a year in wholesale and retail sales, ranking it among the leading wholesalers in the United States. In 1960, after it sold Ben Franklin and its other retail operations to the City Products Corp. of Ohio (which was bought in 1965 by the Household Finance Corp. of Chicago), Butler Bros. faded away."

By 1920, the building was complete and Butler Brothers had established their business at the site. The company quickly joined the Houston business community. It appears from the Sanborn Map of 1924 that the Butler Brothers Building was used for wholesale and merchandise. It does not indicate that any part of the building was used as a retail store. Offices inside the building fronted Washington Avenue.

The building's site at Washington and Elder is important to its significance. A dedicated railroad track serving the building ran directly from the main lines of the railroad to the building's loading dock. The south side of the building fronts Washington Avenue, which provided easy trucking access from the east and west. When the building was built, no other significant warehouses were located around the building. Next door to the warehouse and across Washington Avenue were numerous houses, two auto repair shops and the Houston Macaroni Company.

In Texas, the main business center for the Butler Brothers company was in Dallas, where Butler Brothers had established a large warehouse business by 1910. They also had a sample room in San Antonio at 233 W. Commerce. They advertised heavily in the major newspapers, and offered their expertise to those wanting to establish independent 5 and 10 cent stores.

Butler Brothers Company did not stay long in Houston. An article from the *Galveston Daily News* of December 10, 1924 reports that the Universal Terminal Warehouse Company, incorporated in Austin, had purchased the American Warehouse Company in Galveston and had leased the former Butler Brothers warehouse in Houston. The building was described as fire-proof, with an automatic sprinkler system and three-stories tall. The officers of the Universal Terminal Warehouse Company were all based in New York and had ties to the Baldwin Universal Company, a warehouse company in New York.

By 1926, Universal Terminal Warehouse Company's tenants included Graham Paper Company, Kelly-Springfield Tire Co., and the Universal Carloading & Distributor Co. In 1927, the building increased its tenancy to include: E.F. Hurd (manufacturer's agent), Hill Hulbert & Co., Brooks Visualizer, Visible Filing Systems, Rhino Stereo Inc., Anchor Cap & Closure Corporation, Capstan

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Glass Co., Do-More Health Chair Co., Hoffman U.S. Machinery Corporation, Straus-Frank Co. (radios), Kelly Springfield Tire Co., and the Graham Paper Company.

Samuel P. Fleming was the President and Manager of the Universal Terminal Warehouse in its early years. He had been the Treasurer of the American Warehouse Company in Galveston, which was acquired by the newly-formed Universal Terminal Warehouse Company. Fleming moved to Houston from Galveston, and lived in River Oaks at 2220 Stanmore Street. He died on March 14, 1935.

The building's list of tenants continued to grow. In the late 1930s-1940, Universal Terminal Warehouse Company advertised in the *Houston Port Book*. The company advertised merchandise, storage pool, car distribution, merchandise trucking, office space, and custom bonded availability at 1002-08 Washington Avenue. They also owned property around Crockett Street, Shearn Street, and Bingham Street.

In 1940 Henry F. Jonas and Tabor added the top two stories to the building. By that time there were other similar warehouses in Houston, including the well-known 1930 Merchants & Manufacturers Warehouse, the Houston Central Warehouse Company, the Houston & Texas Central Railroad Warehouse, and the 1920 Houston Terminal Warehouse & Cold Storage Plant. However, these were all located in downtown or east of downtown and took advantage of the one access point that the Butler Brothers site did not have – water. Still, the Universal Terminal Warehouse Company's tenancy was large throughout the 1950s.

Henry F. Jonas and Tabor formed their partnership in 1923. Prior working with Tabor, Jonas worked for the Southern Pacific Railroad in the architectural and engineering department. J. Rodney Tabor received his Bachelor of Science in Architecture from Texas A&M University in 1906 and graduate from Massachusetts Institute of Technology in Boston Massachusetts in 1908 with a Masters in Architecture. Tabor was in partnership with Charles P. Jones for ten years before partnering with Jonas.

By the publication in 1951 of new Sanborn maps, the neighborhood around the Butler Brothers warehouse had significantly changed. A Kraft Foods Co. warehouse replaced the numerous residential buildings located west of the building. Other warehouses and auto repairs shops in-filled what had been vacant land near the train tracks north of the site. The Greyhound Bus service and repair shop replaced the Henke & Pillot Stables further west on Washington. And warehouse and industrial uses replaced much of the housing around and near the site. In short, the area had turned commercial and industrial.

The building housed a U.S. Post Office Annex for many years. In 2009 the building was listed for sale and incorrectly identified at the time as the American Rice Building. The City of Houston purchased the building with the specific purpose of undertaking a LEED-certified renovation of the structure to house the Houston Permitting Center. Studio Red Architects led the project, with Trammell Crow Co. as the developer. The Butler Brothers Building reopened as the Houston Permitting Center in July 2011.

RESTORATION HISTORY AND CONDITION

The Butler Brothers Building is an 184,432 square foot building located on a 106,809 square foot lot. The building faces south on the corner of Washington Avenue and Elder Street. The building is

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constructed of brick with a poured concrete structure. The design and siting of the Butler Brothers Building allowed for the distribution of products by rail and road.

The south façade of the building is utilitarian in style, exposing the horizontal and vertical lines of the concrete structure. The centered entry on the first floor features doors that are recessed from the front façade. The entrance is marked by a cast stone entablature over the entry. The two lights on either side of the door are not original but hang where the original lights stood.

The end bays of the south façade contain decoration. Though minimal, the decoration sets the end bays apart and gives some differentiation to the building. At the top of the building is a concrete parapet with brick detailing. The brick detailing is laid in a herringbone pattern and a concrete diamond medallion marks the center of the parapet decoration. In addition, two vertical lines of horizontally laid brick flank the windows from the fourth to the second floor. These are suggestive of a pilaster and terminate with concrete caps at the top of the first floor. The builders of the circa 1940 addition continued decorative elements found on the original structure. With the addition of the two top stories, the Butler building shares many of the same elements as the 1917 Cheek- Neal Coffee Company building designed by Joseph Finger and James Ruskin Bailey. Although the two stories were added on much later, there is the possibility that Henry F. Jonas and Tabor drew inspiration from the Cheek-Neal Coffee building.

Original and non-original windows throughout the building have been replaced with new windows. The new windows are energy efficient and mimic the original windows in scale and material. The entry doors are also new and replaced non-original doors.

During the 2010 restoration, the east façade of the building, facing Elder Street, was reformatted as the main entry to the Houston Permitting Center. Here, historically, the building contained no ornament. The existing canopy over the loading dock has been rebuilt to allow for a green roof, and the area underneath it has been in-filled with large glass windows. Exterior garage bays were removed to allow a view and access to the interior. An entry and handicapped ramp have been added. Despite these changes, the building retains its character and is easily recognizable as a warehouse structure.

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Sanborn Fire Insurance Map, 1951.

Various resources from AIA.org

Various resources from Ancestry.com

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana Ducroz, Historic Preservation Officer, and Erin Glennon, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION

The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a landmark at the same time and in the same manner as it reviews and considers the application for a landmark. The HAHC and the Planning Commission, in making recommendations with respect to a protected landmark designation, and the City Council, in making a designation, shall consider whether the building, structure, site, or area meets at least three of the criteria in Section 33-224, or one of the criteria in Section 33-229, as follows:

S NA

S - satisfies NA - not applicable

Meets at least three of the following (Sec. 33-229(a)(1):

- ☒ ☐ (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;
- ☐ ☒ (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;
- ☒ ☐ (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;
- ☒ ☐ (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;
- ☒ ☐ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;
- ☐ ☒ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation;
- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present;

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- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.

AND

- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

OR

- ☐ ☒ The property was constructed before 1905 (Sec. 33-229(a)(2);

OR

- ☐ ☒ The property is listed individually in the National Register of Historic Places or designated as a "contributing structure" in an historic district listed in the National Register of Historic Places (Sec. 33-229(a)(3);

OR

- ☐ ☒ The property is recognized by the State of Texas as a Recorded State Historical Landmark (Sec. 33-229(a)(4).

STAFF RECOMMENDATION

Staff recommends that the Houston Archaeological and Historical Commission recommend to City Council the Protected Landmark Designation of the Butler Brothers Building at 1002 Washington Avenue.

HAHC ACTION

Recommended to City Council the Protected Landmark Designation of the Butler Brothers Building at 1002 Washington Avenue.

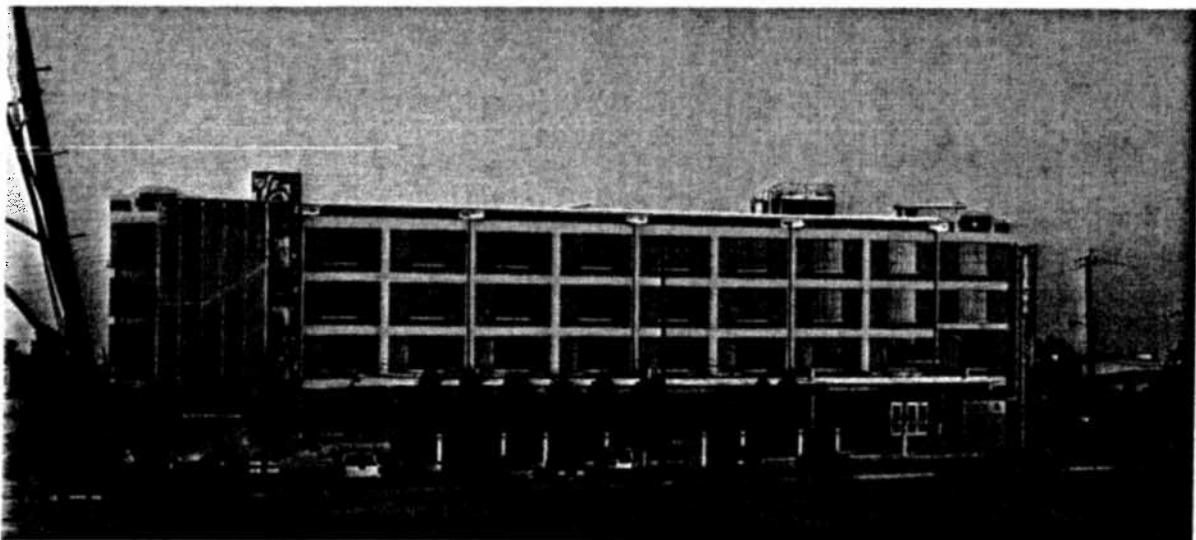
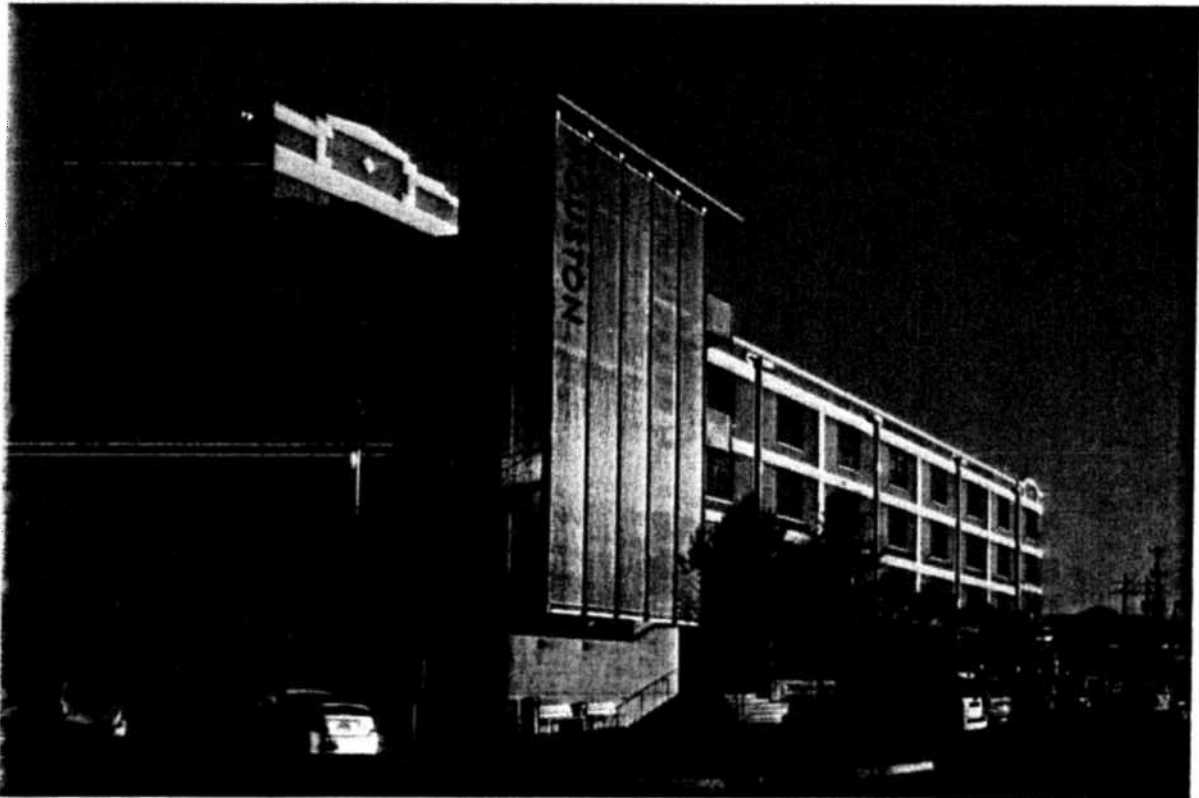
CITY OF HOUSTON

Archaeological & Historical Commission
Department

Planning and Development

EXHIBIT A

BUTLER BROTHERS BUILDING
1002-1008 WASHINGTON AVENUE



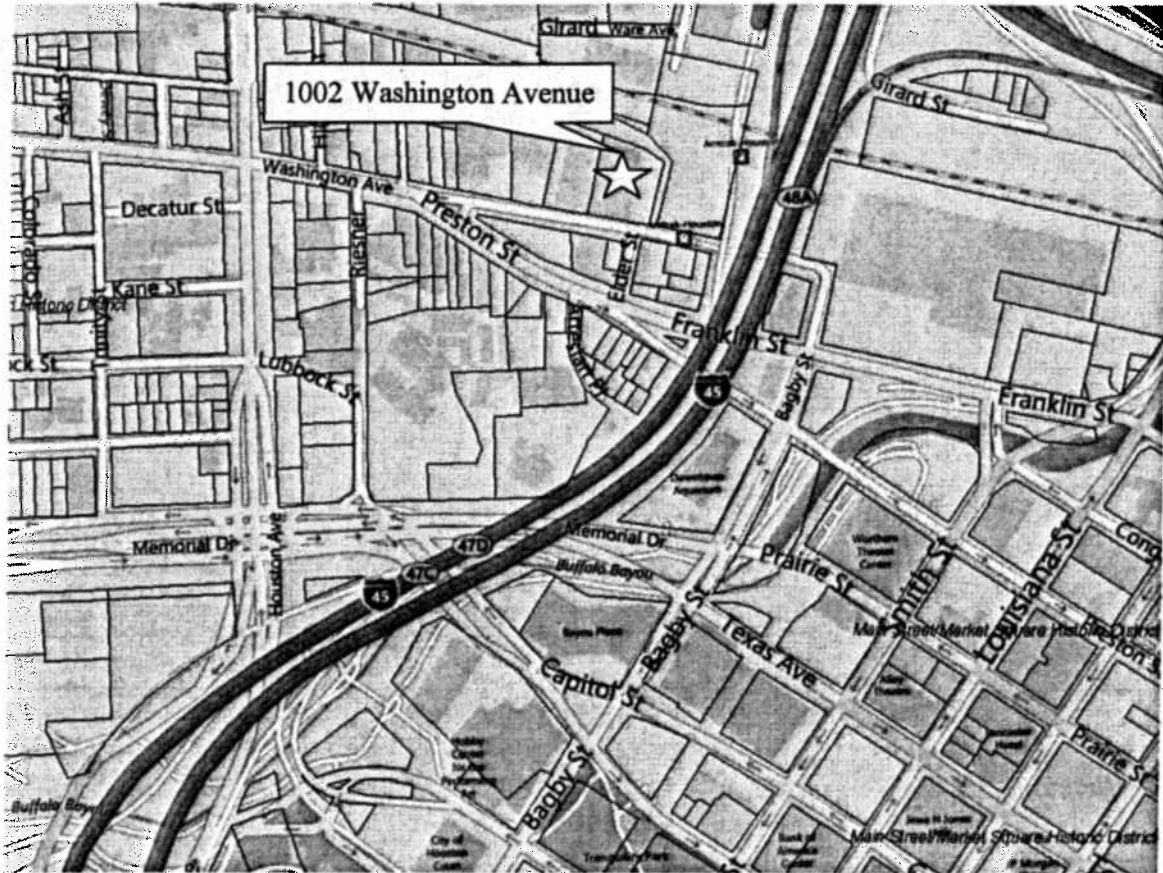
CITY OF HOUSTON

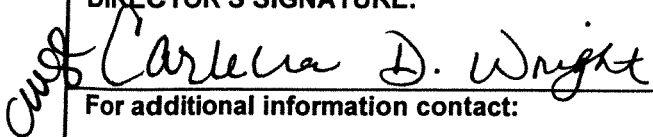
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Planning and Development Department

EXHIBIT B SITE LOCATION MAP

BUTLER BROTHERS BUILDING
1002-1008 WASHINGTON AVENUE



SUBJECT: That City Council approve an ordinance to amend Chapter 15 of the Code of Ordinances relating to city contracting, including a citywide goal of 34% for the City's MWSBE Program relating to city contracting in the construction category		Page 1 of 1	Agenda Item # 13
FROM (Department or other point of origin): Office of Business Opportunity		Origination Date 4-23-2013	Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: 		Council District affected: ALL	
For additional information contact: Carlecia D. Wright Phone: 832-393-0615		Date and identification of prior authorizing Council action: See BACK up ON	
RECOMMENDATION (Summary) That City Council approve an ordinance to amend Chapter 15 of the Code of Ordinances relating to city contracting, including a citywide goal of 34% for the City's MWSBE Program relating to city contracting in the construction category.			
Amount and Source of Funding: N/A		Budget Finance: N/A	
SPECIFIC EXPLANATION: <p>The City of Houston implemented its Minority and Women Business Enterprise Program (MWBE) in 1984. The program was then, and remains now, a program of goals and good faith efforts to reach those goals. The program remained largely unchanged until 2009 when the <u>Kossman Contracting Co., Inc. v. City of Houston</u> case required the City to remove and replace Women Business Enterprises with Small Business Enterprises until a comprehensive construction industry disparity study could be performed. A Disparity Study was completed in April 2012 and the Office of Business Opportunity (OBO) would now like to make recommendation to Council affecting the MWSBE program as well as OBO.</p> <p>First, OBO requests the adoption of the proposed amendments to Chapter 15 of the Code of Ordinances. These amendments are a result of a 2010 MWBE Taskforce Implementation Plan and Disparity Study Working Group recommendations and from feedback received from various stakeholders meetings in the community. The primary change will be the reinstatement of WBEs in the program. Additionally, OBO would like to take this opportunity to update certain departmental procedures and program requirements that will enhance the effectiveness for both the vendor and the department.</p> <p>Specifically these changes are:</p> <ul style="list-style-type: none"> • Review the MWBE Program every five years • Expand the geographic boundaries to include two new counties: San Jacinto and Austin Counties • Reference a revised Good Faith Efforts Policy • Require Participation Plan or Good Faith Efforts plans at time of bid submission • Implement a three year certification with annual compliance review • Standardize department accountability for contact compliance monitoring, goal waivers, and MWBE department utilization plans • Establish the acceptance of Disabled Veterans status defined by the Department of Defense or Veteran Affairs for inclusion in the Persons with Disabilities Business Enterprise Program 			
Other Authorization:		Other Authorization:	

Date: 4-23-2013	Subject: Ordinance approving amendments to Chapter 15 of the Code of Ordinances And Approval of Citywide Construction Goals	Originator's Initials CDW	Page 2 of 2
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The final item OBO requests is that City Council approve a citywide construction goal. While a Citywide goal has always been a requirement of chapter 15, the practice of setting this goal has been lost recently and OBO wishes to reinstate this practice.

The proposed goal is a 34 percent Citywide construction goal that is inclusive of all prime contracts won by certified MWSBEs and subcontracts awarded to MWSBEs. Participation of certified MWSBEs in joint ventures will be counted towards the Citywide construction goal when the certified firm self-performs the work. In addition, Small Business Enterprise participation of up to 4% will be allowed to replace either MBE or WBE on individual construction contracts.

The ordinance amendments were presented to the Budget and Fiscal Affairs Committee on April 30, 2013 where public comments were made. The Office of Business Opportunity will continue to lead the City's MWBE Program and work closely with City departments, prime and subcontractors, and other various stakeholders to achieve program goals.

Council approval is recommended.

Chapter 15

CONTRACTS

ARTICLE I.

IN GENERAL

Sec. 15-1. Public policy; prohibited interest in city contracts; persons indebted to city.

(a) It shall be against the public policy of the city as expressed by the city council for any employee of the city to bid on or to be awarded any contract being let by the city or to be pecuniarily interested, directly or indirectly, in any contract let by the city, or in any work done by the city, or in any matter wherein the rights or liabilities of the city are or may be involved.

(b) It shall be against the public policy of the city as expressed by the city council for any firm, partnership or corporation, in which any employee of the city has any ownership interest in excess of one percent of the total ownership interest in such firm, partnership or corporation to bid on or to be awarded any contract being let by the city or to be pecuniarily interested, directly or indirectly, in any contract let by the city, or in any work done by the city or in any matter wherein the rights or liabilities of the city are or may be involved.

(c) It shall be against the public policy of the city to enter into any contract or other transaction or business relationship or amend or extend any contract or business transaction that (i) requires the expenditure of funds equal to or exceeding the amount that requires the taking of competitive bids under state law, as amended from time to time, or (ii) grants a right, privilege, lease or franchise valued, in any one year period, in an amount equal to or in excess of the amount prescribed in (i) of this subsection, if the proposed contracting entity or any owner thereof is then indebted to the city or a qualifying entity, as set forth in article VIII of this chapter.

(d) In the event that any contract or work, purchase or sale, is found to have been made in violation of subsections (a) or (b) hereof, then the said contract or work, purchase or sale, shall be null and void and shall be discontinued, and new arrangements shall be entered into as in the case of the incipency of such contract of work, purchase or sale.

(e) It is a defense to prosecution under this section that the person contracting with the city is employed at one of the city's golf or tennis facilities and has executed a concession contract with the city to teach golf or tennis lessons at such facilities at times outside the person's regular working hours.

Sec. 15-2. Collusion in bidding on public work.

(a) It shall be unlawful for any two or more persons, directly or indirectly, to enter into any collusion or agreement of any kind, oral or otherwise, by which such persons, either, both or all, shall agree to refrain from bidding on public improvements to be constructed by the city, or shall agree to submit bids on certain work and not on certain other work to be done by the city, or shall in any manner attempt to restrain, hinder or influence competitive bids on public work of any kind to be done by the city.

(b) The city council shall have the right, if it appears that there has been collusion among bidders on any public work to be done by the city, to investigate and ascertain the facts as to the existence or nonexistence of such agreement or collusion, and for that purpose shall have the power to summon witnesses, administer oaths and to do all things necessary to determine the true facts in all such cases. The accused parties at such proceedings shall have the right to have witnesses summoned, to be represented by counsel and to be heard in their own defense of the charges brought against them. Should the city council determine, from the evidence before it, that any two or more of the bidders have entered into an agreement in violation of subsection (a) hereof, it shall so declare, and the bids submitted, if any, by any such persons shall be rejected by the council. The findings of the city council shall set forth the names of all persons found guilty by it of such charge of collusion, and shall declare such bidders forever precluded and barred from doing any public work under contract with the city and from submitting bids therefor, and from holding any employment or office of employment whatsoever in the pay of the city. Such findings shall be set forth in the form of a resolution, which shall be recorded in the minutes or journal of the council as a permanent record.

(c) It shall be unlawful for the director of public works and engineering or the director of general services after any such bidder shall have been found guilty by the city council of such collusion or agreement prohibited by subsection (a) hereof, knowingly to deliver or to cause to be delivered to any such person any bidding sheets, plans or specifications for public improvements to be constructed by the city. For a violation of this subsection, the director of public works and engineering and the director of general services shall be subject to removal from office by the mayor and city council.

Sec. 15-3. Bid opening procedures, rules and appeals.

(a) Bids shall be opened and read at a public meeting conducted by the city secretary, or an assistant city secretary, with the assistance of representatives of the department of administration and regulatory affairs, the department of general services and the department of public works and engineering.

- (b) Such meeting shall be conducted in accordance with the following rules:
- (1) The meeting shall be held at the time, date and place designated in the bid advertisement, except as provided below.
 - (2) The place of the meeting shall ordinarily be in the council chamber in the City Hall, provided any other available office or space located in the City Hall or the City Hall Annex may be used.
 - (3) The time shall ordinarily be 11:00 a.m., provided, any other time between 9:00 a.m. and 4:00 p.m. may be designated for the beginning of the meeting.
 - (4) The day of the meeting shall ordinarily be on a Tuesday, provided, such meeting may be conducted on any day of the week except Sunday or a legal holiday.
 - (5) If the place designated in the advertisement for bids for the bid opening becomes unavailable, and if the advertisement includes notice that the place of the meeting may be transferred in accordance with this paragraph, the meeting may be transferred to another available office or space in the City Hall or the City Hall Annex by posting a notice on the door of the city council chamber or the other office or space designated in the advertisement.
 - (6) The time and date and, when appropriate the place of the meeting, designated in the bid advertisement, may be rescheduled without the necessity of readvertising for bids, if:
 - a. The advertisement includes notice that the meeting may be rescheduled in accordance with this paragraph, provided the rescheduled time or date may not be earlier than the time or date advertised;
 - b. The department handling the procurement issues an addendum to the bidding documents which reschedules the bid opening; and
 - c. The rescheduled date, time and place for the bid opening is publicly announced at the time the bid opening was previously scheduled.
 - (7) Eligible bids shall be those bids received by the office of the city secretary not less than 30 minutes before the time the bid opening meeting is set to convene.

- (8) Late or unsealed bids shall not be read by the city secretary and shall be returned to the bidder unopened. A bidder may appeal the ruling of the city secretary in this regard to the city council as hereinafter provided.
- (9) The city secretary shall announce and note apparent irregularities in the bid documents, provided, any omission in this regard shall not bar the city from disqualifying such bid if other irregularities are later found.
- (10) After completion of the bid opening, the city secretary shall refer the bids to the appropriate departments for tabulation and recommendation.
- (11) At the closing of the meeting, the city secretary shall announce that the bids will be returned to the office of the city secretary and shall be open for public inspection for two days during usual business hours before any award will be made, unless city council authorizes an award on an emergency basis.
- (12) Bid deposits shall be returned to bidders as provided in section 15-46 of this Code.
- (13) With reference to purchase orders, the city secretary shall return the deposits of the unsuccessful bidders upon receipt of the purchasing agent's tabulation of the bids and recommendation as to the award of the bid, except that the city secretary shall retain the bid deposit of the lowest bidder as recommended by the purchasing agent until such time as the bid has been awarded by council motion or council has rejected all the bids.
- (14) The bid opening meeting and the bidding process shall be conducted in accordance with the applicable laws of the state.

(c) Any bidder who is dissatisfied with a ruling of the city secretary which disallows the reading of the bid may appeal such ruling by filing a written appeal with the office of the city secretary within seven (7) days from the date of such ruling. Such appeal may be delivered by the bidder or the bidder's representative, or it may be mailed, certified mail, return receipt requested, in which event it shall be deemed timely if postmarked within such seven-day period. Any bidder dissatisfied with an award may protest the award by following the procedures set out in the City of Houston Procurement Manual, a copy of which shall be maintained in the office of the city secretary and available for purchase upon payment of the fee prescribed by law ~~appear before the city council to present pertinent evidence. On appeal to city council the appellant shall be given the opportunity to appear before council and present written or oral testimony with five-minute time limit unless otherwise directed by city council.~~

Sec. 15-4. ~~Reserved.~~

Secs. 15-45--15-15.Reserved.

ARTICLE II.

ANTI-DISCRIMINATION PROVISIONS IN CITY CONTRACTS

Sec. 15-16. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ~~provided ascribed to them~~ in this section, except where the context clearly indicates a different meaning:

(1)—*Affirmative action*: means ~~t~~The policies, requirements, and procedures established in Subparts B and C, 41 C.F.R. 60-2 (1971), as amended, which are incorporated in this article by reference and a copy of which will remain on file in the office of the city secretary.

(2)—*Bidder*: means ~~a~~Any person seeking to be awarded a contract by the city.

(3)—*Contractor*: means ~~a~~Any person who, after August 9, 1978, and through a contract or other arrangement, has received, is to receive, or is receiving public funds for work or services rendered.

(4)—*Discriminate, discriminates and discrimination*: means ~~to~~
~~d~~Distinguish, differentiate, separate, or segregate solely on the basis of race, age, religion, color, sex, or national origin.

(5)—*Director*: means ~~t~~The head of the respective department within the municipal government of the city primarily responsible for the management and inspection of the performance of work under a contract in each department.

OBO director means the director of the office of business opportunity.

Sec. 15-17. Equal employment opportunity clause.

All contracts entered into by the city involving the expenditure of \$10,000.00 or more of city funds ("nonexempt city contracts") shall incorporate an equal employment opportunity clause, which shall read as follows:

"EQUAL EMPLOYMENT OPPORTUNITY

- "1. The contractor, subcontractor, vendor, supplier, or lessee will not discriminate against any employee or applicant for employment because

of race, religion, color, sex, national origin, or age. The contractor, subcontractor, vendor, supplier, or lessee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, religion, color, sex, national origin, or age. Such action will include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor, subcontractor, vendor, supplier, or lessee agrees to post in conspicuous places available to employees, and applicants for employment, notices to be provided by the city setting forth the provisions of this equal employment opportunity clause.

- "2. The contractor, subcontractor, vendor, supplier, or lessee states that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin or age.
- "3. The contractor, subcontractor, vendor, supplier, or lessee will send to each labor union or representatives of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer advising the said labor union or workers' representative of the contractor's and subcontractor's commitments under Section 202 of Executive Order No. 11246, as amended or superseded, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- "4. The contractor, subcontractor, vendor, supplier, or lessee will comply with all provisions of Executive Order No. 11246, as amended or superseded, and the rules, regulations, and relevant orders of the secretary of labor or other federal agency responsible for enforcement of the equal opportunity and affirmative action provisions applicable and will likewise furnish all information and reports required by the mayor and/or contractor ~~administrator~~ compliance officer(s) for purposes of investigation to ascertain and effect compliance with this program.
- "5. The contractor, subcontractor, vendor, supplier, or lessee will furnish all information and reports required by Executive Order No. 11246, as amended or superseded, and by the rules, regulations, and orders of the secretary of labor, or pursuant thereto, and will permit access to all books, records, and accounts by the appropriate city and federal officials for purposes of investigations to ascertain compliance with such rules, regulations, and orders. Compliance reports filed at such times as directed shall contain information as to the employment practice policies, program,

and workforce statistics of the contractor, subcontractor, vendor, supplier, or lessee.

- "6. In the event of the contractor's, subcontractor's, vendor's, supplier's, or lessee's noncompliance with the nondiscrimination clause of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor, subcontractor, vendor, supplier, or lessee may be declared ineligible for further city contracts in accordance with procedures provided in Executive Order No. 11246, as amended or superseded, and such other sanctions may be imposed and remedies invoked as provided in the said executive order, or by rule, regulation, or order of the secretary of labor, or as may otherwise be provided by law.
- "7. The contractor shall include the provisions of paragraphs 1--8 of this equal employment opportunity clause in every subcontract or purchase order unless exempted by rules, regulations, or orders of the secretary of labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended or superseded, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such the bidding documents which reschedules the bid opening; and litigation to protect the interests of the United States.
- "8. The contractor shall file and shall cause each of his subcontractors, if any, to file compliance reports with the city in the form and to the extent as may be prescribed by the mayor. Compliance reports filed at such times as directed shall contain information as to the practices, policies, programs, and employment policies and employment statistics of the contractor and each subcontractor."

Sec. 15-18. Notice to bidders.

All notices to prospective bidders published on behalf of the city must include as a part of the contract specifications that all bidders will be required to comply with the provisions of this article.

Sec. 15-19. Contract compliance commission.

(a) There is hereby created and established a contract compliance commission ("commission") composed of five persons who shall be resident citizens of the city. The commission shall have the duties and powers as set out in this article.

(b) The five members of the ~~contract compliance~~ commission shall be appointed by the mayor and confirmed by the city council. The mayor shall designate the member to be chairman of the commission.

(c) The membership of the ~~contract compliance~~ commission shall be filled as follows:

- (1) One person from the construction industry;
- (2) Two persons from the minority group containing the largest number of minority workers in industry in Houston;
- (3) One person from the minority group containing the second largest number of minority workers in industry in Houston; and
- (4) One person from the public at large.

(d) The mayor shall designate two of the initial members of the commission to serve for a term of two years and three members of the commission to serve for a term of one year, respectively, from the date of their appointment and confirmation. Thereafter terms of all members shall be for two years from the date of their appointment and confirmation.

Sec. 15-20. Appointment of contract administrators~~compliance officers~~.

(a) Each director whose department is responsible for the management and inspection of the performance of work on a contract shall appoint one or more contract ~~compliance administrators or designated department representatives responsible for the oversight of contract~~officers.

(b) The OBO director of the ~~of business opportunity~~ shall appoint one or more contract ~~administrators~~compliance officers.

Sec. 15-21. Function of contract administrators~~compliance officers~~.

(a) It shall be the function of the ~~contract administrators~~compliance officers to see that all nonexempt city contracts with all contractors, vendors, suppliers, and lessees contain the equal employment opportunity clause and all of the required language as set forth in the Code of Federal Regulations that is applicable for federal

and federally assisted contracts. Further, it shall be the function of the contract ~~administrator~~compliance officer to determine, after review, if a city contractor is in compliance with this policy.

(b) ~~The contract compliance officers of the office of business opportunity contract administrators shall coordinate with the respective departments' contract administrator~~compliance officers or designated department representatives responsible for the oversight of contracts of the respective departments so that he or she can to monitor all contract compliance functions in all city departments and divisions to ensure that contract compliance procedures are applied uniformly throughout the city.

(c) All contract administrators and designated department representatives responsible for the oversight of contracts~~The contract compliance officers shall cooperate fully with the OBO director~~minority procurement coordinator of the city in locating and encouraging minority businesses to enter into contracts involving the expenditure of less than \$540,000.00 of city funds ("exempt city contracts"), as well as nonexempt city contracts, and to in assisting minority contractors whenever possible.

Sec. 15-22. Noncompliance of contractor.

In the event that a contract ~~administrator~~compliance officer obtains encounters an instance finding of noncompliance, the following procedure will be instituted:

- (1) Where deficiencies are found to exist in a contractor's wage, hiring, and employment practices, the contract ~~administrator~~compliance officer shall issue, in writing, a notice of noncompliance to such contractor, giving ~~any such that~~ contractor 14 days after receipt of such notice to show cause why the imposition of sanctions should not be instituted. The notice, which shall be served upon the contractor by certified United States mail, return receipt requested, shall set forth:
 - a. The specific basis and reasons, actions or failure to act, and all other relevant data, which caused the noncompliance finding;
 - b. The specific statutes, regulations, and/or ordinances with which the contractor is not complying;
 - c. The date of the compliance review;
 - d. A specific date by which the compliance must be achieved by the contractor;
 - e. The action to be taken by the city for continued noncompliance;

- f. The time and place of any informal conciliation conference between the contractor and the contract ~~administrator~~compliance officer; and
 - g. The specific documents, records, or other relevant information concerning the contractor's compliance status ~~as requested by the contract administrator~~compliance officer.
- (2) If, within this 14-day time period, the contractor is unable to show good cause for his failure to resolve said deficiencies, the contract ~~administrator~~compliance officer shall issue a notice of proposed recommendation of sanctions to the contractor and to the ~~contract compliance~~ commission. The notice, which shall be served upon the contractor by certified United States mail, return receipt requested, shall set forth:
 - a. A short and plain statement of the matters ~~furnishing a~~ that constitute the basis for the imposition of sanctions;
 - b. A citation of the provisions of the executive order, regulations, or ordinances pursuant to which the requested action may be taken;
 - c. The date of the compliance review;
 - d. The date of the informal conciliation conference between the contractor and the contract ~~administrator~~compliance officer;
 - e. The specific documents, records, and other relevant information concerning the contractor's compliance status ~~as requested by the contract administrator~~compliance officer; and
 - f. An enumeration of the sanctions being requested.
- (3) The contractor shall be afforded 14 days from receipt of a notice of proposed recommendation of sanctions to file an answer and to make a request for a hearing with the ~~contract compliance~~ commission.
- (4) If a hearing is requested within the specified time limit, a hearing shall be provided for the contractor, vendor, or supplier as set forth in this procedure.
- (5) If, at the end of the ~~14~~fourteen-day period, no answer including a hearing request has been made, in writing, the contractor shall be deemed to have waived the right of a hearing, and shall be deemed to have consented to the making of a decision by the ~~contract compliance~~ commission on the basis of such information as is available.

- (6) In the event the address of the contractor is unknown or that notice which has been mailed is returned undelivered, service upon any employee or agent at the contract site shall be deemed service upon the contractor.

Sec. 15-23. Commission hHearing procedure.

(a) A record shall be made of all hearings conducted by the commission. All hearings held by the ~~contract compliance~~ commission shall be public and shall be conducted under rules consistent with the nature of the proceedings; provided, however, that the following rules shall apply to such hearing:

- (1) The formal rules of evidence applicable to judicial proceedings are not required. The ~~contract compliance~~ commission may receive hearsay testimony or evidence which, while technically objectionable, is in its discretion relevant and reasonably reliable.
- (2) The ~~contract compliance~~ commission may exclude irrelevant, cumulative, immaterial, or repetitious evidence.
- (3) Only evidence presented before the ~~contract compliance~~ commission at such hearing may be considered in rendering a final order.
- (4) All parties to the hearing may be represented by a licensed attorney, though an attorney is not required.
- (5) Each party may present witnesses in his own behalf.
- (6) Each party has the right to cross-examine all witnesses.
- (7) All witnesses may be placed under the witness rule at the request of any party. The legal department of the city shall have an attorney present who shall represent the city's interest at each hearing held by the ~~contract compliance~~ commission.

(b) If the contractor does not appear before the ~~contract compliance~~ commission at the date and time specified, the contract administrator~~compliance officer~~ may introduce evidence showing the noncompliance of the contractor, vendor or supplier.

(c) After completion of the presentation of evidence by all parties appearing, the ~~contract compliance~~ commission shall make written findings and a final order as to whether a violation of this Code exists, setting forth in such written findings the specific conditions which classify the contractor to be in noncompliance in violation of this Code, federal regulations, or executive order. If the ~~contract compliance~~ commission finds that

violation of this Code, federal regulations or executive order exists, the ~~contract compliance~~ commission shall submit its recommendation to the mayor and city council.

Sec. 15-24. Sanctions.

(a) Upon receiving the recommendation of the ~~contract compliance~~ commission, the mayor and city council shall review and consider the recommendation of the ~~contract compliance~~ commission within 30 days. The mayor and city council ~~shall~~ may request a hearing ~~de novo or it may make its~~ a decision based upon the record of the hearing, including but not limited to reports and records of the contractor and/or the ~~contract compliance~~ commission.

(b) Subsequent to review, the mayor and city council may ~~do either of the~~ following:

(1) Adopt the recommendation of the commission ~~Cancel, terminate, or suspend the contract in whole or in part;~~

(2) Adopt the recommendation of the commission with modifications;

~~(3) Return the recommendation to the commission for development of further factual evidence if the city council finds the record to be incomplete~~
~~Declare the contractor ineligible for further contracts until compliance is achieved; or and~~

~~(34) Reject the recommendation and take no action against the contractor~~
~~Impose other sanctions as provided by law.~~

(c) Additionally, the mayor and city council may impose any other sanctions as provided by law. The decision of the mayor and city council shall be final and exhaust all available administrative remedies.

Secs. 15-25--15-40. Reserved.

ARTICLE III.

CONTRACTS FOR PUBLIC IMPROVEMENTS AND MAINTENANCE

Sec. 15-41. Legal holidays designated for purposes of specifications.

~~As the term is used in section 39 of the city's general conditions, form E-10 (as made a part of the specifications for city construction contracts),~~ The term "legal holiday" shall hereafter mean, include, and be limited to only such holidays as are designated by city council. ~~the following days, and none others:~~

- ~~———— (1) New Year's Day.~~
- ~~———— (2) San Jacinto Day.~~
- ~~———— (3) July Fourth.~~
- ~~———— (4) Labor Day.~~
- ~~———— (5) Thanksgiving Day (to-wit, the Thursday in November which is generally observed in Houston as Thanksgiving Day as evidenced by the closing of the city hall for business on that day).~~
- ~~———— (6) Christmas Day.~~
- ~~———— (7) The Monday following any of the above named and designated days, when the named and designated day falls on Sunday.~~

Sec. 15-42. Rejection of bids.

Nothing contained in this article shall be construed as depriving the awarding officials of the right to reject any bid made by a bidder at any time prior to the actual awarding of a contract, where there have been developments subsequent to the qualification and classification of any such bidder which, in the opinion of the city council, would affect the responsibility of such bidder.

Sec. 15-43. Effect of false statements by bidders.

Any person who makes, or causes to be made, any false, deceptive or fraudulent statement in any documentationquestionnaire required to be submitted shall be permanently disqualified from bidding on all public works in the city. The city council shall have the right to require the forfeiture, as liquidated damages to the city, of the bidding bond deposited by any person who makes or causes to be made, any false, deceptive or fraudulent statement in any such documentationquestionnaire.

Sec. 15-44. Bids, bid bonds and bid documents, generally.

(a) As used in this section, the following terms and phrases shall have the following meanings:

- (1) *Bid* means a written offer to perform the work described in the bid documents for a specified fee.
- (2) *Bid bond* means a valid and enforceable bond which is in substantial compliance with the following requirements:

- a. The bond must be executed by a corporate surety authorized by the state board of insurance to conduct insurance business in the State of Texas and shall comply with any other requirements set out by law or included in the bid package.
 - b. The bond must be payable to the city.
 - c. The bond must be conditioned such that if the bidder is awarded the contract and then fails either to execute the contract timely or to provide any required bonds timely, or to do both, then in that event the surety will be obligated to pay to the city an amount equal to the difference between the bid of the bidder on whom the bond was written and the bid of the bidder who is finally awarded the contract and who executes the contract and provides the required bonds, up to the penal sum of the bond.
- (3) *Bid documents* means the group of documents prepared in connection with an invitation for bids or a request for proposals, including, without limitation, the bid invitation, the bid proposal form, the request for proposals, the drawings, the plans, the specifications, and the instructions to bidders.
- (4) *Performance bond* means a valid and enforceable bond which is in substantial compliance with the following requirements:
 - a. The bond must be executed by a corporate surety authorized by the state board of insurance to conduct insurance business in the State of Texas.
 - b. The bond must be payable to the city.
 - c. The bond must be conditioned upon the faithful performance of work in accordance with the plans, specifications and contract documents.
 - d. The bond must comply with any special requirements contained in the bid package.
 - e. The bond must be accompanied by satisfactory evidence of the authority of the surety's agent to bind the surety by executing the bond.
- (5) *Public works projects* means projects calling for the construction, repair or renovation of buildings, streets, bridges, sewers, water lines, or any other publicly owned improvements to real property.

(b) All bid documents prepared by or on behalf of the city for public works projects or for contracts for the maintenance of public property shall require:

- (1) That bidders must submit, along with their bids, a bid bond or a certified or cashier's check, in an amount equal to ten percent of their respective bids.
- (2) That the bidder to whom the contract is awarded must, if the contract amount exceeds \$25,000.00, provide a performance bond in an amount equal to 100 percent of the contract amount.
- (3) That the bidder to whom the contract is awarded must provide such other bonds as are required by law or by the terms of the bid documents.

Sec. 15-45. Cashier's or certified check in lieu of bid bond.

(a) Bidders submitting bids for the furnishing of materials only shall have the option of furnishing to the city, with any such bid, a cashier's or certified check in the sum of ten percent of the amount of such bid, in lieu of the bidder's bond required by section 15-44 of this Code. Such cashier's or certified check shall be furnished on the same terms and conditions as set out in section 15-44 of this Code.

(b) When the city and the county jointly advertise for bids for any work pertaining to public improvements or maintenance of public property in the city, all persons bidding upon any such work shall submit, with their proposal to perform the work advertised, a certified check in the sum of five percent of the amount of such bid. Such certified check shall be made payable to the city and county, and shall be conditioned upon the same terms and conditions as set out in section 15-44 of this Code.

Sec. 15-46. Return of bid bonds; rejection of bids.

(a) Upon receipt by the city secretary of a tabulation of bids and a recommendation as to the award of a contract, the city secretary shall return to each bidder who has made a bid deposit the bond, cashier's check or certified check representing such deposit, except that the city secretary shall retain any such deposit made by the lowest and second lowest bidders, as shown by such tabulation. Any deposit so retained shall be returned at such time as a contract has been awarded and signed or at such time as the director of the public works and engineering department, the purchasing agent, the director of general services, the director of fleet management or the director of aviation, depending upon which initiated the contract, requests that it be returned pursuant to the authority granted in subsection (b) below or upon rejection of the bids by city council.

(b) The city council hereby delegates to the directors of the public works and engineering, general services, fleet management and aviation departments and to the

city purchasing agent authority on its behalf to reject all bids pursuant to section 252.043 of the Texas Local Government Code, and the authority to direct the city secretary to return all bid bonds on any project under the following circumstances:

- (1) All bids received exceed the department director's or purchasing agent's estimated costs, and the director or purchasing agent determines that the bids appear to be excessive; ~~or~~
- (2) The department director or purchasing agent determines that the project or purchase is no longer required; ~~or~~
- (3) The department director or purchasing agent determines that the city's design or specifications for the project or bid should be revised and new bids should be taken; or-
- (4) The irrevocable period on the low bid has expired without the bid being awarded and the bidder has failed or refused to extend the time.

The delegation created in this subsection is nonexclusive, and nothing herein shall be construed to preclude the city council from rejecting any or all bids received for any project or purchase.

~~Sec. 15-47. Bonds filed for release of liens for labor or material.~~

~~—— (a) In the matter of bonds which may be filed with the city under the provisions of Article 5472b-1 of Vernon's Texas Civil Statutes to procure the release and discharge of funds owing by the city to contractors from liens fixed or attempted to be fixed pursuant to the provisions of Articles 5472a and 5472b of Vernon's Texas Civil Statutes, the city council hereby provides and directs the following procedure in the matter of approval of such bonds:~~

- ~~—— (1) The city controller, being under the city charter and ordinances the chief disbursing officer of the city, is hereby declared to be the proper official with which any such bond shall first be filed. Upon receipt by him of any such bond, he shall endorse thereupon over his signature the date and hour of the filing thereof with him.~~
- ~~—— (2) Every such bond shall be promptly referred by the city controller to the city attorney, and he or one of his assistants shall examine the same and if such bond is found to be in accordance with the requirements of such Article 5472b-1 and to be executed as by such article required, and if it is found that the surety thereon is a corporate surety authorized under state law to execute such bond as surety, the city attorney or one of his assistants shall endorse his approval upon the bond and forward the same to the mayor for acceptance and approval on behalf of the city.~~

- ~~———— (3) The mayor is hereby authorized to accept and approve on behalf of the city any such bond so received by him and bearing such previous approval by the city attorney or one of his assistants. The mayor shall endorse upon the bond his acceptance and approval, and forward the same to the city controller.~~
- ~~———— (4) The city controller shall thereupon, as provided by such Article 5472b-1, be authorized to pay out the money still owing the contractor as fully as if the claims discharged by such bond had not been filed with him. He shall, however, as by such article directed, send by registered mail to each such claimant an exact copy of such bond acquainting them with the date on which it was first filed with him.~~
- ~~———— (b) The city attorney or his assistant passing upon and examining the bonds as provided for above, shall not approve the same for approval and acceptance by the mayor until there are furnished him by the party filing the bond in the first instance sufficient exact copies thereof to permit the mailing of such copies to all claimants as hereinabove directed.~~

~~Sec. 15-48. Extension of performance date.~~

~~In the matter of requests for extensions of time for the performance of city contracts on account of weather conditions or other circumstances beyond the control of the contractor, as provided in paragraph 39 of the city general conditions, form E-10, the director of the department at interest, instead of submitting such requests to the city council, shall submit the same with his recommendation thereupon to the mayor, whose approval or disapproval thereof shall be final and binding, to the same effect and extent as if made by the city council as by such specification contemplated. Nothing herein contained shall, how ever, prevent the mayor in any instances in which he considers the same advisable from submitting the request to the city council for its approval or disapproval instead of acting on it himself.~~

~~Secs. 15-479--15-60. Reserved.~~

ARTICLE IV. RESERVED

RESPONSIBILITY OF BIDDERS IN CONNECTION WITH CERTIFICATED CONTRACTS

~~Sec. 15-61. Definitions.~~

~~As used in this article, the following terms have the meanings given below:~~

~~Certificate means, with respect to any given contract, an unexpired and unrevoked certificate of responsibility issued pursuant to this article for the classification which includes such contract.~~

~~Certificated contract means a city contract where:~~

- ~~—— (1) The contract is within a classification of contracts established by motion or resolution of the city council, which motion or resolution also includes specific qualifications for a certificate for such classification; and~~
- ~~—— (2) The notice to bidders or other bidding document for the contract refers to this article.~~

~~Director means the head of the department which has primary responsibility for the bidding procedure for a contract, or such other person as such department director may authorize to perform the duties of the director under this article.~~

~~Sec. 15-62. Application of article.~~

~~This article applies only to certificated contracts.~~

~~Sec. 15-63. Necessity for certificate.~~

~~—— (a) It is the policy of the city that a bidder, in order to be eligible for award of a certificated contract, must hold a certificate as of the time that bids for the contract are opened.~~

~~—— (b) A partnership or joint venture which holds such a certificate in its own name or which is composed of persons which all hold such certificates complies with the foregoing policy.~~

~~—— (c) Whenever the director proposes that a certificated contract be awarded to a bidder which is not the lowest bidder, the director shall notify each lower bidder as to the proposed award and provide each lower bidder an opportunity to appear before the director (as the city council's designated representative) and present evidence concerning its responsibility. This opportunity shall be in addition to the opportunity for a hearing before the city council provided for by this article in case of disapproval or revocation of a certificate. The director may recommend that the city council grant a waiver from the policy set forth in subsection (a), above, for good cause.~~

~~Sec. 15-64. Applications for certificates.~~

~~—— (a) A person desiring to obtain a certificate for any given classification must submit an application to the director on a form promulgated by the director. An applicant~~

~~must be a natural person, a partnership (a joint venture is considered a partnership) or a corporation. In the application, the applicant shall set forth:~~

- ~~—— (1) The name and assumed name (if any) of the applicant; all names under which the applicant has done business in the preceding five years; if the applicant is a partnership, the name and address for each partner shall be set out; if the applicant or any partner of the applicant is a corporation, the applicant shall set forth:~~
 - ~~—— a. The name of the corporation and the state of incorporation;~~
 - ~~—— b. The names and addresses of the three principal officers;~~
 - ~~—— c. The name and address of each person controlling 51 percent or more of the voting rights of the corporation; if no single person controls 51 percent or more, the applicant shall list the names of each person who controls 20 percent or more; if 51 percent or more is controlled by another corporation, the applicant shall list each person who controls 20 percent or more of the voting rights of such other corporation;~~
- ~~—— (2) Information bearing upon the specific qualifications to receive a certificate for the given classification, as requested on the application form;~~
- ~~—— (3) The street address (not including a post office box) to which the applicant desires that notices under this article are to be sent; the applicant's telephone number; and the name(s) of the person or persons authorized by the applicant to act on its behalf in connection with the requested certificate; and~~
- ~~—— (4) An affirmation that the applicant has read and understands this article and the motion or resolution establishing the qualifications for the classification of certificated contracts for which the certificate is sought.~~
- ~~—— (b) An application shall be signed by or on behalf of the applicant. With applications signed on behalf of the applicant, the person signing shall submit appropriate proof of authority to act on behalf of the applicant, if so requested by the director. In all cases, the person signing shall execute an affidavit affirming that the statements contained in such application are true and correct.~~
- ~~—— (c) If requested by the director, either on the application form or in a separate request, an applicant shall submit additional documents and information relating to the qualifications to receive a certificate.~~

Sec. 15-65. ~~Review of application.~~

~~— (a) Whenever an application for a certificate is made, the director shall conduct an investigation with respect to the application and shall take one of the following actions:~~

~~— (1) Approve the application if the applicant appears to the director to be qualified to receive a certificate; or~~

~~— (2) Tentatively disapprove the application if the applicant does not appear to the director to be qualified to receive a certificate.~~

~~— (b) An applicant is qualified to receive a certificate for a given classification if:~~

~~— (1) The applicant has filed a substantially complete application;~~

~~— (2) The applicant has made no false or misleading statement in connection with the application; and~~

~~— (3) The applicant meets each of the specific qualifications for receipt of the certificate, as established by motion or resolution for the given classification.~~

~~— (c) In the case of a corporate applicant which is controlled in its management and operations by another person to such an extent that the other person is the real party in interest, the other person must also meet all of the qualifications to receive a certificate. In such a case, the director shall notify the other person to file an application to be reviewed in conjunction with the application of the original applicant.~~

~~— (d) The director shall promptly notify the applicant in writing of the action taken. If the application is tentatively disapproved, the action is subject to section 15-68. If the application is approved, the director shall issue a certificate to the applicant.~~

Sec. 15-66. ~~Form of certificate; duplicates; expiration.~~

~~— (a) Each certificate shall contain substantially the following information:~~

~~— (1) The name of the holder;~~

~~— (2) The date of issuance; and~~

~~— (3) The classification of contracts to which the certificate applies.~~

~~— (b) Each certificate shall be signed by the director by a manual or facsimile signature.~~

~~—— (c) If a certificate is lost, destroyed or stolen, or if the name of the applicant changes, the director may issue a duplicate certificate. The holder shall make proof of such fact to the satisfaction of the director.~~

~~—— (d) Each certificate expires at noon on the third anniversary of the date it is issued, unless a different expiration is provided for in the motion or resolution establishing the qualifications to receive the certificate. The city council may change the expiration of certificates by motion, resolution or ordinance.~~

~~Sec. 15-67. Revocation.~~

~~—— (a) The director, subject to section 15-68, may tentatively revoke a certificate at any time, if the director determines that:~~

~~—— (1) The holder of the certificate filed a materially false or misleading application for the certificate;~~

~~—— (2) If the holder were to file a new application for a certificate as of that time, the application would be disapproved;~~

~~—— (3) The holder has filed a new application, and the holder does not appear to be qualified to receive a new certificate; or~~

~~—— (4) The holder has failed to file a required new application for a certificate, or any required information, within the time period allowed by subsection (c) of this section.~~

~~—— (b) The director shall revoke any certificate when the holder so requests.~~

~~—— (c) The holder of a certificate shall, within ten days following receipt of a written request from the director, file a new application for a certificate and provide all related information as if the application were for a new certificate.~~

~~Sec. 15-68. Requirement for hearing; effective dates.~~

~~—— (a) The director shall provide notice and an opportunity for a hearing to each person whose application for a certificate is tentatively disapproved or whose certificate is tentatively revoked.~~

~~—— (b) A tentative disapproval or tentative revocation becomes final at 5:00 p.m. on the last day for requesting the hearing (which is measured from the date of notice; see section 15-70), unless the applicant or certificate holder requests a hearing before that time in accordance with this article, in which case the action becomes final only if and when the action is affirmed by the city council.~~

~~—— (c) After advertisement for bids for a certificated contract, applications for certificates shall be received until the application deadline stated in the notice to bidders or other bidding document. (This deadline will ordinarily be no sooner than the 15th day following the date of the first advertisement for bids, but earlier than the time for submission of bids.) Until such deadline, the director may dispatch notices of tentative revocation which may take effect for that particular contract. Bids for that particular contract will not be opened earlier than the second day following the day when:~~

~~—— (1) All applications filed before the deadline have either been approved (and certificates issued accordingly) or disapproved (and all disapprovals have become final as stated above); and~~

~~—— (2) Any such tentative revocations have become final or have been reversed.~~

~~If necessary, the director shall take all appropriate action to postpone the bid opening in accordance with section 15-3 of this Code.~~

~~—— (d) In cases where state law does not require formal advertisements for bids, the director may alter the deadlines prescribed by this section.~~

~~Sec. 15-69. Notice.~~

~~—— (a) Written notice pursuant to section 15-68 shall be given to an applicant or certificate holder by one of the following means:~~

~~—— (1) By depositing the notice in a U.S. Postal Service mail box or receptacle with proper postage affixed and addressed to the person at the person's most current address shown in the certificate records of the director, or, if no such address is shown, at the person's usual place of residence or place of business;~~

~~—— (2) By hand delivery in person; or~~

~~—— (3) By delivery to the person's most current address shown in the certificate records of the director, or, if no such address is shown, at the person's usual place of residence or place of business.~~

~~—— (b) The notice shall state:~~

~~—— (1) The nature of the action and when it becomes final, in compliance with section 15-68.~~

~~—— (2) The reason or reasons for taking the action;~~

~~—— (3) The time and manner for requesting a hearing; and~~

~~—— (4) The date, time and place for the hearing before the city council (if previously established).~~

~~—— (c) Notice shall be deemed to be received on the third day following deposit in the mail pursuant to section (a)(1) hereof or at the time of actual delivery pursuant to sections (a)(2) and (a)(3) hereof.~~

~~Sec. 15-70. Hearing.~~

~~—— (a) A person whose application for a certificate is tentatively disapproved or whose certificate is tentatively revoked may request a hearing at or before 5:00 p.m. on the fifth day following the date the person receives notice of the action taken.~~

~~—— (b) Notwithstanding subsection (2), above, when the last day for requesting a hearing falls on a day when the office of the director is not open to the public at all, or is not open until 5:00 p.m., the time for requesting a hearing is extended until 5:00 p.m. on the next succeeding day on which the office is open until that time.~~

~~—— (c) Requests for hearings must be in writing and delivered to the director's office. A person's failure to deliver a written request within the time allowed shall constitute a waiver of such person's right to a hearing. Persons who request hearings are strongly encouraged to submit written responses to the reason or reasons stated in the director's notice and to attach documents bearing upon such matters, as this will help the city council to determine the position of the person at the hearing.~~

~~—— (d) When a written request for a hearing is delivered within the time allowed, the director shall promptly refer the matter to the city council. The referral shall include:~~

~~—— (1) A copy of any application forms involved in the proceeding;~~

~~—— (2) A copy of the director's notice of tentative disapproval or revocation;~~

~~—— (3) A copy of the request for the hearing;~~

~~—— (4) A copy of any written response and any related materials submitted by the person requesting the hearing;~~

~~—— (5) An identification of the specific qualification criteria involved in the proceeding; and~~

~~—— (6) A summary of the director's position.~~

~~—— (e) It shall be the responsibility of the city council to convene and hold a hearing after the matter is so referred. The city secretary shall give at least three days' notice of the date, time and place of the hearing to the director and the person who requests the hearing, unless such notice has been previously given.~~

~~—— (f) All hearings pursuant to this section shall be conducted under the normal rules of council, except that both the director and the other party to the hearing shall be allotted ten minutes each to make presentations (and neither is required to reserve time in advance for such presentations, regardless of the number of separate speakers participating in the ten-minute presentations). Subject to such rules, the person requesting the hearing:~~

~~—— (1) Shall have the right to be represented by counsel;~~

~~—— (2) May present witnesses in the person's own behalf; and~~

~~—— (3) May request that the council suspend its normal rules to allow cross-examination of witnesses or other special procedures.~~

~~—— (g) At hearings involving the disapproval of an application for a certificate, the applicant shall carry the burden of proving by a preponderance of the evidence that it is qualified to receive a certificate. At hearings involving the revocation of a certificate, the director shall carry the burden of proving by a preponderance of the evidence that the certificate should be revoked. The director shall attend all such hearings.~~

~~—— (h) Following an opportunity for a hearing, the city council shall reverse or affirm the action taken by the director. The city secretary shall promptly notify the director and the person who requested the hearing as to the decision reached by the city council. The decision of the city council shall be final. If the tentative disapproval of an application is reversed, the director shall issue a certificate to the applicant. If a tentative revocation is reversed, the certificate remains in effect.~~

~~—— (i) Notices required to be given by the city secretary may be given by one of the means allowed by the preceding section or by such other method as a party may designate or consent to.~~

Secs. 15-7161--15-80. Reserved.

ARTICLE V.

MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISES

Sec. 15-81. Declaration of policy.

(a) It is the policy of the city to stimulate the growth of local minority, women and small business enterprises by encouraging the full participation of these business enterprises in various phases of city contracting, as set forth in this article. The purposes and objectives of this article are:

- (1) To promote equal opportunity for participation amongst local minority, women and small business enterprises in all phases of city contracting;
- (2) To increase the utilization of such local firms in providing certain goods and services; and
- (32) To provide opportunities to broaden and enhance ~~their~~ local firms' ranges of capacities; and
- (43) To increase opportunities for such local firms to serve as contractors, in addition to acting as subcontractors to others, where applicable, ~~all in an effort to help remedy discriminatory practices and eliminate statistical disparities in city contracting.~~ in an effort to help remedy discriminatory practices and eliminate statistical disparities in city contracting.

(b) This article is intended to be remedial in nature and to continue only until its purposes and objectives are ~~achieved met as determined by regular periodic reviews. At least every five years the city shall make its best efforts to initiate a review of its minority and women business enterprise program, the results of which shall be provided to city council, who shall determine, upon its receipt of recommendations and the consideration of other relevant information from the OBO director, whether there is strong statistical and anecdotal evidence of discrimination against minority and women business enterprises in city contracting warranting the continuation of a race and gender conscious minority and women business enterprise program.~~

Sec. 15-82. Definitions.

The following words and phrases, when used in this article and in article VI of this chapter, defined in this section shall have the meanings provided in this section ~~when used in this article and in article VI of this chapter, unless the context clearly indicates another meaning. For the purpose of these definitions, the singular shall also include the plural, and the plural shall also include the singular.~~

Bidder means any person or legal entity which submits a bid or proposal to provide labor, goods or services to the city by contract for profit.

Commercially useful function means a discrete task or group of tasks, the responsibility for performance of which shall be discharged by the MWSBE by using its own forces or by actively supervising on-site the execution of the tasks by another entity for whose work the MWSBE is responsible. In determining whether a MWSBE is performing a commercially useful function, factors including but not limited to the following shall be considered: (1) whether it has the skill and expertise to perform the work for which it is being utilized and possesses all the necessary licenses; (2) whether it is in the business of performing, managing or supervising the work for which it has been certified and is being utilized; and (3) whether it is performing a real and actual service that is a distinct and verifiable element of the work called for in a contract. MWSBEs shall be responsible for performing more than fifty percent of the task or group of tasks being counted toward the applicable participation goal unless subcontracting such task or group of tasks in excess of fifty percent has been expressly authorized via a waiver by the OBO director.

Contractor means any person or legal entity providing goods, labor, or services to the city by contract for profit.

~~*Established business enterprise shall means*~~ a MWSBE~~an MBE, WBE, SBE or PDBE~~ or any business applying for certification as a MWSBE~~an MBE, WBE, SBE or PDBE~~ that, by virtue of its size meets or exceeds the standards promulgated by the U.S. Small Business Administration for that category of business, as determined by the procedures described in section 15-87(a) of this Code.

~~*Goal-oriented contract shall means*~~ any contract, agreement or other undertaking anticipated for construction work ~~to be~~ in excess of \$1,000,000.00 and for the supply of goods or nonpersonal or nonprofessional services ~~to be~~ in excess of \$100,000.00 ~~for which:~~

- a. For which ~~c~~Competitive bids are required by law ~~to be taken;~~
- b. Which is not within the scope of the disadvantaged business enterprise programs of the United States Environmental Protection Agency or the United States Department of Transportation or any other federal or state agency having jurisdiction; and
- c. ~~Which~~ That the initiating city department, in consultation with the OBO director of the office of business opportunity, determines has significant subcontracting potential in fields in which there are adequate numbers of known MWSBEs~~MBEs, SBEs and/or WBEs~~ to compete for and perform the subcontract service(s).

Good faith efforts shall refer to steps taken to achieve a MWSBE goal or other requirements which, by their scope, intensity and usefulness demonstrate a bidder's responsiveness to fulfill the business opportunity objective prior to the award of a contract and a contractor's responsibility to put forth measures to meet or exceed a MWSBE goal throughout the duration of the contract.

Joint venture means an association of a MWSBE and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the MWSBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Local firm, local MWSBE, or locally based when describing a firm or entity seeking certification means a sole proprietorship, partnership, corporation or any other business entity with a significant business presence in the Houston-Sugar Land-Baytown metropolitan statistical area, as defined by the Office of Management and Budget within the Executive Office of the President of the United States. A significant business presence includes the requirement that a MWSBE have an established place of business in the Houston-Sugar Land-Baytown metropolitan statistical area at which one or more of its employees is regularly based and that such place of business has a substantial role in the MWSBE's performance of a commercially useful function.

MWSBE means, collectively, MBEs, WBEs, and SBEs.

Minority business enterprise or MBE means a business which is:

- a. A sole proprietorship in which the owner is a minority person who owns, controls and manages the business; or
- b. A corporation in which at least 51 percent of the stock or of the assets of such corporation is owned, controlled and managed by one or more minority persons; or
- c. A partnership in which at least 51 percent of the assets of such partnership is owned, controlled and managed by one or more minority persons; or
- d. ~~A joint venture in which at least 51 percent of the interests of such joint venture is owned, controlled and managed by one or more minority persons; or~~
- e. Any other business or professional entity in which at least 51 percent of the assets in such business or professional entity is

owned, controlled and managed by one or more minority persons;
or

- ef. Any entity in which at least 51 percent of the assets of such entity is owned, controlled and managed by one or more minority persons and one or more women and such minority person; or
- fg. A business which has been certified as an MBE by the office of business opportunity under any other recognized MBE program.

Minority person shall means a citizen or legal resident alien of the United States who is:

- a. Black American, which includes ~~(a persons~~ having origins in any of the black racial groups of ~~in~~ Africa);
- b. Hispanic American, which includes persons of ~~Spanish/Hispanic (a person who is either Mexican, Puerto Rican, Cuban, Central or South American, or "other Spanish or Portuguese culture or origin, regardless of race/Hispanic" in origin or descent. "Other Spanish/Hispanic" are those whose origins are from Spain or the Spanish speaking countries of Central or South America. Persons of Spanish origin may be of any race);~~
- c. Asian-Pacific American, which includes ~~(a persons~~ having origins ~~from~~ in ~~Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the Far East, Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, the Federated States of Micronesia, or Hong Kong, Laos, Cambodia, Taiwan or the region generally known as the Far East~~ Indian Subcontinent);
- d. Native American, which includes ~~(a persons~~ having origins in any of the original peoples of North America, American Indian, Eskimo, Aleut, Native Hawaiian; or);
- e. Subcontinent Asian American, which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka.

Origin or descent can be regarded as the ancestry, nationality group, lineage or country in which the person or persons' parents or ancestors were born before their arrival in the United States.

Owned, controlled and managed shall—means that the one or more minority persons or women who own the requisite interests in or assets of a business applying for minority or women business enterprise certification ~~shall possess~~ equivalent incidents of such ownership, including an equivalent interest in profit and loss, and shall have has contributed an equivalent percentage of capital and equipment ~~and/or~~ expertise to the business. Contributions of capital and equipment must be real and substantial. In instances where expertise is relied upon to demonstrate ownership, control, and management, it must be shown that the expertise is: (1) in a specialized field; (2) in an area critical to the firm's operation and performance of a commercially useful function; (3) critical to the firm's continued success; and (4) documented in the records of the firm, including but not limited to documentation showing the particular expertise and its value to the firm. Additionally, the individual whose expertise is relied upon must have a significant financial investment in the business. Ownership shall be measured as though not subject to the community property interest of a spouse, if both spouses certify in writing that the nonparticipating spouse relinquishes control over his or her community property interest in the subject business (but by doing so is not required to transfer to his or her spouse his or her community property ownership interest or to characterize the property as the separate property of the spouse). The one or more minority person or woman owners shall have recognized, ultimate control over all day-to-day business decisions affecting the MBE or WBE and shall hold a title commensurate with such control. Such ultimate control shall be known to and at least tacitly acknowledged in day-to-day operations by employees of the business.

Regulated contract shall—means any contract, agreement or other undertaking ~~for which:~~

- a. For which ~~C~~competitive bids are not required by law ~~to be taken;~~
- b. That ~~Which~~ is not covered by the MBE/WBE programs of the United States Environmental Protection Agency or the United States Department of Transportation or any other federal or state agency having jurisdiction; and
- c. That ~~Which~~ the recommending city department has determined, in consultation with the director of the office of business opportunity either:

1. ~~Either h~~Has significant subcontracting potential in fields in which there are sufficient known ~~MWSBEs~~MBEs and/or WBEs, or if a construction contract, MBEs and/or SBEs to perform the particular subcontract service(s); or
2. Is of a type for which there are sufficient known ~~MWSBEs~~MBEs and/or WBEs, or if a construction contract, MBEs and/or SBEs, which have represented their ability to perform the prime contract service to afford effective competition for the prime contract.

Small business enterprise or *SBE* means a firm whose gross revenues or number of employees, averaged over the past three years, inclusive of any affiliates as defined by 13 CFR Section 121.103, does not exceed the size standards defined in Section 3 of the Federal Small Business Act and applicable Small Business Administration regulations related to the size standards found in 13 CFR Part 121. The term shall also include a certified minority/women business enterprise defined in this Code.

Subcontractor means any business providing goods, labor or services to a contractor if such goods, labor or services are procured or used in fulfillment of the contractor's obligations arising from a contract with the City of Houston.

Woman ~~shall means~~ a person who is a citizen or legal resident alien of the United States and who is of the female gender.

Women business enterprise or *WBE* ~~shall means~~ a business which is:

- a. A sole proprietorship in which the owner is a woman who owns, controls and manages the business; or
- b. A corporation in which at least 51 percent of the stock or assets of such corporation is owned, controlled and managed by one or more women; or
- c. A partnership in which at least 51 percent of the assets of such partnership is owned, controlled and managed by one or more women; or
- d. ~~A joint venture in which at least 51 percent of the interests in such joint venture is owned, controlled and managed by one or more women; or~~

- ~~e.~~ Any other business or professional entity in which at least 51 percent of the assets in such business or professional entity is owned, controlled and managed by one or more women; or
- ef. Any entity in which at least 51 percent of the assets of such entity is owned, controlled and managed by one or more minority persons and one or more women; or
- fg. A business which has been certified as a WBE by the office of business opportunity under any other recognized WBE program.

Sec. 15-83. Program elements.

(a) Based upon a review of annual awards and purchases data submitted annually by affected city departments, the office of business opportunity shall each year submit a progress report to the city council. The report shall include two percentage figures that are intended to as closely as possible represent the ratio of the prior year's measured utilization and availability capacities of local ~~MWSBEs~~ MBEs and ~~WBEs~~ to do business in:

- (1) The supply of goods and nonpersonal or nonprofessional services; and
- (2) The performance of personal or professional services;

to the prior year's total local business community utilization and availability capacity to do business in each of the two named fields of city contracting.

In addition, the report shall include percentage figures that are intended to as closely as possible represent the ratio of the prior year's measured utilization and availability capacities of local ~~MWSBEs~~ MBEs and ~~SBEs~~ to do business in construction to the prior year's total local business community utilization and availability capacity to do business in city construction contracting. The report may also include figures and other evidence of factors prescribed in Part 26, Title 49 of the Code of Federal Regulations in the year the report is made that may affect the aforementioned ratio of utilization and availability.

(b) Based upon the measured utilization and availability capacities and any other relevant factors prescribed in Part 26, Title 49 of the Code of Federal Regulations and identified in the report submitted pursuant to subsection (a) above, city council shall from time to time set annual city-wide percentage goals for city contracting with ~~MWSBEs~~ MBEs and ~~WBEs~~ in each of the ~~first two~~ named categories described in subsection (a)(1) and (2) above and for contracting with ~~MWSBEs~~ MBEs and ~~SBEs~~ in the construction category. The adjustment, if any, in the percentage goals shall be made during the first quarter of the fiscal year.

(c) It is the responsibility of each city department to determine which contracts initiated by it are goal-oriented contracts and which are regulated contracts. If the determination is made that a contract is a goal-oriented contract or a regulated contract, the initiating department shall review the contract and shall determine, by reference to the MWSBEMBE/SBE/WBE register, the number of certified MWSBEMBEs~~MBEs and WBEs~~ in each of the two named categories described in subsection (a)(1) and (2), above, and for construction, the number of certified MWSBEMBEs~~MBEs and SBEs~~ in the construction category. The initiating department director or his or her designee shall determine whether the contract is one to which MWSBEMBE/SBE/WBE provisions should be applied.

(1) These provisions are not required to be applied in the following circumstances:

- a. A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy;
- b. The service or goods requested are of such a specialized, technical or unique nature as to require the city department to be able to select its contractor without application of MWSBEMBE/SBE/WBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants); ~~or~~
- c. If application of MWSBEMBE/SBE/WBE provisions would impose an unwarranted economic burden or risk on the city or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the city; or
- d. If the possible MWSBEMBE/SBE/WBE participation level based on MWSBE ~~MBE, SBE and WBE~~ availability would produce negligible MWSBE ~~MBE, SBE or WBE~~ participation.

If one of the above-listed conditions is determined to exist, the department director shall certify that determination in writing prior to the award of the contract, specifying the conditions which lead to the determination, and submit the determination to the OBO director for review and approval~~of the office of business opportunity and specify the conditions which lead to the determination. This certification is to be made prior to award of the contract.~~

(2) If the contract does not fall within one of the above-listed exceptions, based upon its overall review, the initiating department shall assign an appropriate MWSBEMBE/SBE/WBE participation level, if any, for the contract (whether goal-oriented or regulated) considering the local

availability of certified ~~MWSBEMBEs~~MBEs, SBEs and, except for construction contracts, ~~WBEs~~ in the contract field.

The intention of this article is to provide administrative flexibility in the application of ~~MWSBEMBE/SBE/WBE~~ provisions of this Code and in the percentage participation level on a contract-by-contract basis so as not to limit access to city contracting by nonminority-owned, nonwomen-owned or established business enterprises to a greater degree than necessary to meet the city-wide annual goal and the policies and objectives of this article.

(d) The bidding documents and the contract documents for goal-oriented contracts for which an ~~MWSBEMBE/SBE/WBE~~ participation level has been established shall contain a provision detailing the purposes and objectives of the city's ~~MWSBEMBE/SBE/WBE~~ ordinance and shall incorporate by reference this article and the then-current motion or ordinance establishing ~~MWSBEMBE, SBE and WBE~~ annual goals. Regulated contracts which are determined to have significant subcontracting potential for which an ~~MWSBEMBE/SBE/WBE~~ participation level has been established shall contain contractual provisions (and proposal provisions if submitted for proposals or for bids) requiring the contractor to meet or exceed the determined ~~MWSBEMBE/SBE/WBE~~ participation level for that contract, or to establish that it has made good-faith efforts to do so, and that notwithstanding such efforts, was unable to meet or exceed the determined participation levels. The ~~OBO director shall~~directors of the administration and regulatory affairs, general services, fleet management and public works and engineering departments will establish procedures defining good-faith efforts. These procedures will be reviewed and approved by the office of business opportunity, the mayor and the city attorney.

Sec. 15-84. Office of business opportunity.

(a) Applications for certification as a MWSBE and any addenda thereto shall be made on a form promulgated by the OBO director, and the requirements for certification shall be consistent with the applicable requirements set forth in subsection (b) below.

(b) The office of business opportunity has responsibility for:

- (1) Establishing procedures for the implementation of this article, and reviewing and approving procedures established by city departments, such procedures to be narrowly designed to attain the purposes and objectives specified herein without unduly limiting nonminority-owned or nonwoman-owned or established business enterprises. Such procedures shall be reviewed and approved by the mayor and by the city attorney prior to implementation;
- (2) Certifying businesses as minority, small or women business enterprises and maintaining and distributing to affected city departments a current

register, updated monthly, of such business (including a separate listing of such businesses whose applications for certification are pending) specifying the categories of city contracting represented by the certified MWSBEs~~MBEs, SBEs and WBEs~~;

- (3) Developing educational programs for and otherwise assisting (without offering favoritism in relation to the competitive bidding system) MWSBEs~~minority, small and women business enterprises~~ to compete effectively for city contracts;
- (4) Making recommendations to the mayor, city council and city departments to further the policies and objectives of this article, including but not limited to assisting city departments in setting contract-specific MWSBE goals;
- (5) Reviewing documentation from potential contractors and from contractors concerning good-faith efforts made to meet or exceed the participation level for contracts. The final recommendation to city council for award or for acceptance of work shall be the city department's, although the office of business opportunity may take exception;
- (6) Compiling, ~~bimonthly~~, a report of the progress of city departments, by department, in attaining the city-wide goals set by city council. This report shall be based upon MWSBE~~MBE, SBE and WBE~~ contractor and subcontractor information, to be specified by the office of business opportunity, ~~which each department is to submit to the office of business opportunity monthly. Upon completion,~~ The report is to be submitted quarterly~~bimonthly~~ to city council members, the mayor and all affected city department directors for their information;
- (7) Receiving and reviewing complaints and suggestions concerning the MWSBE~~MBE/SBE/WBE~~ program from contractors, MWSBEs~~MBEs, SBEs, WBEs~~ and city departments; and
- (8) Without limiting the authority of the office of business opportunity to establish procedures that are consistent with the terms of this article, the office of business opportunity~~division~~ is specifically directed to promulgate and implement procedures as follows:
 - a. Grievance procedures for any person aggrieved by any decision of the office of business opportunity~~division~~ under this article. The procedures shall include notice and a hearing before an impartial hearing officer who shall be appointed by the mayor;
 - b. ~~Arbitration/M~~mediation procedures for the resolution of disputes between contractors or bidders and MWSBE~~MBE/SBE/WBE~~

participants or potential participants with respect to any aspect of compliance with this article, including, without limitation, any assertion that a contractor, subcontractor, or MWSBE ~~MBE/SBE/WBE~~ has failed to make good faith efforts to comply with this article;

- c. Procedures to implement and enforce any sanctions provided under this article;
- d. Procedures to ensure performance of work by MWSBEs ~~MBE/SBE/WBEs~~, which procedures shall include: (i) a requirement that no more than 50 percent of their work may be subcontracted, without a specific waiver from the office of business opportunity division for cause; (ii) a requirement that the minority person, small business or woman owner of an MWSBE ~~MBE/SBE/WBE~~ have the necessary experience, expertise, credentials and regulatory authority to conduct the type of business for which the business is certified; (iii) a requirement that bidders and contractors make good faith efforts to meet or exceed contract MWSBE ~~MBE/SBE/WBE~~ goals; and (iv) a requirement that MWSBEs ~~MBE/SBE/WBEs~~ accurately represent all material information required for certification and truly perform a commercially useful function ~~the work they are represented to have performed~~;
- e. Procedures for counting participation by MWSBEs ~~MBE/SBE/WBEs~~ as prime contractors, subcontractors, suppliers and joint venturers on city contracts, which procedures shall ensure that all work performed by MWSBEs ~~MBE/SBE/WBEs~~ ~~as prime contractors~~ is included in the computation of the progress made toward meeting the annual city-wide goals;
- f. Procedures to ensure that this article is limited in its application to the certification of locally based MWSBEs ~~MBEs, SBEs and WBEs~~;
- g. Procedures to coordinate the operation of this article with other local MWSBE ~~MBE/SBE/WBE~~ programs, which may include reliance upon certification procedures of other entities that are determined to be reliable and equivalent to this article; ~~and~~
- h. Procedures to ensure access to necessary records of prime contractors and subcontractors on city contracts; and.
- i. Procedures for handling theft of services (wage theft) complaints of employees of city contractors and subcontractors.

(c) MWSBE certification shall be valid for a period of three years from the date of certification; provided, however, all applicants certified as MWSBEs shall be subject to review on an annual basis pursuant to procedures established by the OBO director to ensure compliance with all applicable provisions of this article.

(d) Applications for renewal of MWSBE certification shall be evaluated under the same criteria and subject to the same manner of review as original applications.

(e) All procedures established under this section shall be reviewed and approved by the city attorney prior to implementation. A copy of all procedures hereunder shall be maintained in the office of business opportunity offices of the division for inspection, and copies may be purchased at the fees prescribed by law.

Sec. 15-84.1. Responsibilities of city departments; department utilization plan.

(a) Each department director shall be accountable for the oversight and implementation of the following activities:

- (1) Informing MWSBE organizations or associations of the department's procurement procedures and future procurement opportunities;
- (2) Ensuring that department bid solicitations and requests for proposals are sent to MWSBEs in a timely manner;
- (3) Referring MWSBEs to technical assistance services available from the office of business opportunity and other organizations that provide such services;
- (4) Reviewing each request for waiver or modification of participation goals prior to its submission to the office of business opportunity for approval;
- (5) Monitoring the department's procurement activities to ensure compliance with and progress towards the city-wide participation goals; and
- (6) Providing the OBO director with the departmental utilization plan prescribed in subsection (b) of this section and any other documentation requested by the office of business opportunity necessary in evaluating a department's progress in achieving city-wide participation goals.

(b) Each department that has procured goods and services in excess of three million dollars during the fiscal year ending on June 30th of the preceding calendar year shall be required to submit a departmental utilization plan for the following fiscal year

commencing on July 1st. Departmental utilization plans shall be submitted on or before June 15, 2014, and not later than June 15th of each calendar year thereafter.

(c) Each department director shall be responsible for creating, submitting, and implementing an annual departmental utilization plan that shall include, at a minimum, the following:

- (1) The department's forecast of anticipated projects and contract specific goals for the upcoming fiscal year;
- (2) A detailed, written explanation for any departmental goal that is not consistent with the overall city-wide goals for MWSBE participation;
- (3) A list of the names and titles of department personnel responsible for the implementation of the departmental utilization plan;
- (4) The methods and relevant activities proposed for achieving the department's participation goals; and
- (5) Any other information the department director deems relevant or necessary.

(d) Upon review by the OBO director, all departmental utilization plans shall be submitted to the mayor and city council for final approval.

(e) A departmental utilization plan may be amended to reflect changes in the department's projected procurements, expenditures, or other relevant circumstances and resulting changes in the department's participation goals. Such amendments shall be submitted to the OBO director for review and shall be submitted to city council for final approval not less than 30 days prior to the proposed date of implementation.

(f) Each department director shall be accountable for setting and making reasonable efforts to meet the participation goals stated its departmental utilization plan. Departments shall, at minimum, engage in outreach activities that encourage eligible businesses to apply for certification as MWSBEs and encourage MWSBEs to participate in all facets of the procurement process and compete for city contracts, including contracts awarded by negotiated acquisition and emergency and sole source contracts.

Sec. 15-85. Filing of plan.

Before execution of any contract or issuance of any purchase order for which an MWSBEMBE/SBE/WBE goal has been established, a bidder or potential contractor shall submit a plan setting forth how it intends to meet the contract MWSBEMBE/SBE/WBE goal or documentation demonstrating its proof of good faith efforts to meet the contract MWSBE goal. After execution of a contract or receipt of a

purchase order, the contractor shall comply with the submitted plan, unless it has received approval from the OBO director of office of business opportunity for a deviation therefrom. Approval shall not be unreasonably withheld. While it is not a requirement that a contractor meet its goal, it is required that the contractor objectively demonstrate to the office of business opportunity that it has made good faith efforts to meet the goal. To this end, the contractor shall maintain records as prescribed by the office of business opportunity demonstrating its efforts at compliance. The contractor shall be required to submit to the office of business opportunity reports of its efforts under this article in such form or manner as shall be prescribed by the OBO director~~division~~.

Sec. 15-86. Sanctions.

(a) The OBO director of office of business opportunity is authorized to suspend any contractor who has failed to make good faith efforts to meet any goal established under this article from engaging in any contract with the city for a period up to, but not to exceed, five years. The OBO director is also authorized to suspend any MWSBEMBE, SBE or WBE who has failed to make good faith efforts to meet all requirements necessary for participation as an MWSBEMBE, SBE or WBE from engaging in any contract affected by this article for a period up to, but not to exceed, five years.

(b) In accordance with section 15-84 of this Code, the office of business opportunity shall establish procedures for the imposition of sanctions and shall ensure that no sanction is imposed without notice of the grounds being given; and an opportunity for a hearing consistent with the procedures set forth in sections 15-22, 15-23, and 15-24 of this Code~~and an opportunity for appeal to city council or to an impartial hearing officer designated by the mayor~~. Any procedure established shall be consistent with state law.

Sec. 15-87. Determination of established business enterprise status.

(a) Based upon a review of data submitted by MWSBEs~~MBEs~~, SBEs, WBEs or MWSBEMBE/SBE~~WBE~~ applicants and any other information available from its files or the files of any other governmental entity, the office of business opportunity shall determine the size of each MWSBEMBE, SBE, WBE or MWSBEMBE/SBE~~WBE~~ applicant by determining the average of the gross receipts for the prior three years and the average number of employees for the 12 calendar months immediately preceding the review, as applicable. The calculation of size shall be based solely upon the size standards and methods of calculation identified by the U.S. Small Business Administration (SBA) including, without limitation those set forth in 13 C.F.R. part 121, subpart A, secs. 121.101 through 121.107, and sec. 121.201, any amendment or successor thereto, or any other document defining such size standards or the calculation thereof that has been fully and finally adopted by the SBA. The review shall be applicable to business entities applying for initial certification as an MWSBEMBE, SBE or WBE or to certified MWSBEs~~MBEs~~, SBEs or WBEs, provided that such review may not be initiated until the applicant or certified MWSBEMBE, SBE or WBE has

established a business history of sufficient length to allow calculation of size based on the three year financial or 12 month employee data, as applicable.

(b) Following the review described in this section, each certified MWSBEMBE, ~~SBE, WBE or MWSBEMBE/SBE/WBE~~ applicant shall be re-evaluated under this section on an annual basis based upon the size standards and methods of calculation identified by the SBA and procedures established by the OBO director to ensure compliance with all applicable provisions of this article, beginning with the next annual application for re-certification of the business. ~~Provided, however, that if any such business has been subjected to a size evaluation under any provision of this chapter within 180 days immediately preceding the date of its re-certification application, the director of [the] office of business opportunity may defer a re-evaluation until the annual re-certification next following such date.~~

(c) All MWSBEMBEs, ~~SBEs, WBEs and MWSBEMBE/SBE/WBE~~ applicants shall, upon written request of the OBO director of office of business opportunity, provide to the office of business opportunity director copies of any and all documents, including without limitation financial statements and tax records, requested by the director in connection with the review authorized in subsection (a) of this section, not later than 20 business days following the date of mailing of the request. Failure to timely and completely comply with any such request will authorize the imposition of sanctions under section 15-86 of this Code, or denial of certification in the case of an MWSBEMBE, ~~SBE or WBE~~ applicant.

(d) Following the review authorized by subsection (a) of this section, the office of business opportunity shall classify each MWSBEMBE, ~~SBE, WBE or MWSBEMBE/SBE/WBE~~ applicant whose size meets or exceeds the size standard identified by the SBA for that class of enterprise as an established business enterprise. The classification shall be effective as of the date of mailing of the notice provided in section 15-88 of this Code.

Sec. 15-88. Notice, appeal and waiver.

(a) Immediately upon classification of a certified MWSBEMBE, ~~SBE, WBE or MWSBEMBE/SBE/WBE~~ applicant, as an established business enterprise pursuant to section 15-87 of this Code, the office of business opportunity shall notify the business so classified of the action by United States certified mail, return receipt requested, addressed to the last known address of the business and deemed given when placed in a United States mail depository.

(b) Each notice shall inform the affected MWSBEMBE, ~~SBE, WBE or MWSBEMBE/SBE/WBE~~ applicant of the following matters:

- (1) That the MWSBEMBE, ~~SBE, WBE or MWSBEMBE/SBE/WBE~~ applicant has been classified as an established business enterprise;

- (2) That the classification is effective as of the date of mailing of the notice;
- (3) That the ~~MWSBEMBE, SBE, WBE~~ or ~~MWSBEMBE/SBE/WBE~~ applicant may appeal the classification or seek a waiver of the classification pursuant to the procedures established under this section;
- (4) That the provisions of section 15-89 of this chapter shall become enforceable with respect to any certified ~~MWSBEMBE, SBE or WBE~~ one year following the notice of classification, unless the decision is reversed or a waiver is granted and the classification is withdrawn prior to the expiration of the one-year period; and
- (5) That any ~~MWSBEMBE, SBE or WBE~~ applicant ~~deemed is not~~ ineligible for certification based upon ~~its~~the classification as an established business enterprise ~~shall and will~~ remain ineligible for certification unless and until any withdrawal of the classification as an established business enterprise ~~is granted~~ pursuant to an appeal or a request for waiver conducted under this section.

(c) In order to appeal a classification as an established business enterprise, an ~~MWSBEMBE, SBE, WBE~~ or ~~MWSBEMBE/SBE/WBE~~ applicant must submit to the OBO ~~director of office of business opportunity~~ a written notice of appeal no later than 60 days following the date of mailing of the notice of classification. The sole basis for an appeal shall be that the office of business opportunity has incorrectly calculated the size of the business according to SBA standards based upon incorrect information or error in computation. The notice of appeal shall be accompanied by any documentation necessary to demonstrate the asserted error. If the OBO ~~director of the office of business opportunity~~ finds that an error or errors were made in calculating the size of the business and that any such error resulted in an incorrect classification as an established business enterprise, the classification shall be withdrawn and the business promptly notified of the withdrawal. If the OBO director finds that no error was made, or that any error would not materially alter the classification, he shall notify the business that the classification is not altered, by certified mail, return receipt requested. The business may within ten days of the date of mailing of the notice submit to the OBO ~~director of office of business opportunity~~ a written request for a hearing, which hearing shall be conducted under the procedures set forth in subsections (e) through (g) of this section.

(d) In order to seek a waiver of a classification as an established business enterprise, an ~~MWSBEMBE, SBE, WBE~~ or ~~MWSBEMBE/SBE/WBE~~ applicant must submit to the OBO ~~director of office of business opportunity~~ a written request for a hearing no later than 60 days following the date of mailing of the notice of classification. The written request shall include documentary evidence, including but not limited to financial statements and tax records, relevant to the following criteria:

- (1) Profitability of the enterprise;
- (2) Sales of the enterprise, including a demonstration that whether the enterprise has 55 percent or more of the enterprise's sales, within the period utilized by the office of business opportunity division in its classification determination, ~~that are not related to city contracts;~~
- (3) Ability of the MWSBEMBE, ~~SBE~~, ~~WBE~~ or MWSBEMBE/SBE/WBE applicant to obtain bonding, if the enterprise acts as a prime contractor or in a category in which obtaining bonding is required; and
- (4) Positive comparison of the enterprise's business and financial profile with those of non-MWSBEMBE/SBE/WBE firms in the same business category based on an objective industry standard.

(e) The OBO ~~director of office of business opportunity~~ shall notify the affected MWSBEMBE, ~~SBE~~, ~~WBE~~ or MWSBEMBE/SBE/WBE applicant of the place and time of a hearing before the OBO director or his designee to consider an appeal requested under subsection (c) of this section, or a request for waiver of the classification under subsection (d) of this section, or both, as applicable, by United States certified mail, return receipt requested. The hearing shall be set not later than 30 days following receipt of the request, provided that the OBO director or his designee may in his discretion extend such date by a reasonable period for good and sufficient cause shown. Hearings for businesses that have both appealed under subsection (c) of this section and requested a waiver under subsection (d) of this section may be consolidated in a single hearing at the discretion of the OBO director or his designee.

(f) The OBO director shall promulgate written procedures for the conduct of hearings. The OBO director or his designee shall hear each appeal or request for waiver and shall consider only the criteria set forth under subsections (c) and (d)(1) through (d)(4) of this section, as applicable, in determining whether to withdraw the classification of the affected business as an established business enterprise. The OBO director shall develop objective standards for evaluating each factor set forth under subsections (d)(1) through (d)(4) based upon recognized industry or governmental practices or standards. The burden shall be on the business to demonstrate by clear, convincing and cogent evidence either that a material error in classification was made or that the granting of a waiver is justified by at least two of the criteria set forth in subsections (d)(1) through (d)(4) of this section.

(g) Notwithstanding any provision of this Code or of the rules or regulations of the office of business opportunity to the contrary, including any provision for arbitration or mediation of a decision of the OBO ~~director of office of business opportunity~~, the decision of the OBO director or his designee regarding appeal or waiver shall be final.

Sec. 15-89. Effect of classification; re-application.

(a) Upon the expiration of one year following the notice of classification as an established business enterprise referenced in section 15-88(a) of this Code, and in the absence of any withdrawal of such classification by the OBO director of office of business opportunity, each certified MWSBEMBE, SBE or WBE so classified shall be ineligible for future participation in any city contract as an MWSBEMBE, SBE or WBE and its certification shall be withdrawn. No application for re-certification shall be granted absent the prior determination of the OBO director of the office of business opportunity that the applicant does not meet or exceed the SBA size standards referenced in section 15-87(a) of this Code. Certified businesses whose evaluation results in classification as an established business enterprise shall timely file any re-certification application due prior to expiration of the one year extension of program eligibility referenced in this section, but the application shall not be granted unless and until the classification is withdrawn or waived.

(b) Notwithstanding any provision of this Code or the rules or regulations of the office of business opportunity to the contrary, including any provision for ~~arbitration or~~ mediation of a decision of the OBO director of office of business opportunity, any initial applicant for MWSBEMBE/SBE/WBE certification who meets the criteria for an established business enterprise at the time of its application and is so classified shall be denied certification on that basis alone and shall have no recourse for the denial except through challenging the classification in the manner set forth in section 15-88 of this chapter. Any and all other matters pertaining to the eligibility of the applicant shall be abated and shall only be reinstated if the classification as an established business enterprise is withdrawn.

(c) The office of business opportunity may continue to assist established business enterprises following ineligibility as follows:

- (1) Such businesses, if formerly certified by the city, may ~~be continued to be~~ listed in any listing of MWSBEMBE/SBE/WBE firms in a separate category of established MWSBEMBE/SBE/WBE firms for the information of other private or public entities; and
- (2) Such businesses, if formerly certified by the city, may receive information, counseling and referrals to other agencies supporting business enterprises from the office of business opportunity after their classification as established business enterprises.

(d) No sooner than one year following the date of program ineligibility provided in subsection (a) of this section or the denial of certification provided in subsection (b) of this section, any established business enterprise may apply for reinstatement as a fully eligible, certified MWSBEMBE, SBE or WBE or reinstatement of an application for

certification abated under subsection (b) of this section, as applicable, upon demonstrating the existence of one or more of the following conditions:

- (1) That the subsequent history from the date of initial classification as an established business enterprise demonstrates that a size calculation as of the date of application for reinstatement would place the business below the SBA size standards for that category of business;
- (2) That the established business enterprise has successfully obtained an SBA size determination from a federal agency authorized to make such a determination, or has prevailed in an SBA size protest under 13 CFR § 121.1001, et seq., as amended, including any judicial review thereof, establishing that the business does not meet or exceed the applicable SBA size standard;
- (3) That the SBA size standards have been revised in such a manner that the subject business no longer meets or exceeds the size standard for its category based upon the most recent three-year average for receipts or 12 month average for employees, as applicable; or
- (4) That the criteria listed in section 15-88(d) of this Code demonstrate the need to grant a waiver and withdraw the classification of the business as an established business enterprise.

(e) Applications for reinstatement shall be on a form prescribed by the OBO director ~~of the office of business opportunity~~ and shall be accompanied by relevant documentary evidence supporting the ground or grounds for reinstatement asserted, as requested by the OBO director.

(f) Within 30 days following receipt of a completed application for reinstatement, the OBO director shall grant the application or deny the application and set the matter for hearing within 30 days of the date of mailing notice of such denial.

(g) The burden on the business applying for reinstatement shall be to demonstrate the existence of one or more of the conditions set forth in subsections d(1) through d(4) of this section by clear, convincing and cogent evidence, to be evaluated by the director under hearing procedures consistent with the nature of the application and, to the extent applicable, with the provisions of subsections (c), (d), (e) and (f) of section 15-88 of this Code. In addition, a business seeking reinstatement under subsection (b)(4) of this section that has previously sought a waiver of classification as an established business enterprise pursuant to section 15-88(d) of this chapter must present evidence of a material and substantial change in circumstances not shown at the preceding hearing, and the OBO director or his designee shall disregard evidence that is repetitious or cumulative of the prior hearing on the matter.

(h) The decision of the OBO director ~~of office of business opportunity~~ or his designee following a hearing on reinstatement shall be final, and any applicant denied reinstatement is to be notified in writing of the decision within ten days following the hearing. No business denied reinstatement may subsequently apply for reinstatement until the expiration of one year from the date of the denial.

ARTICLE VI.

PERSONS WITH DISABILITIES BUSINESS ENTERPRISES

Sec. 15-90. Declaration of policy.

(a) It is the policy of the city to stimulate the growth of local business enterprises owned, controlled and managed by persons with disabilities by encouraging the full participation of such businesses in all phases of its procurement activities and by affording them a full and fair opportunity to compete for all city contracts. The city council finds and determines that such businesses are historically underutilized and disadvantaged with respect to government and private sector contracting and in need of the measures provided by this article. The purposes and objectives of this article are:

- (1) To increase the utilization of local PDBE enterprises to provide goods and services; and
- (2) To provide opportunities for local PDBE enterprises to broaden and enhance their range of capacities; and
- (3) To increase opportunities for local PDBE enterprises to serve as contractors for the supply of goods and services to the city, in addition to acting as subcontractors to others, all in order to help eliminate the historical underutilization and disadvantages faced by such businesses.

(b) This article is intended to be remedial in nature and to continue only until its purposes and objectives are met as determined by regular periodic reviews.

(c) This article is not intended to duplicate, supplement or overlap in any fashion the requirements, definitions, procedures or remedies afforded by the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., and shall be construed and applied in a manner entirely separate from and independent of any measures required by that Act.

(d) This article is not intended to duplicate, supplement or overlap in any fashion any state or federal program providing aid or assistance to individuals with disabilities, or to entities that aid or assist individuals with disabilities, with respect to rehabilitation, employment, job training, housing, economic or medical assistance and shall be

construed and applied in a manner entirely separate from and independent of any such state or federal program.

Sec. 15-91. Definitions.

(a) The following words and phrases, when used in this article, defined shall have the meanings ascribed provided in this section, when used in this article unless the context clearly indicates another meaning.

Armed forces means the United States Army, Navy, Air Force, Marine Corps, or Coast Guard.

~~(21)~~—*Chronic or permanent character shall means*, with respect to a medically determined physical or mental impairment, that the impairment is medically anticipated to be of a continuing nature, with no present prognosis of complete or substantially complete recovery through the passage of time and/or the application of presently available medical treatment or rehabilitative therapy.

~~(3)~~—*Disabled veteran means an individual who served on active duty in the armed forces, separated from the armed forces under honorable conditions, and has a disability rating letter issued by the Department of Veterans Affairs establishing a service-connected disability rating between zero and one-hundred percent, or a disability determination from the Department of Defense.*

~~(42)~~—*Major life activities shall means* functions significantly affecting a person's quality of life, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

~~(53)~~—*Medical doctor shall means* an individual licensed to practice medicine in the State of Texas.

~~(64)~~—*Medically determined shall means* determined by a medical doctor.

~~(75)~~—*Owned, controlled and managed shall means* that the one or more persons with a disability who own the requisite interests in or assets of a business applying for persons with disabilities' business enterprise certification shall possesses equivalent incidents of such ownership, including an equivalent interest in profit and loss, and shall have has contributed an equivalent percentage of capital and, equipment and/or expertise to the business. Contributions of capital and equipment must be real and substantial. In instances where expertise is relied upon to demonstrate ownership, control, and management, it must be shown that the expertise is: (1) in a specialized field; (2) in an area(s) critical to the firm's operation and performance of a commercially useful function; (3) critical to the firm's continued success; and (4) documented in the records of the firm, including but not limited to documentation showing the

particular expertise and its value to the firm. Additionally, the individual whose expertise is relied upon must have a significant financial investment in the business. Ownership shall be measured as though not subject to the community property interest of a spouse, if both spouses certify in writing that the nonparticipating spouse relinquishes control over his or her community property interest in the subject business (but by doing so is not required to transfer to his or her spouse his or her community property ownership interest or to characterize the property as the separate property of the spouse). The one or more persons with a disability owners shall have recognized, ultimate control over all day-to-day business decisions affecting the PDBE and shall hold a title commensurate with such control. Such ultimate control shall be known to and at least tacitly acknowledged in day-to-day operations by employees of the business.

~~(86)~~—*Person with a disability shall means* a disabled veteran or citizen or legal resident alien of the United States who has a presently existing, medically determined physical or mental impairment of a chronic or permanent character which substantially limits one or more of his or her major life activities. The term *persons with disabilities* shall not include individuals currently engaging in the illegal use of drugs or currently engaging in the abuse of alcohol. However, the term *persons with disabilities* does not exclude individuals who have successfully completed a supervised drug or alcohol rehabilitation program and are no longer engaging in the illegal use of drugs or the abuse of alcohol and who otherwise qualify as persons with disabilities under the criteria set forth in this article.

~~(97)~~—*Persons with disabilities business enterprise or PDBE shall means* a business that is:

- a. A sole proprietorship in which the owner is a person with a disability who owns, controls and manages the business; or
- b. A corporation in which at least 51 percent of the stock or of the assets of the corporation is owned, controlled and managed by one or more persons with a disability; or
- c. A partnership in which at least 51 percent of the assets of the partnership is owned, controlled and managed by one or more persons with a disability; or
- d. ~~A joint venture in which at least 51 percent of the interests of the joint venture is owned, controlled and managed by one or more persons with a disability; or~~

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- ~~e.~~—Any other business or professional entity in which at least 51 percent of the assets in the business or professional entity is

owned, controlled and managed by one or more persons with a disability.

(b) See section 15-82 of this Code for additional definitions.

Sec. 15-92. Program elements.

(a) Unless expressly excepted under this article, all elements, requirements and procedures of the ~~MWSBEMBE/SBE/WBE~~ program set forth in article V of this chapter, including, without limitation, applicable definitions, reporting requirements, goal-setting procedures, city department procedures, exceptions, contract and participation provisions, plan filing requirements, sanctions and established business enterprise provisions, are hereby adopted and incorporated as if fully set forth herein and shall be applied to PDBEs in the same manner as to ~~MWSBEs/MBEs, SBEs and WBEs~~.

(b) The office of business opportunity has responsibility for establishing procedures for the PDBE program consistent with the directives set forth under section 15-84 of this Code for the ~~MWSBEMBE/SBE/WBE~~ program; provided, that the office of business opportunity may simplify, condense or modify reporting and monitoring responsibilities consistent with the anticipated lower volume of PDBE contracts in the interest of administrative efficiency.

(c) Percentage goals for PDBEs shall be separate and apart from percentage goals established for city contracting with ~~MWSBEs/MBEs, SBEs and WBEs~~.

(d) All procedures established under this section shall be reviewed and approved by the city attorney prior to implementation. A copy of all procedures established hereunder shall be maintained in the offices of business opportunity ~~the division~~ for inspection, and copies may be purchased at the fees prescribed by law.

Sec. 15-93. Application and certification.

(a) Applications for certification as a PDBE and any addenda thereto shall be made in a form ~~to be promulgated by the OBO director of the office of business opportunity~~, and the requirements for certification shall be consistent with the applicable requirements set forth under article V of this chapter and the procedures of the office of business opportunity for businesses applying for certification as MBEs, SBEs or WBEs, except as follows:

- (1) Each applicant for certification as a PDBE shall submit, in addition to any other information required, ~~submit~~ a disability affidavit and accompanying letter from a medical doctor documenting the present existence and nature of the medically determined physical or mental impairment asserted as the basis for certification as a PDBE; and

- (2) Authorize the release of any medical information required by the director to verify the medical determination of a presently existing physical or mental impairment and/or the degree to which the major life activity or activities are impaired.

(b) Except for a disabled veteran who shows proof of a disability rating letter from the Department of Veterans Affairs or a disability determination from the Department of Defense demonstrating the disabled veteran has a service-connected disability, ~~t~~The determination of a qualifying impairment shall include the following criteria:

- (1) The impairment must be shown to have been evaluated through a comprehensive diagnostic study, and in the case of a mental impairment through a psychiatric or psychological evaluation, that is sufficient to demonstrate that a medically determined physical or mental impairment of a chronic or permanent character presently exists and that it substantially limits one or more of the applicant's major life activities.
- (2) The applicant's substantial functional limitations must be a result of his or her physical or mental impairment.
- (3) The existence of a physical or mental impairment alone, without substantial and continuing functional limitations as a result of the impairment, does not satisfy the requirements for certification.

(c) Notwithstanding any provision of this chapter to the contrary, the OBO ~~director of the office of business opportunity~~ shall have the authority to question the authenticity or accuracy of information provided by any PDBE applicant, either for initial certification or for renewal of certification, purporting to verify the present existence of the claimed mental or physical impairment and/or the degree to which the impairment is claimed to limit a major life activity.

(d) If the OBO ~~director of the office of business opportunity~~ finds that the PDBE application meets the criteria of this article, article V of this Code and applicable rules and procedures promulgated by the director, the director shall approve the application.

(e) If the OBO ~~director of the office of business opportunity~~ determines that questions exist as to the matters referenced in subsection (b) of this section, the OBO director shall notify the applicant in writing of the nature of the questions raised and set the matter for a hearing before the OBO director or his designee not later than 30 days following the date of mailing of the notice. At such hearing the burden shall be upon the applicant to provide clear, convincing and cogent evidence to establish the nature and extent of the claimed impairment. The decision of the OBO director or his designee denying or granting certification shall be final, subject to the grievance procedures authorized by section 15-84(8)(a) of this Code.

Sec. 15-94. Review and rRenewal of certification.

(a) PDBE certification shall be valid for a period of three years from the date of certification; provided however, all applicants certified as PDBEs shall be subject to review renewable on an annual basis pursuant to procedures established by the OBO director of the office of business opportunity.

(b) In addition to any other criteria that may be established for renewal of PDBE certification, applications for renewal shall be evaluated under the same criteria and subject to the same manner of review as authorized by section 15-93 of this Code for original applications.

(c) This section shall not be construed to prohibit any person or business certified as an MWSBEMBE, ~~SBE or WBE~~ from also being certified as a PDBE; provided, however, that any such person or business with dual certification shall not be permitted to participate in both a MWSBEM/SAWBE goal and a PDBE goal in the same contract.

Sec. 15-95. Confidentiality of records.

Information submitted by PDBE applicants in connection with an application for certification or re-certification as a PDBE under this article shall be confidential and may be disclosed by the office of business opportunity only pursuant to the requirements of a statute or the order of a court of competent jurisdiction.

Secs. 15-96--15-100. Reserved.

ARTICLE VII.

PUBLIC WORKS CONTRACTOR DEBARMENT

Sec. 15-101. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Administrative official means the official designated by the director of general services to oversee the administrative process of debarment.

Contractor means any person who contracts with or otherwise provides goods or services to the city for public works contracts, and includes subcontractors who by agreement provide any goods, materials, or services used in the performance of city public works contracts.

Day means a calendar day.

Debarment means action taken by the city council to exclude a person from acting as a city public works contractor for a specified period.

Hearing official means the person designated by the director of the department of general services to conduct a debarment or reinstatement hearing and to make findings and recommendations to city council. The hearing official must not be a person who participated in the administration of the contract giving rise to the debarment proceeding and shall not be the same person as the administrative official who investigated the referral. The hearing official may be a city employee, unless the contractor requests and makes security for the services of a private hearing official as provided in this article. The mayor shall, based upon recommendations from the administrative official and contractor organizations, develop and maintain a list of private hearing officials who will be designated by the director to conduct hearings under this article. Subject to their timely availability, the director shall assign private hearing officials in rotation from the list of persons appointed by the mayor.

Public works contract means any city contract or subcontract for the construction of public works, whether issued under the administrative oversight of the public works and engineering department, the aviation department, or the general services department. The term includes contracts on competitive bids pursuant to chapter 252 of the Texas Local Government Code, but not contracts for professional services that are exempt from bidding under the Texas Professional Services Procurement Act.

Theft of services has the meaning provided in section 31.04 of the Texas Penal Code.

Wrongful conduct means any of the types of conduct or offenses listed in section 15-103(1)--(4) of this Code.

Sec. 15-102. Debarred person ineligible.

(a) No person subject to a debarment order shall be eligible for award of any public works contract. No person subject to a debarment order is a responsible bidder for any public works contract.

(b) No person subject to a debarment order shall be eligible to serve as a subcontractor or as a goods or materials supplier for any public works contract. This provision shall not be construed to preclude completion of existing subcontracts as provided in section 15-110(b) of this Code.

Sec. 15-103. Grounds for debarment.

A person found to have committed any of the following acts in the ~~four~~two-year period preceding referral to the administrative official may be debarred:

- (1) Any significant and material breach of any public works contract, including without limitation, wrongfully and without good cause:
 - a. Failing to complete a contract;
 - b. Failing to perform work in accordance with the terms of a public works contract and accepted industry practices as they exist within the city;
 - c. Failing to comply with state, federal or local laws or regulations that are applicable to the performance of a contract or to public works in general; or
 - d. Failing to comply with state, federal or local laws or regulations or applicable city policies and procedures concerning payment of a contractor in the performance of a public works contract;
 - e. Failing to pay its employees as required by law or otherwise engaging in theft of services; or
 - f. Failing to complete the work on a public works contract within the time allowed.
- (2) Knowingly using a debarred contractor as a subcontractor.
- (3) Conviction or civil adjudication of the contractor or the contractor's officers or owners of a criminal offense or civil misconduct in connection with the contractor's business that evidences a lack of business integrity or business honesty, including without limitation, embezzlement, theft, theft of services, forgery, bribery, fraud, falsification or destruction of records, making false statements, or receiving stolen property, or violations of laws relating to the obtaining of or performing of public contracts.
- (4) Any other conduct that evidences the inability of the contractor to responsibly complete public works contracts on behalf of the city.

The conduct giving rise to the debarment may be based upon actions taken in connection with work undertaken for the city, other public entities, or private entities.

Sec. 15-104. Debarment recommendation.

(a) Any city department director or elected official may refer a contractor to the administrative official for purposes of determining whether a debarment of the person should be made. The referral shall be signed and in writing and shall set forth the basis of the complaint asserted.

(b) Following receipt of the referral, the administrative official shall make inquiry to determine whether probable cause exists to believe that wrongful conduct may, in fact, have been committed. If so, the matter shall proceed to a hearing as provided below. If not, the administrative official shall so advise the referring department director or official and the person against whom the complaint was made and shall take no further action.

(c) Upon a determination by the administrative official that probable cause exists to believe that wrongful conduct may in fact have been committed, the administrative official shall notify the contractor in writing, setting forth:

- (1) The wrongful conduct alleged, including the contract number or numbers, date or dates, and/or other facts, as applicable.
- (2) That a hearing will be conducted no sooner than 15 days after the date the notice is issued, including the date, time, and place of the hearing.
- (3) That the contractor may be represented by legal counsel, may present evidence, and may cross examine witnesses at the hearing.
- (4) That the hearing will be reported by a court reporter at city expense and that, in the event debarment is recommended, the city council may take that action on the basis of the record and without conducting a further evidentiary hearing.
- (5) That the contractor may, in writing, request that the director designate a private hearing official to conduct the hearing in lieu of a city employee, provided that the contractor shall in that instance be responsible for the private hearing official's costs in the event that city council debars the contractor. A contractor who requests a private hearing official shall be required to provide security for reasonably anticipated costs of the private hearing official's services in an amount specified by the director by posting a cash bond or surety bond at least five days prior to the commencement of the hearing.

(d) The hearing shall be conducted by the hearing official. The burden of establishing that grounds exist for debarment shall rest with the city by a preponderance

of the credible evidence. A complete record of the hearing shall be maintained for referral to city council.

(e) If the hearing official finds that wrongful conduct has occurred and determines that debarment would be in the best interests of the city, he shall reduce the findings to writing and forward them, along with a recommendation of debarment for a period of time that is commensurate with the nature of the wrongful conduct, to the mayor for presentation to city council. If the hearing official finds that no debarment should be recommended, he shall so advise the contractor. Any decision to debar a contractor must be made on the same standard of evidence set out in section 15-104(d) of this Code.

(f) Notice of the hearing official's determination and of the contractor's rights under subsection (g) below shall be mailed to the contractor within ten days following the completion of the hearing.

(g) If debarment is recommended, the contractor may file written exceptions with the city secretary within ten days following the date of issuance of the hearing official's notice.

Sec. 15-105. Debarment by city council.

Following presentation of a debarment recommendation from the hearing official and expiration of the ten day period allowed for response by the contractor, city council shall consider the matter, based exclusively upon the hearing official's recommendation, the record created at the hearing, and any written exceptions filed under section 15-104(g) of this Code. The city council may:

- (1) Adopt the recommendation and debar the contractor for the recommended period of time;
- (2) Adopt the recommendation with modifications as to the period of debarment, or otherwise;
- (3) Return the recommendation to the hearing official for development of further factual evidence if the city council finds the record to be incomplete; or
- (4) Reject the recommendation and take no action against the contractor.

The decision of the city council shall be final.

Sec. 15-106. Period of debarment.

The period for debarment shall be commensurate with the seriousness of the cause or causes therefor, but in no case shall the period exceed five~~two~~ years.

Sec. 15-107. Notice and record of debarment.

The city secretary shall notify the contractor in writing of the city council's decision. The city secretary shall maintain the record of all debarred persons. In cooperation with the administrative official, the city secretary shall cause the record to be published on the city's internet website or otherwise made available to contractors.

Sec. 15-108. Effective dates.

(a) A decision to debar a contractor becomes final on the day that city council makes a debarment determination.

(b) A debarment shall remain effective for the period of time specified unless the city council sooner issues an order of reinstatement.

Sec. 15-109. Reinstatement.

(a) A debarred contractor may petition for reinstatement by written request to the administrative official, at any time after he has served at least one-half of the original period of debarment specified in the debarment order. A hearing shall be conducted in accordance with the procedures set forth in section 15-104 of this Code, except that the burden shall be upon the debarred person, who shall be responsible for all court reporting fees and for hearing official fees, if a private hearing official is requested.

(b) At the reinstatement hearing, the hearing official shall consider any evidence presented by the contractor to demonstrate that the contractor may responsibly perform public works contracts. If the hearing official determines that there is good cause to end the debarment, he shall reduce the findings and recommendation to writing and submit them to the mayor for consideration by city council as set out in section 15-105 of this Code.

(c) The city council shall either terminate or continue the debarment. If city council terminates the debarment, the city secretary shall immediately remove the contractor's name from the list of debarred contractors, and the contractor shall become eligible for award of city contracts.

Sec. 15-110. Effect of debarment order.

(a) An order of debarment issued by city council against a person constitutes a finding under section 252.043(a) of the Texas Local Government Code that the person

is not responsible and operates as city council's rejection of any bid submitted by the person during the debarment period. The city secretary shall return a debarred person's bid and bid bond immediately after bids are opened without requirement of any further action by city council.

(b) A debarment order against a person shall not affect any contracts or subcontracts existing at the time of the issuance of the debarment order if the person is not in default of such contract.

Sec. 15-111. Remedies cumulative.

The provisions of this article are cumulative of any other rights or remedies available to the city in connection with the award of any public works contracts to bypass bidders who are not responsible, regardless of whether they have been so declared hereunder. This right extends but is not limited to declining to award public works contracts to bidders that have the same or substantially the same officers, owners, or managers as debarred contractors.

Sec. 15-112. Effect on other ordinances.

A debarred contractor is not eligible for certification under articles IV, V, or VI of this chapter. Debarment shall have the effect of terminating any certification thereunder.

Secs. 15-113--15-120. Reserved.

ARTICLE VIII.

CITY CONTRACTS; INDEBTEDNESS TO CITY

Sec. 15-121. Policy.

(a) Except as provided in section 15-126 of this Code or subsection (b) of this section, no contract shall be let, nor any other business transaction entered into, by the city with any contracting entity that is indebted to the city or a qualifying entity or whose owner is indebted to the city or a qualifying entity, if the contract or transaction comes within the provisions of section 15-1(c) of this Code. No city contract shall be amended or extended if the contracting entity or any owner thereof has become indebted to the city or a qualifying entity since the inception of the contract unless such indebtedness is fully paid prior to any council action to amend or extend such contract.

(b) Exception. Subsection (a) of this section shall not apply to any contract if prohibited by the provisions of Chapter 252, Texas Local Government Code (as the same may be amended from time to time), or by any other applicable state or federal law, rule or regulation restricting the power of the city to promulgate the policy set forth herein; provided however, that when a contract or other business matter that requires

council action is placed before city council, regardless of the applicability of subsection (a), the city council shall be notified in writing whether a proposed contracting entity or owner thereof, if applicable, is indebted to the city or a qualifying entity.

Sec. 15-122. Definitions.

The following terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affidavit shall mean a sworn statement containing the full name of the proposed contracting entity, including the assumed name of a person or sole proprietor doing business under such assumed name, and the business and residence addresses of all persons who own five percent or more of a contracting entity, where applicable, or, where a contracting entity is a non-profit corporation, the full names and the business and residence addresses of all officers of the non-profit corporation.

Contracting entity shall mean a person, whether acting as an individual or operating as a sole proprietorship, corporation, non-profit corporation, partnership, joint venture, limited liability company, or other entity, regardless of the form of its organization, that seeks to enter into a contract that requires approval by the city council, but shall exclude governmental entities.

Controller shall mean the city controller.

Debt shall mean any delinquent sum of money in an amount greater than \$100.00 levied, imposed or assessed against any contracting entity, or owner thereof, by the city or any qualifying entity for ad valorem taxes on real or personal property located within the boundaries of the city.

Debtor shall mean a contracting entity, or owner thereof if the contracting entity is other than a person doing business as an individual or sole proprietorship, that owes a debt to the city or a qualifying entity, as shown by city or other governmental records.

Delinquent shall mean past due, unpaid and no longer subject to challenge, protest or appeal, as those processes are described in the Texas Tax Code.

Indebted shall mean owing a debt to the city or a qualifying entity, without regard to ability or inability to pay the same, where the amount is delinquent, provided that a debtor who remains current on all obligations of an installment agreement executed by the debtor regarding a debt shall not be deemed indebted for purposes of this article.

Initiating director shall mean the director of the department responsible for a matter that is intended to, or does, result in the making of a contract or entry into another business transaction between a contracting entity and the city.

Owner shall mean, with respect to a contracting entity, an individual contractor in his or her own name or as a sole proprietorship, and as to a contracting entity other than an individual or person operating as a sole proprietorship, any person who owns five percent or more thereof, or, in the case of a non-profit corporation, any officer of the non-profit corporation.

Sec. 15-123. Qualifying entities.

(a) For purposes of this article only, a qualifying entity shall include only the following governmental entities, but only if such entity has adopted and actively enforces a policy or administrative procedure that causes such entity to refuse to enter into any contract or business transaction with a contracting entity, or owner thereof, indebted to the city:

- (1) Harris County and/or the Harris County Flood Control District;
- (2) Harris County Hospital District;
- (3) Fort Bend County;
- (4) Montgomery County;
- (5) Houston Independent School District; or
- (6) Any school district or other local governmental unit that levies, imposes or assesses ad valorem taxes against any real or personal property located within the boundaries of the city.

(b) No entity named in subsection (a) of this section shall be deemed a qualifying entity until the director of administration and regulatory affairs has certified that such entity has implemented a policy or administrative procedure consistent with the purpose of this article.

Sec. 15-124. Determination of indebtedness; procedure.

(a) All proposals or other information submitted to the city in connection with any proposed contract, transaction, project or matter shall include an affidavit. Contracts typically awarded without the submission of a proposal, including but not limited to, contracts for engineering and architectural services, shall be subject to this section and shall not be finally approved by the city council until a determination as to any

indebtedness of the contracting entity or any owner thereof to the city or a qualifying entity has been made as provided in this section.

(b) Any failure to submit the affidavit(s) required by subsection (a) shall constitute grounds for rejection or non-consideration of such proposal or other information. It shall be the duty of the initiating director to ascertain that the affidavit has been properly prepared and submitted.

(c) Upon the initiating director's determination of the contracting entity to be recommended for the award of a contract, copies of affidavit(s) submitted by such entity shall be promptly forwarded by the initiating director to the controller.

(d) Upon receipt of an affidavit, the controller shall immediately investigate whether the recommended contracting entity or any owner thereof is indebted to the city or a qualifying entity and, if so, determine insofar as possible with the information provided, whether such indebtedness is then under active protest, challenge or appeal by such debtor. The controller shall maintain a log of all received affidavits and, at least weekly, forward a copy of such log to the city's delinquent tax collection firm or other third party of the controller's choosing, able to assist the controller in identifying debts owed the city or qualifying entities, for a determination of any debt due the city or any qualifying entity.

(e) Promptly after receipt of the report of the delinquent tax collection firm, or other third party, the controller shall certify in writing to each initiating director whether, based on the best information available, a recommended contracting entity is indebted to the city or a qualifying entity and, if so, the amount of such debt. The initiating director shall immediately forward a copy of the controller's certificate or report to each affected contracting entity, together with the telephone number of the delinquent tax collection firm, a contact in the controller's office, or the alternate third party source of information, by which a debtor may confirm the information in such certificate or record as well as the address to which an appeal is to be filed under section 15-125 of this Code. The controller's certificate or report will be deemed to have been received by the contracting entity within three business days after its deposit in the U.S. mail by the initiating director.

(f) Should the controller fail to produce the certificate or report required by subsection (e) within ten business days from receipt of an affidavit, the affected contracting entity and all owners thereof will be deemed not to be indebted to the city or a qualifying entity for purposes of this article only.

(g) The controller's certificate or report shall be valid only until the first of March next following its date of issue. A subsequent award to the same contracting entity during the time that the controller's certificate or report remains valid may be based on the controller's certificate or report. A subsequent award to the same contracting entity

after the first of March of each calendar year is subject to all of the requirements of this section.

(h) If the debt shown in the controller's certificate or report is paid, the receipt or other written proof of payment shall be delivered to the controller who shall immediately issue a new certificate or report to the initiating director confirming such payment.

(i) When an award or other transaction is ready to be submitted to the city council for action, the initiating director shall forward to the city secretary the controller's certificate or report, or the report of the three-member panel sustaining a debtor's protest, challenge or appeal as provided in section 15-125(c) of this Code, and all related affidavit(s).

(j) The certificates or reports of the controller provided for in this section shall be made available to council members who request them.

Sec. 15-125. Appeal.

(a) Any debtor shall have the right to appeal the controller's certificate or report under section 15-124(e) of this Code by filing a written statement requesting a hearing. The debtor's written statement must set forth fully the basis for any appeal and be accompanied by all documentation relied upon in support thereof. Delivery of such request for hearing may be effected by personal delivery to the office of the initiating director or by mail, postage prepaid, to the initiating director but must be received by the initiating director within five business days after the debtor's receipt of the controller's certificate or report.

(b) A hearing under subsection (a) shall be conducted by a three-member panel consisting of the director of administration and regulatory affairs, the city secretary and the initiating director, or their designees, within five business days following the initiating director's receipt of a written request for such hearing. Notice of the three-member panel's decision in an appeal shall be given to the initiating director and affected contracting entity in writing by deposit in the U.S. mail within five business days after such decision.

(c) Any final decision by the three-member panel that a contracting entity, or an owner thereof, is indebted may be appealed to the city council pursuant to compliance with the terms and provisions of rule 12 of the city council rules of procedure, set forth in section 2-2 of this Code, by the filing of a notice of appeal in the city secretary's office within 15 days after the date the three-member panel's decision is deposited in the U.S. mail. The determination of the city council in such matter shall be final.

Sec. 15-126. Exceptions.

(a) The policy and procedures set forth in this article do not apply in the following instances:

- (1) Public emergency or calamity.
- (2) Purchase of goods or services available only from a single source, including the lease of any personal property or equipment by the city.
- (3) Circumstances in which the amount of the indebtedness is insignificant in relation to the economic or other benefit or harm that may result from the application of the policy, as determined by the three-member panel described in section 15-125(b) of this Code.
- (4) Pending bankruptcy of an indebted owner or contracting entity.
- (5) Concluded bankruptcy of an indebted owner or contracting entity in which the debt was legally discharged.
- (6) Memberships purchased by the city.
- (7) Condemnation awards.
- (8) Property acquisitions, including the lease of any real property to or by the city, excluding any lease of city-owned property below fair market rental.
- (9) Purchase of property, casualty or other insurance by the city.
- (10) Banking or other depository contracts.

(b) This policy may also be waived as to other matters where city council deems it to be in the city's interest.

Secs. 15-126--15-140. Reserved.

ARTICLE IX.

RESERVED

Secs. 15-141--15-150. Reserved.

ARTICLE X.

CONTRACTOR EMPLOYEE CLASSIFICATION

Sec. 15-151. Declaration of policy; exclusions

(a) It is the policy of the city to encourage fair competition for city contracts by requiring all contractors to comply with applicable employment laws, statutes and ordinances. It is city policy to prevent any unfairness or inequity for contractors who comply with applicable employment laws.

(b) It is the policy of the city to place an affirmative duty on contractors to demonstrate compliance with all employment laws, statutes and ordinances.

(c) Contractors awarded contracts for professional services, as defined in § 2254.002 of the Texas Government Code, are excluded from the requirements of this article.

Sec. 15-152. Definitions.

The words and phrases defined in this section shall have the meanings ascribed when used in this article, unless the context clearly indicates another meaning.

Contractor means any person or legal entity providing goods, labor, or services to the city by contract for profit and their agents.

Independent contractor means a person performing work for a contractor under a city contract for whom the contractor has the right to control or direct only the result of the work and not the means and methods of accomplishing the result, or a person the Internal Revenue Service has determined is an independent contractor for purposes of federal employment taxes and income tax withholding.

Sec. 15-153. Records regarding classification.

(a) A contractor must maintain a list of all persons performing work under a city contract classifying each person as either an employee or independent contractor, including a description of each person's duties and any benefits provided, and produce a copy of the list upon request of the city.

(b) A contractor must produce a copy of the Internal Revenue Service Form 1099-Misc. for each independent contractor performing work under a city contract upon request of the city.

(c) A contractor must produce a copy of any written contract or agreement describing the relationship with each independent contractor performing work under a contract with the city upon request of the city.

(d) A contractor must submit to the Internal Revenue Service an SS-8 "Determination of Worker Status for Purposes of Federal Employment Tax and Income Tax Withholding" for any person classified as an independent contractor upon request of the city.

Sec. 15-154. Violation of article.

It is unlawful for a contractor to fail to maintain, fail to produce or fail to submit the records, documents or forms required by this article.

Sec. 15-155. Presumption.

Any person performing work for a contractor under a city contract who is not classified as an independent contractor on the list required by this article, and who has not been provided a 1099-Misc. form as required by this article, and with whom a written contract or other agreement describing the relationship with the person does not exist, is presumed to be an employee of the contractor.

Sec. 15-156. Debarment.

Failure to comply with the terms of this article constitutes grounds for debarment as defined in section 15-103 of this Code.

Sec. 15-157. Penalty.

A violation of this article is a misdemeanor criminal offense and is punishable pursuant to section 1-6 of this Code.

Secs. 15-158--15-174. Reserved.

ARTICLE XI. HIRE HOUSTON FIRST

Sec. 15-175. Declaration of policy.

(a) It is the policy of the city to use the city's spending powers in a manner that promotes fiscal responsibility and maximizes the effectiveness of local tax dollars by ensuring a portion of citizens' tax dollars remain in the local economy for economic benefit of the citizens by utilizing all available legal opportunities to contract with city and/or local businesses.

(b) It is the policy of the city to place an affirmative duty on city departments to grant a preference to city and/or local businesses unless doing so would be clearly contrary to the best interests of the city.

(c) It is the policy of the city to achieve the policy goal in subsection (a) above by utilizing all permissible tools.

(d) Nothing in this article prohibits the city from rejecting all bids.

Sec. 15-176. Definitions.

The following words and phrases, when used in this article, defined in this section have the following meanings provided in this section:

Bid means any procurement method governed by the Texas Local Government Code, Title 8, Acquisition, Sale or Lease of Property, or as it may be amended.

City business means a business with a principal place of business within the city limits.

Local area means the Houston-Sugar Land-Baytown metropolitan statistical area, as defined by the Office of Management and Budget within the Executive Office of the President of the United States~~eight counties in and surrounding Houston city limits. The counties are Harris, Fort Bend, Montgomery, Brazoria, Galveston, Chambers, Waller and Liberty.~~

Local business means a business with a principal place of business in the local area.

Principal place of business means the business must be either: (1) headquartered in the incorporated limits of the city or the local area, as applicable; or (2) have an established place or places of business in the incorporated limits of the city or the local area, as applicable, from which 20% or more of the entity's workforce are regularly based, and from which a substantial role in the entity's performance of a commercially useful function or a substantial part of its operations is conducted. A location utilized solely as a post office box, mail drop or telephone message center or any combination thereof, with no other substantial work function, shall not be construed as a principal place of business.

Sec. 15-177. Hire Houston First Program—purchases of personal property.

(a) *Contracts of \$100,000.00 or more.* In purchasing any personal property that is not affixed to real property, if the city receives one or more bids from a bidder that is a city business and whose bid is within three percent of the lowest bid price received by the city from a bidder who is not a city business, the city shall, subject to the provisions of section 15-181, enter into a contract with a value of \$100,000.00 or more with:

- (1) The lowest bidder; or

- (2) The bidder that is a city business, as defined in this article.

(b) *Contracts under \$100,000.00.* In purchasing any personal property that is not affixed to real property, if the city receives one or more bids from a bidder that is a city business and whose bid is within five percent of the lowest bid price received by the city from a bidder that is not a city business, the city shall, subject to the provisions of section 15-181, enter into a contract for an expenditure of less than \$100,000.00 with:

- (1) The lowest bidder; or
- (2) The bidder that is a city business, as defined in this article.

Sec. 15-178. Hire Houston First Program—Purchases of services.

(a) In procuring services, including construction services, the contracting department shall, subject to the provisions of section 15-181, grant a preference to a local business. In no event shall a contract for services be granted to a local business that is not within:

- (1) Five percent of the lowest bidder for contracts under \$100,000.00; or
- (2) Three percent of the lowest bidder for contracts of \$100,000.00 or more.

(b) In procuring architectural, engineering or land surveying services under the Professional Services Procurement Act, Tex. Gov't Code, § 2254.004, the contracting department shall, when appropriate, consider knowledge of local conditions as part of the qualifications determination.

Sec. 15-179. Hire Houston First Program—Purchases under \$50,000.00.

Subject to Texas Government Code § 2254.004, when procuring goods or services valued at less than \$50,000.00 that are not the subject of a blanket purchase order or contract, the city shall, subject to the requirements of section 15-181, select vendors and services providers with a principal place of business in the local area, provided that any such vendor's bid is no more than five percent greater than the lowest bid, in the event the lowest bid is from one other than a city business or a local business.

Sec. 15-180. Hire Houston First Program—Responsibilities and enforcement.

(a) The Mayor's Office for Business Opportunities (MOBO) shall be responsible for establishing the documentation necessary to establish a principal place of business in the city or local area. Any entity claiming to be a local business shall submit to the city

a form promulgated by the MOBO, attested to by a duly authorized representative of the business. The MOBO shall make the final determination as to whether a business is a local business.

(b) Department directors shall maintain written records of all departmental actions under this program. Departments are charged with primary responsibility for monitoring their contracts for compliance with the program.

(c) The contracting or evaluating department shall award additional points to a local business in any bid based on a "best value" evaluation.

(d) The strategic purchasing division ("SPD") and MOBO, in consultation with the legal department, are directed to provide written guidance, including guidance on best value bids, to departments for implementing this article. Such guidance shall include a preference structure that grants the highest number of points to a city business, the next higher number of points to a local business, and no points to a business located outside of the city or local area.

(e) The submission of a form pursuant to subsection (a) above found to contain false information is grounds for debarment per section 15-103(1)(c) of this Code.

(f) The MOBO shall produce semi-annual reports, commencing July 1, 2012, summarizing the dollar amount of procurements awarded to city businesses and local businesses under this program.

Sec. 15-181. Hire Houston First Program—Exceptions.

(a) This program does not apply to any contract in which the federal government participates in the form of a grant or loan, or the city acts as a conduit for federal money.


(b) This program does not apply to contracts in which the contracting department has determined that it would unduly interfere with contract needs. In cases of purchases over \$100,000.00, such determination shall be made in writing, expressly approved by the department director, and furnished in advance to the MOBO.

(c) In accordance with Local Government Code § 271.9051, this program does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153.

Sec. 15-182. Hire Houston First Program—Effective date.

This article shall be effective as to solicitations for procurements published on or after September 1, 2011.

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 45 of the Code of Ordinances relating to the protection of vulnerable road users (Safe Passing Ordinance).		Page 1 of 1	Agenda Item # 14
FROM (Department or other point of origin): Legal Department		Origination Date April 30, 2013	Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: 		Council District affected: All	
For additional information contact: David M. Feldman Phone: 832-393-6412		Date and identification of prior authorizing Council action: N/A	
RECOMMENDATION: (Summary) That Council adopt the proposed ordinance to amend Article II, Chapter 45, Traffic, of the Code of Ordinances, Houston, Texas, relating to the protection of vulnerable road users.			
Amount and Source of Funding: N/A			
SPECIFIC EXPLANATION: The proposed "safe passing" ordinance will amend Chapter 45, Traffic, of the Code of Ordinances to protect "vulnerable road users," a phrase that includes a pedestrian (including a runner), physically disabled person (including a person in a wheelchair), stranded motorist or passenger, highway construction, utility or maintenance worker, tow truck operator, a person operating a bicycle, hand cycle, or other human-powered wheeled vehicle, a person operating a moped, motor-driven cycle, or motor-assisted scooter, or a person on horseback or operating a horse-driven conveyance. Motorists would be required to pass or trail a vulnerable road user at a safe distance, a term defined to take into consideration road, traffic and weather conditions at the time but, in any event, not less than 3' laterally while passing a vulnerable road user in a passenger car or light truck and not less than 6' laterally if the operator's vehicle is a truck (other than a light truck) or a commercial vehicle as defined by the Transportation Code.. Motorists may not overtake and subsequently turn in front of a vulnerable road user unless it is safe to do so, or maneuver their vehicles in a manner intended to intimidate or harass the vulnerable road user. In addition, an occupant of a motor vehicle may not knowingly throw or project any object or substance at or against a vulnerable road user It is an affirmative defense to prosecution under the ordinance that, at the time of the offense, the vulnerable road user was acting in violation of any applicable traffic laws. Similar ordinances have already been enacted by Austin, Dallas, Fort Worth, and San Antonio.			
REQUIRED AUTHORIZATION			
Other Authorization: +			

City of Houston, Texas, Ordinance No. 2013-_____

AN ORDINANCE AMENDING ARTICLE II, CHAPTER 45, OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE PROTECTION OF VULNERABLE ROAD USERS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, by law, bicyclists, pedestrians and other vulnerable road users are allowed to use the roadway under certain circumstances in Texas, but these users do not have the same physical protection as conventional motorists and are at a greater risk of injury or death in connection with use of the roadway; and

WHEREAS, the City of Houston is dedicated to ensuring that the City's streets are safe for vulnerable road users; and

WHEREAS, it is advisable to amend Chapter 45 of the Houston Code of Ordinances to add new regulations for the protection of vulnerable road users; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That Article II of Chapter 45 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 45-44 that reads as follows:

"Sec. 45-44. Vulnerable road users.

(a) **Definitions.** The following words, terms and phrases, when used in this section will have the meanings set forth in this subsection, except when the context clearly indicates a different meaning:

Safe distance means:

- (1) While passing, a separation between a motor vehicle and a vulnerable road user that, when all road, traffic and weather conditions are considered, provides the motorist sufficient space and time to avoid a collision

with a vulnerable road user but, in any event, not less than 3 feet if the operator's vehicle is a passenger car or light truck and not less than 6 feet if the operator's vehicle is a truck (other than a light truck) or a commercial vehicle as defined by Texas Transportation Code Section 522.003; or

- (2) While trailing, a separation between a motor vehicle and a vulnerable road user that, when all road, traffic and weather conditions are considered, provides the motorist sufficient space and time to avoid a collision with a vulnerable road user.

Vulnerable road user means:

- (1) A pedestrian (including a runner), physically disabled person (including a person in a wheelchair), stranded motorist or passenger, highway construction or maintenance worker, tow truck operator, or utility worker in the roadway;
- (2) A person on horseback or operating a horse-driven conveyance, in the roadway;
- (3) A person operating a bicycle (including an electric bicycle), hand cycle, or other human-powered wheeled vehicle in the roadway; or
- (4) A person operating a moped, motor-driven cycle, or motor-assisted scooter, as those terms are defined in sections 541.201 and 551.351 of the Texas Transportation Code, as applicable.

(b) **Action required.** An operator of a motor vehicle or motorcycle shall:

- (1) When passing a vulnerable road user on a highway or street;
 - a. Vacate the lane in which the vulnerable road user is located if the highway or street has two or more marked lanes running in the same direction if such action can be taken safely; or
 - b. Pass the vulnerable road user at a safe distance; or

- (2) When making a turn at an intersection (including an intersection with an alley or private road or driveway), yield the right-of-way to a vulnerable road user who is approaching from the opposite direction and is in the intersection, or is in such proximity to the intersection as to be an immediate hazard.
- (c) ***Prohibited action.*** An occupant of a motor vehicle may not:
- (1) Knowingly throw or project any object or substance at or against a vulnerable road user, or the user's animal, equipment, vehicle or conveyance;
- (2) Overtake a vulnerable road user traveling in the same direction and subsequently make a turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the right-hand turn; or
- (3) Maneuver the vehicle in a manner that is intended to cause intimidation or harassment to a vulnerable road user or threatens a vulnerable road user.
- (d) ***Affirmative defense.*** It is an affirmative defense to prosecution under this section that, at the time of the offense, the vulnerable road user was acting in violation of any applicable traffic law.
- (e) ***Offenses.*** The penalty for any violation of this section shall be a fine not to exceed \$500."

Section 3. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained

herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 4. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 2013.

APPROVED this ____ day of _____, 2013.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

de
Prepared by Legal Dept.

TNE:jmb 5/2/2013

Requested by: The Office of the Mayor

L.D. File No. 0421300025001

Tiffany Evans
Assistant City Attorney

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approve two Ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2013 (the "Series 2013 Notes"). Also, approval of the Preliminary Official Statement ("POS"), the Notice of Sale ("NOS") and the distribution of the POS in preparation for a competitive sale of the Series 2013 Notes and matters incident thereto.

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FROM (Department or other point of origin):
Finance Department and Office of City Controller

Origination Date:

May 1, 2012

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE:
Ch B. Pinn

Council District Affected:
All

For additional information contact:

Jennifer Olenick
Charisse MoselyPhone: 832-393-9112
Phone: 832-393-3529Date and identification of prior authorizing
Council action:

RECOMMENDATION: Approve two Ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2013 (the "Series 2012 Notes"). Also, approval of the Preliminary Official Statement ("POS"), the Notice of Sale ("NOS") and the distribution of the POS in preparation for a competitive sale of the Series 2013 Notes, in an amount not to exceed \$300 million.

Amount of Funding: Not Applicable

Finance Dept Budget:

Source of Funding: ☒ General Fund ☐ Grant Fund ☐ Enterprise Fund ☐ Other (Specify)**SPECIFIC EXPLANATION:**

The City's General Fund revenue collections are not evenly distributed throughout the fiscal year. The major revenue source is ad valorem taxes, the largest part of which is collected shortly before the tax delinquency date of February 1st of each year. In order to finance its general operation expenditures each fiscal year, the City borrows against anticipated collection of taxes and revenues to cover temporary cash flow shortages. This request is for City Council's approval to issue Tax and Revenue Anticipation Notes ("TRANS") for Fiscal Year 2014 in an aggregate amount not to exceed \$300 million.

The TRANS are structured in two parts, which helps the City comply with tax laws and arbitrage regulations. The first ordinance will approve the initial borrowing. This initial issuance is sized to comply with the federal tax law exemptions and avoid arbitrage penalties. We currently project that the initial issuance will be between \$150 and \$250 million and this amount, based on preliminary cash flows for FY2014, will continue to be conservatively refined until the pricing in June. The ordinance also authorizes the POS and the distribution of the POS so the City can proceed with the competitive sale for this portion of the Series 2013 Notes. The closing for these notes is anticipated to occur in July 2013.

The second ordinance will authorize the Mayor and City Controller to finalize the terms of a second offering for a supplemental borrowing if there are additional cash needs later in the fiscal year. If the supplemental borrowing occurs (not to exceed \$300 million between both the initial and supplemental borrowing), the terms will be presented to City Council to award the sale. The supplemental notes, if issued, would be repaid prior to fiscal year end, typically following the receipt of property tax revenues. The supplemental borrowing option has only been utilized once in at least the past 8 years, in FY 2009, in an amount of \$40 million for Hurricane Ike related expenditures.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

12/14

Date: May 1, 2013	Subject: Approve two Ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2013 (the "Series 2013 Notes"). Also, approval of the Preliminary Official Statement ("POS"), the Notice of Sale ("NOS") and the distribution of the POS in preparation for a competitive sale of the Series 2013 Notes and matters incident thereto.	Originator's Initials	Page 2 of 2
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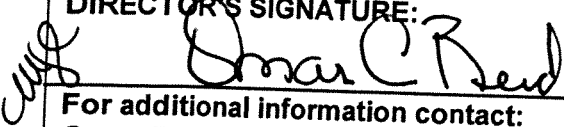
For the first borrowing, electronic bids for the Notes will be received on the morning of a meeting date for City Council. If any bid becomes a leading bid within two minutes prior to the scheduled end of the bidding, the time period for submission of bids will automatically be extended by two minutes from the time that such bid was received. At the close of the bidding period, the Office of the City Controller, Finance Department and the City's Financial Advisors will verify interest rate calculations of bids received and join the City Council session to announce the results. City Council will be asked to adopt a motion to award the sale based on the lowest true interest cost.

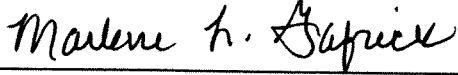

Since this is a competitive auction, there will not be a necessity for an underwriting team. The Law Offices of Francisco G. Medina are recommended as bond counsel. Bracewell & Giuliani LLP is recommended as disclosure counsel and special tax counsel.

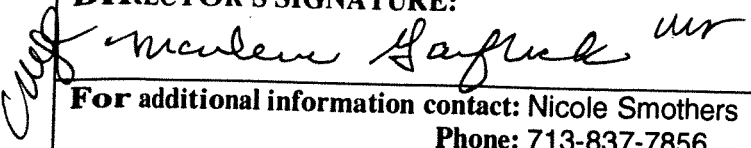
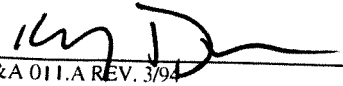
This item was presented to the Budget and Fiscal Affairs Committee on April 2, 2013.

Recommendation:

The Finance Working Group recommends approval of this item.

SUBJECT: Revisions to the Master Classification Ordinance for City Employees		Category # 3	Page 1 of 1	Agenda Item # 17
FROM (Department or other point of origin): Human Resources Department		Origination Date April 29, 2013	Agenda Date MAY 08 2013	
DIRECTOR'S SIGNATURE: 		Council District affected: ALL		
For additional information contact: Omar Reid Phone: (713) 837-9330		Date and identification of prior authorizing Council action: Rev. to Ord. 90-1292 as amended by Ord. 2012-851		
RECOMMENDATION: (Summary) Approve the proposed revisions to the Master Classification Ordinance by adding one job, changing the pay grade of one job, increasing the number of positions for the Judge of Municipal Courts, and deleting one job.				
Amount & Source of Funding: None			Budget:	
SPECIFIC EXPLANATION: The Human Resources Department recommends the following revisions to the civilian Master Classification Listing. These revisions can be found on Exhibit A of the ordinance.				
A. Add job classification				
<u>Proposed Job Title</u> Natural Resources Manager		<u>Proposed Pay Grade</u> 26		
At the request of the Parks and Recreation Department, this classification is needed to manage the activities of the wide-ranging natural resources program.				
B. Change job classifications				
<u>Current Job Title</u> Court Interpreter	<u>Current Pay Grade</u> 14	<u>Proposed Pay Grade</u> 17		
At the request of the Municipal Courts Department, this classification was reevaluated based on the State's certification requirements and responsibilities.				
<u>Current Job Title</u> Judge of Municipal Courts	<u>Current # of Positions</u> 17	<u>Proposed # of Positions</u> 30		
Chapter 16 of the Code of Ordinances requires the Master Classification Ordinance to establish the number of positions for the Judge of Municipal Courts. These positions do not need to be immediately filled. Over the next few years, Municipal Courts will incrementally add new courts to better serve the public. As a result, thirteen additional full-time Judges of Municipal Courts will be needed.				
C. Delete job classificaton				
The Youth Sport Program Director (Executive Level), pay grade 30, is no longer needed.				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:

SUBJECT: An Ordinance authorizing the Mayor to execute a Foreign Trade Zone Agreement for payment of ad valorem taxes with Mitsubishi Caterpillar Forklift America, Inc. (MCFA)		Category #	Page 1 of 1	Agenda Item # 18
FROM (Department or other point of origin): Planning and Development Finance		Origination Date April 19, 2013		Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: 		Council District affected: A		
For additional information contact: Nicole Smothers Phone: 713-837-7856		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) That Council approve an Ordinance authorizing the Mayor to execute a foreign Trade Zone Agreement for payment of ad valorem taxes with MCFA.				
Amount and Source of Funding:			Finance Budget:	
<p>SPECIFIC EXPLANATION: MCFA plans to submit a Foreign Trade Zone Subzone application for its facility located at 2121 W. Sam Houston Pkwy., Houston, TX 77043 in District A. MCFA is pursuing this Foreign Trade Zone (FTZ) subzone designation for competitive purposes as such designation will, among other benefits, provide for exemptions from various import duties. Under federal law, the proposed designation exempts property located within a FTZ subzone from ad valorem taxation, and applicants are required to obtain letters of "non opposition" from affected taxing jurisdictions. MCFA has requested that the City of Houston issue such a letter to the Port of Houston Authority to be forwarded to the Federal Foreign Trade Zone Board.</p> <p>In order to comply with MCFA's request, the City has required that MCFA enter into an agreement to provide and ensure that the City of Houston will receive the local ad valorem taxes to which it would have been entitled had MCFA not pursued the FTZ subzone designation.</p> <p>Approval is recommended.</p> <p>cc: David Feldman, City Attorney Kelly Dowe, Director of Finance Sameera Mahendru, Assistant City Attorney Marta Crinejo, Agenda Director Anna Russell, City Secretary</p>				
REQUIRED AUTHORIZATION				
Finance Director: 		Other Authorization:		Other Authorization:

SUBJECT: An Ordinance authorizing the Mayor to execute a Foreign Trade Zone Agreement for payment of ad valorem taxes with Toshiba International Corporation (TIC).		Category #	Page 1 of 1	Agenda Item # 9
FROM (Department or other point of origin): Planning and Development Finance		Origination Date May 1, 2013		Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: 		Council District affected: A		
For additional information contact: Nicole Smothers Phone: 713-837-7856		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) That Council approve an Ordinance authorizing the Mayor to execute a foreign Trade Zone Agreement for payment of ad valorem taxes with TIC.				
Amount and Source of Funding:			Finance Budget:	
SPECIFIC EXPLANATION: <p>TIC plans to submit a Foreign Trade Zone Subzone application for its facilities located at 10510 Okanella St. Ste. 200, 10435 Okanella St. and 6335 Clara Rd. Ste. 100, Houston, TX 77041. All three addresses are located in District A. TIC is pursuing this Foreign Trade Zone (FTZ) subzone designation for competitive purposes as such designation will, among other benefits, provide for exemptions from various import duties. Under federal law, the proposed designation exempts property located within a FTZ subzone from ad valorem taxation, and applicants are required to obtain letters of "non opposition" from affected taxing jurisdictions. TIC has requested that the City of Houston issue such a letter to the Port of Houston Authority to be forwarded to the Federal Foreign Trade Zone Board.</p> <p>In order to comply with TIC's request, the City has required that TIC enter into an agreement to provide and ensure that the City of Houston will receive the local ad valorem taxes to which it would have been entitled had TIC not pursued the FTZ subzone designation.</p> <p>Approval is recommended.</p> <p>cc: David Feldman, City Attorney Kelly Dowe, Director of Finance Sameera Mahendru, Assistant City Attorney Marta Crinejo, Agenda Director Anna Russell, City Secretary</p>				
REQUIRED AUTHORIZATION				
Finance Director: 		Other Authorization:		Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Interlocal agreement between the City of Houston and the Greater East End Management District for design and construction of projects funded by the US DOT TIGER grant.

Category #

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Agenda Item

20

FROM (Department or other point of origin):

Houston Parks and Recreation Department

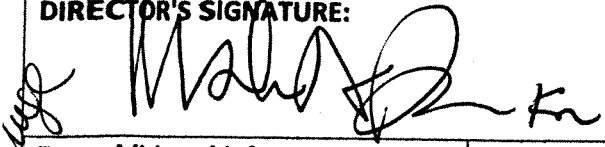
Origination Date:

April 2, 2013

Agenda Date

APR 17 2013

DIRECTOR'S SIGNATURE:



Joe Turner, Director

Council District(s) affected:

MAY 08 2013

H & I

For additional information contact:

Luci Correa, 832-395-7057

Date and Identification of prior authorizing Council Action:

Ordinance 2011-912, October 25, 2011

RECOMMENDATION (Summary): The Houston Parks and Recreation Department recommends City Council approve an Ordinance authorizing an interlocal agreement between the City of Houston and the Greater East End Management District for the construction of a bike/ped project which is part of the Houston Regional Bike/Ped Connections to Transit Project funded by the U.S. Department of Transportation Investment Generating Economic Recovery (TIGER) discretionary grant program.

Amount and Source of Funding: \$70,483.61 Federal Government Grant (Fund 5000)

Finance Budget:

SPECIFIC EXPLANATION:

On October 25, 2011, City Council approved Ordinance 2011-912 authorizing the submission of an application for funding assistance from the U.S. Department of Transportation Investment Generating Economic Recovery (TIGER) discretionary grant program. In June 2012, US DOT approved the application and awarded a \$15 million grant to the Houston Parks and Recreation Department (HPARD) for the project titled *Houston Regional Bike/Ped Connections to Transit*. A 20% match or \$3,991,700 is required.

The *Houston Regional Bike/Ped Connections to Transit* project is made up of the following six trail segments:

1. White Oak Bayou Path: Alabonson Rd/Antoine Dr Link
2. White Oak Bayou Path: 11th Street/Heights Bike Trail/Stude Park Links
3. White Oak Bayou Path: Connections to Residential Neighborhoods and Buffalo Bayou Path
4. Buffalo Bayou Path: Smith St/Travis St Link
5. East Downtown: Transit/Residential/Commercial Connections
6. Brays Bayou Path: MLK Blvd/Old Spanish Trail Link

The purpose of the interlocal agreement is to commit TIGER Grant funds and any cost overruns and to outline the roles of the City and the Greater East End Management District in the implementation of Project #5 listed above. The required match for the grant will be provided by the Houston Parks Board (\$3,535,542), Buffalo Bayou Partnership (\$156,158) and TIRZ #3 (\$300,000).

The Houston Parks and Recreation Department and General Services Department will manage the grant and design contract for Project #5 as well as the construction contracts for all six projects. The City agrees to reimburse GEEMD for Project Management Services up to, but not to exceed, \$70,483.61 from TIGER grant funds. GSD will return to Council to award the design contract and construction contracts, which will be funded by the TIGER grant and matching funds from Houston Parks Board and Buffalo Bayou Partnership deposited with the City.

Council approval of the interlocal agreement is recommended.

Finance Director:

Other Authorization:

Other Authorization:

✓

18

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**RCA# 9663****Subject:** Payment to Houston Recovery Center Local Government Corporation of \$363,178.57 for operational expenses for managing the Houston Center for Sobriety.

Category #

Page 1 of 1

Agenda Item

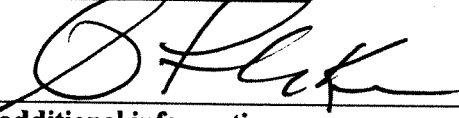
21

FROM (Department or other point of origin):Andrew F. Icken, Chief Development Officer
Office of the Mayor**Origination Date**

April 24, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE**Council District(s) affected**

All

For additional information contact:Andrew F. Icken
Chief Development Officer**Phone:** (832) 393-1064**Date and Identification of prior authorizing Council Action:**

Ordinance No. 2012-208, March 7, 2012

Resolution No. 2012-14, May 16, 2012

Ordinance No. 2012-449, May 16, 2012

Ordinance No. 2013-0069, January 23, 2013

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the payment of \$363,178.57 (Fund 1000) to the Houston Recovery Center, LGC to fund operations for the Houston Center for Sobriety.

Amount and Source of Funding: \$363,178.57 (Fund 1000)**Finance Budget****SPECIFIC EXPLANATION:**

To continue LGC operations through the end of FY2013, the Sobering Center requires an additional transfer of operating capital in the amount of \$363,178.57. Funds for this payment are included in the Houston Police Department's approved budget for FY2013.

BACKGROUND:

On May 16, 2012, City Council approved Resolution 2012-14 which authorized the creation of the Houston Recovery Center Local Government Corporation (the "LGC") to operate and manage the Houston Center for Sobriety (the "Sobering Center") on behalf of the City of Houston. The Sobering Center is an alternative to jail for inebriates. Instead, law enforcement officers will bring them to the Sobering Center where they will be kept a minimum of eight hours for sobering purposes. The facility will provide triage, observation and necessary outpatient services which will enable staff to manage intoxication and ensure safe withdrawal for admitted individuals. Additionally, the Sobering Center will house the Houston Police Department Mental Health Unit and other community agencies to facilitate efforts in reducing substance abuse through intervention.

On January 23, 2013, City Council approved Ordinance No. 2013-0069 which provided initial funding of operating capital of \$250,000.00 to the Sobering Center. This interim funding was utilized by the Sobering Center to prepare for operation and management of the facility – establishment of operating and financial procedures, acquisition of staff and employee benefits, and payment of current operating expenses.

The Sobering Center officially opened on April 10, 2013 to provide services for admitted individuals.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: On-Call Technology Professional Services Contract with GCR, Inc. for the Houston Airport System (HAS) (PN412)**Category #****Page**
1 of 2**Agenda Item #**
22

WBS No. A-000138-0028-3-01-01.

FROM (Department or other point of origin):

Houston Airport System

Origination Date

April 15, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE: *Kal***Council District affected:**

B, E, I

For additional information contact:

Kathy Elek

Phone: 281-233-1826

Lisa Kent *RK*

281-233-1971

Date and identification of prior authorizing Council action:

N/A

AMOUNT & SOURCE OF FUNDING:**CIP No. A-0138.67** \$2,500,000.00 Airports Improvement Fund (8011)**FY 2013** \$ 200,000.00 HAS Revenue Fund (8001)**Out Years** \$3,800,000.00 HAS Revenue Fund (8001) *Mel*

\$6,500,000.00 Total

Prior appropriations:

N/A

RECOMMENDATION: (Summary)

Enact an ordinance authorizing and approving a contract with GCR, Inc. for On-Call Technology Professional Services and appropriating the necessary funds to finance the cost of these services.

Specific Explanation:

A Request for Qualifications (RFQ) was advertised for an on-call technology professional services contract. Eleven companies responded to the RFQ (Derek Consulting Group, GCR Inc., IBI Group Architects, K.R. Barker & Associates, LLC, Ross & Baruzzini, Computer Careers & Consulting, Inc., Net Star Systems, LLP, Shen Milson & Wilke, LLC, Technology Management Corporation, Techknowledge Consulting Corporation, and USA Managetechn, LLC).

The evaluation committee was comprised of HAS and observed by two non-voting representatives from United Airlines and Houston Information Technology Services Department (HITS). The proposals were evaluated based upon experience, past performance, project familiarity, financial strength and stability, and M/WBE participation. Five companies (Derek Consulting Group, GCR Inc., IBI Group Architects, K.R. Barker & Associates, LLC, and Ross & Baruzzini) were shortlisted and interviewed. GCR, Inc. was recommended as the best respondent.

The On-Call Technology Professional Services contract will provide consulting services in support of HAS' strategic initiatives, including:

- Technology Planning & Studies
- Application Development & Hosting
- Design Services
- Program/Project Management

The term of the contract is three years with two optional one-year extensions. It is anticipated Council approval of additional funding to the contract will be requested in the future.

REQUIRED AUTHORIZATION**Finance Department:****Other Authorization:** *[Signature]***Other Authorization:**

Date April 15, 2013	Subject: On-Call Technology Professional Services Contract with GCR, Inc. for the Houston Airport System (HAS). WBS No. A-000138-0028-3-01-01.	LK	Page 2 of 2
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Hire Houston First:

Hire Houston First does not apply to this procurement, because it is for telecommunication and information services, which may not be subject to any local preference, per state law.

Pay or Play Program:

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WBE Participation:

The M/WBE goal for this contract is twenty percent (20%) and will be met by the following certified firms:

Subcontractor	Type of Work
4B Technology Group, LLC (WBE)	Design Consulting Services
Chaves & Associates (M/WBE)	Document Management/Control
Diversified Networking Solutions, LLC (MBE)	IT Consulting Services
PGA Engineers, Inc. (M/WBE)	Design for Telecommunications, IT, and Security Systems
Virtual Intelligence Providers, LLC (M/WBE)	IT Project Management

Due to the on-call nature of the work to be performed under this agreement, the amount of work required of the M/WBE firms listed will be identified as the scopes of projects evolve.

This participation plan has been reviewed and approved by the HAS Office of Business Opportunity. The HAS Office of Business Opportunity will monitor this Contract.

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**RCA# 9703****Subject:** Ordinance requesting a fourth amendment to the Baylor College of Medicine agreement for professional staffing services for the Houston Fire Department Base Station.Category #
9

Page 1 of 1

Agenda Item
*23***FROM (Department or other point of origin):**Terry Garrison
Fire Chief
Fire**Origination Date**

May 01, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE
*[Signature]***Council District(s) affected**
All**For additional information contact:**Beda Kent *B*

Phone: (832) 394-6748

Neil Depascat

Phone: (832) 394-6755

Date and Identification of prior authorizing Council Action:

November 7, 2012; Ordinance 2012-942

RECOMMENDATION: (Summary)

The Houston Fire Department (HFD) request that the City Council approve the fourth amendment to the Baylor College of Medicine agreement for professional staffing services for the HFD Base Station located at the Houston Emergency Center (HEC).

No funding required.

Finance Budget**SPECIFIC EXPLANATION:**

The Houston Fire Department is requesting City Council approve an Ordinance to amend the existing agreement with Baylor College of Medicine for professional staffing services for the Houston Fire Department Base Station located at Houston Emergency Center to extend the term of the agreement. The requested changes do not require any additional funding.

HFD transports an average of 400-500 patients on any given day to area hospital emergency rooms. Baylor College of Medicine provides professional staffing services for the HFD Base Station. The personnel are responsible for communications between hospitals and EMS transport units for appropriate hospital destinations. Base Station personnel communicate with physicians, on scene personnel regarding treatment and transport destination, and notification to the receiving hospital. HFD desires to continue these services.

The current contract is set to expire on May 13, 2013. Once approved, this fourth amendment will extend the contract 180 days. This extension will provide adequate time for contract negotiations.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:
[Signature]



CITY OF HOUSTON

Fire Department

Interoffice

Correspondence

To: Marta Crinejo, Agenda Director
Office of the Mayor

From: Terry Garrison, Fire Chief
Houston Fire Department

Date: May 1, 2013

Subject: RCA # 9703
No Tag Request

My department respectfully requests that City Council approve RCA #9703, an Ordinance to approve a fourth amendment to the contract between the City and Baylor College of Medicine for professional staffing services for the Houston Fire Department Base Station.

The original contract was awarded May 8, 2007 by Ordinance 2007-541 for a five year term. This request will extend the contract 180 days allowing adequate time to complete negotiations for a new contract that have been underway and are near completion.

Approval of this item this week is critical to ensure that normal operations continue and the Base Station contract is not cancelled.

We regret this item has arrived short of the contract expiring; however, the negotiations have taken longer than expected. We had hoped to have a new contract in place prior to expiration. We respectfully request council to grant a short extension while these negotiations are finalized.

My staff and I are available to answer any concerns you might have and we appreciate your cooperation on this item.

A handwritten signature in black ink, appearing to be "Terry Garrison", followed by a long horizontal line.

Terry Garrison, Fire Chief
Houston Fire Department

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**Subject:** Approve a Master Service Agreement with CyrusOne LLC. for Co-location services at 5150 Westway Park Blvd. for a consolidated Tier III Data Center facilityCategory #
1

Page 1 of 1

Agenda Item

24**FROM (Department or other point of origin):**Charles T. Thompson, Chief Information Officer
Houston Information Technology Services (HITS)**Origination Date**

May 2, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE
For additional information contact:

Somayya Scott

Phone: (832) 393-0082

Council District(s) affected
All**Date and Identification of prior authorizing Council Action:****RECOMMENDATION: (Summary)**

Approve and authorize a Master Service Agreement with CyrusOne LLC. for Co-location services at 5150 Westway Park Blvd. for a consolidated Tier III Data Center facility.

Amount:

\$ 2,327,846.00 (First 5 year annual payments)

\$ 2,524,543.99 (Second 5 year annual payments) – (requested at a later date)

Finance Budget

Source of Funds: Central Service Chargeback Fund – (1002)

SPECIFIC EXPLANATION:

The Chief Information Officer recommends City Council approve and authorize a Master Service Agreement (MSA) with CyrusOne LLC. for co-location services and 1,698 square feet of space at 5150 Westway Park Blvd. for the implementation of the Data Center Consolidation Project; to relocate and consolidate six existing computer facility locations into one industrial strength location.

In December 2012, TLC Technology Infrastructure Group (TTIG) was hired to assess the current state of six of the City of Houston's existing computer facility locations and identify needs, operational impact and staging requirements for a successful centralized consolidation, should consolidation prove to be the most efficient option. The facilities assessed include: 500 McKinney; 611 Walker; 1205 Dart; 1400 Lubbock; 5320 N. Shepherd; and 8000 N. Stadium. It was determined that the existing facilities possess significant shortcomings in required power, cooling and security needed for business continuity. It was therefore recommended that the City invest in a centralized managed facility; and a backup and recovery site for the most critical server-based computer applications and databases. In addition, it was recommended that the recovery site be physically located 25 miles outside of downtown Houston. Houston IT Services (HITS) is requesting Council to approve the requested agreement which satisfies this recommendation.

The agreement provides a committed goal of 100% uptime for power per month with a tiered schedule of service level credits to the City based on any percentage of downtime experienced. Other services provided including but are not limited to, supplying co-location space, monitoring, equipment leasing or data communications and related products or services.

The major provisions of the Agreement are as follows:

- Term- 1 five-year agreement with 1 five-year renewal (will request for funding at that time)
- Monthly Rental Rate- \$30,262.50 (increases each year by an escalator of 2%)
- Additional Monthly Expenses (Bandwidth and Connect charges)- \$7,300.00

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

HITS will return to Council for a second agreement to address TLC Technology Infrastructure Group's (TTIG) recommendation for the secondary location.

This item was presented at the January 9, 2013 Transportation Technology Infrastructure (TTI) Meeting.

Monthly Rate Recurring Charges

Year	Time Period	Monthly Charge for Reserved KW	Monthly Payment for 225 kw reserved subject to a 2% annual escalator	Annual Charge for 225 kW reserved subject to 2% annual escalator	Monthly Bandwidth Charge	Monthly Cross Connect Charge	Total Annual Payment
Year 1	7/1/13 to 6/30/14	\$134.80	\$30,222.80	\$363,180.00	\$6,000.00	\$1,300.00	\$480,750.00
Year 2	7/1/14 to 6/30/15	\$137.19	\$30,827.75	\$370,413.00	\$6,000.00	\$1,300.00	\$488,013.00
Year 3	7/1/15 to 6/30/16	\$139.93	\$31,485.11	\$377,821.22	\$6,000.00	\$1,300.00	\$495,421.22
Year 4	7/1/16 to 6/30/17	\$142.73	\$32,114.81	\$385,377.69	\$6,000.00	\$1,300.00	\$502,977.69
Year 5	7/1/17 to 6/30/18	\$145.59	\$32,757.10	\$393,085.24	\$6,000.00	\$1,300.00	\$510,685.24
Year 6	7/1/18 to 6/30/19	\$148.50	\$33,412.25	\$400,942.94	\$6,000.00	\$1,300.00	\$518,542.94
Year 7	7/1/19 to 6/30/20	\$151.47	\$34,080.49	\$408,965.88	\$6,000.00	\$1,300.00	\$526,565.88
Year 8	7/1/20 to 6/30/21	\$154.50	\$34,762.10	\$417,145.20	\$6,000.00	\$1,300.00	\$534,745.20
Year 9	7/1/21 to 6/30/22	\$157.59	\$35,457.34	\$425,488.10	\$6,000.00	\$1,300.00	\$543,088.10
Year 10	7/1/22 to 6/30/23	\$160.74	\$36,166.49	\$433,997.87	\$6,000.00	\$1,300.00	\$551,597.87

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9495

Subject: Approve an Ordinance Awarding a Sole Source Contract for Software Maintenance and Support Services for the Vital Statistics Imaging and Retrieval Information System for the Houston Department of Health & Human Services/S37-E24326

Category #
4

Page 1 of 2

Agenda Item

25

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

April 24, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Kathy Barton Phone: (832) 393-5045
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a sole source contract to American Cadastre, LLC dba AMCAD in an amount not to exceed \$115,000.00 for software maintenance and support services for the Vital Statistics Imaging and Retrieval Information System for the City of Houston Department of Health & Human Services.

Maximum Contract Amount: \$115,000.00

Finance Budget

\$115,000.00 - Health Special Fund (2002)

SPECIFIC EXPLANATION:

The Director of the Department of Health & Human Services and the City Purchasing Agent recommend that City Council approve an ordinance awarding a two-year sole source contract to American Cadastre, LLC dba AMCAD in an amount not to exceed \$115,000.00 for software maintenance and support services for the Vital Statistics Imaging and Retrieval Information System (VSIRIS) for the City of Houston Department of Health & Human Services (HDHHS). The HDHHS Director or the City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The VSIRIS enables the HDHHS Bureau of Vital Statistics (Bureau) to provide certified copies of birth, death and adoption permits, as well as amendments to them, to the residents of the City of Houston. Additionally, the system prints electronic forms, allows scanning of certificates, and cashing services for Bureau staff.

The scope of work requires the contractor to provide all labor, materials, equipment, and supervision necessary to provide instructions and/or guidance on operating the software; provide assistance and solutions to potential problems encountered within the software (via telephone or in writing); and provide ongoing spot training, software documentation improvements and software bug fixes. Additionally, the contractor will be required to provide up to 50 hours of annual routine maintenance, with no additional expenditures incurred by the City for necessary changes within the software as required by State statute or State agency rules requirements.

American Cadastre, LLC dba AMCAD is the sole proprietary owner, developer, supplier and distributor of the VSIRIS that is currently being used by the HDHHS. Additionally, American Cadastre, LLC dba AMCAD is the sole provider for all associated technical support services, source codes, upgrades, preventive maintenance and repairs for the VSIRIS software. There are no authorized third-party software service or maintenance providers.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) of the Texas Local Government Code for exempt procurements.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

21

Date: 4/24/2013	Subject: Approve an Ordinance Awarding a Sole Source Contract for Software Maintenance and Support Services for the Vital Statistics Imaging and Retrieval Information System for the Houston Department of Health & Human Services/S37-E24326	Originator's Initials JH	Page 2 of 2
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Pay or Play Program:

This procurement is exempt from the City's Pay or Play Program. Bids/proposals were not solicited because the department is utilizing a sole source contractor for this purchase.

Hire Houston First:

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing a sole source contractor for this purchase.

Attachment: M/WBE zero-percentage goal document approved by the Mayor's Office of Business Opportunity.

Buyer: Joyce Hays

Estimated Spending Authority

Department	FY 2013	Out Years	Total
Health & Human Services Department	\$23,866.49	\$91,133.51	\$115,000.00



CITY OF HOUSTON
Health and Human Services

RECEIVED

OCT 18 2012

Interoffice

Correspondence

OBO

To: Marsha Murray, Assistant Director
Office of Business Opportunity

From: Michele Austin *ma*
Division Manager

Date: October 18, 2012

Subject: Request for MWBE Waiver

I am requesting a waiver of the MWBE Goal: Yes X No Type of Solicitation: Sole Source
I am requesting a MWBE goal below 11% Yes No X
I am requesting a revision of the MWBE Goal: Yes No X Original Goal: New Goal:
If requesting a revision, how many solicitations were received: N/A
Solicitation Number(s): N/A Dollar Amount: \$115,000
Anticipated Advertisement Date: 10/05/12 Solicitation Due Date: 11/02/12
Goal On Last Solicitation: Was Goal met: Yes ☒ No ☐

If goal was not met, what did the vendor achieve:

Name and Intent of this Solicitation:

American Cadastre, LLC - A 2-year maintenance agreement for the Health Department's Vital Information System - Electronic Birth and Death Certificate System

Rationale for requesting a Waiver or Revision:

It is recommended that the MWBE subcontracting goal be waived for this agreement because it is for maintenance services for the vital statistics system. The vendor is a sole source vendor because the system is proprietary in nature and the vendor is the only one that can provide maintenance services to it. Therefore the competitive bids were not required to be taken for this service. For this reason, a zero-percent (0%) MWBE goal is being requested.

APPROVAL:

Marsha E. Murray

Marsha Murray, Assistant Director
Office of Business Opportunity



Contract Extension Justification

Monday, September 24th, 2012

City of Houston

Administration & Regulatory Affairs Department Strategic Purchasing Division

Ms. Hays,

AMCAD, the vendor awarded to install, configure, and provide implementation services for the AMCAD integrated Vital Information System (AiVital) for the City of Houston Bureau of Vital Statistics, in reference to the contract award for a Vital Statistics Imaging and Informational Retrieval System, signed on March 17, 2008, submits a two (2) year contract extension to provide maintenance and support of said system. AMCAD has provided support and services to the City of Houston over the past 4+ years, and we look forward to continuing this for many years to come.

AMCAD is solely responsible for the current design and configuration of the system that has been deployed in City of Houston. AMCAD owns the proprietary rights to the software and source code for the present system. There are no other authorized distributors for the system and no authorized resellers of the system. Finally, there are no authorized vendors who can perform maintenance on the system. At this point, AMCAD greatly appreciates the favorable consideration of City of Houston to provide maintenance of the system as installed.

Kind Regards,

A handwritten signature in black ink, appearing to read 'John Cognetti', with a stylized flourish at the end.

John Cognetti, Senior Vice President of Records Management

American Cadastre, LLC (dba AMCAD)

(703)-787-7775 ext. 111

jcognetti@amcad.com

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9661

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. 4600010516 for Peterbilt Truck Repair Services for the Public Works and Engineering Department S30-L23641-A1

Category #
4

Page 1 of 1

Agenda Item

26

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

March 26, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

Ord. 2010-684, 8/25/2010

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount from \$624,975.00 to \$781,218.75 for the contract between the City of Houston and Rush Truck Centers of Texas, L.P. dba Rush Truck Center, Houston, for Peterbilt truck repair services for the Public Works and Engineering Department.

Maximum Contract Amount Increased by: \$156,243.75

Finance Budget

\$156,243.75 - Fleet Management Fund (1005)

SPECIFIC EXPLANATION:

The Director of the Public Works and Engineering Department and the City Purchasing Agent recommend that City Council approve an amending ordinance to increase the maximum contract amount from \$624,975.00 to \$781,218.75 for the contract between the City of Houston and Rush Truck Centers of Texas, L.P. dba Rush Truck Center, Houston for Peterbilt truck repair services for the Public Works and Engineering Department (PWE).

The contract was awarded on August 25, 2010 by Ordinance No. 2010-684 for a three-year term, with two one-year option in the original amount of \$624,975.00. Expenditures as of March 26, 2013 totaled \$624,172.37. The increase to the maximum contract amount is necessary to allow continued Peterbilt truck repair services for PWE until a new contract is awarded. The overall increase in spending on the contract is due to the increased workload of PWE Public Utilities and Street and Drainage Divisions, which requires more trucks to be operational and available in order for PWE to meet its increased demand. Moreover, due to increased servicing as a result of warranty expirations on 91 of the 134 existing Peterbilt trucks contributed to increased contract spending as well. The additional funds requested shall sustain PWE through the end of the contract term.

The scope of work requires the contractor to furnish all labor, materials, supplies, equipment, transportation and supervision necessary to repair 134 Peterbilt trucks. Repairs to these trucks include, but are not limited to, body work, frame repair, preventative maintenance services, and mechanical repairs to the engine, chassis and driveline.

Buyer: Richard Morris

Attachment: M/WBE Zero-Percent Goal Document approved by the Office of Business Opportunity.

REQUIRED AUTHORIZATION

Finance Department:

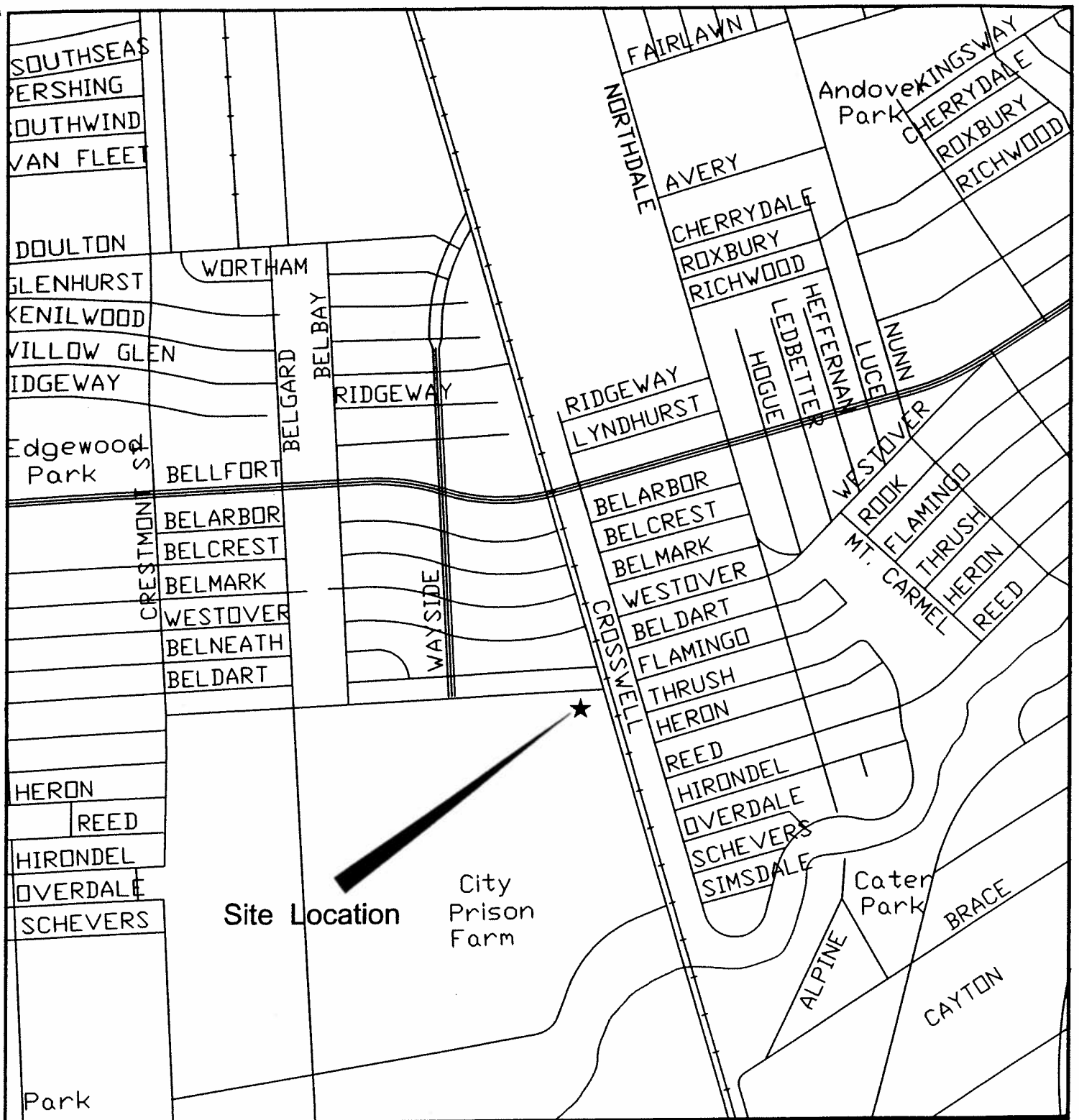
Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: De-Appropriate/Appropriate Funds for Issuance of a Purchase Order to DNB Enterprises, Inc. for Fuel Island Replacement at HPD Westside Command Station. WBS No. G-000128-0003-4		Page 1 of 1	Agenda Item 29
FROM (Department or other point of origin): General Services Department		Origination Date April 18, 2013	Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix</i> 4/11/13		Council District affected: F	
For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023		Date and identification of prior authorizing Council action:	
RECOMMENDATION: Approve an Ordinance (i) de-appropriating \$44,475.00 from a construction contract with P.R.C. Roofing Co., Inc. for Roof Replacement at HPD Westside Command Station (previously approved by Ordinance No. 2011-1131); and (ii) appropriating those same funds for this project.			
Amount and Source of Funding: De-appropriate: \$44,475.00 Police Consolidated Construction Fund (4504) Appropriate: \$44,475.00 Police Consolidated Construction Fund (4504)		Finance Budget:	
SPECIFIC EXPLANATION: On December 14, 2011, Ordinance No. 2011-1131, City Council awarded a construction contract to P.R.C. Roofing Co. Inc. for replacement of the roof at HPD Westside Command Station. This project is substantially complete and there are excess funds remaining in the contract. The General Services Department recommends that City Council de-appropriate \$44,475.00 out of the construction contract with P.R.C. Roofing and appropriate this amount to fund the issuance of a purchase order to DNB Enterprises, Inc. for Fuel Island Replacement at HPD Westside Command Station for the Houston Police Department.			
PROJECT LOCATION: 3203 S. Dairy Ashford Road Houston, Texas 77082 (Key Map 488-Z)			
PROJECT DESCRIPTION: The scope of work consists of removal of three existing fuel islands including the replacement of three dispensers and hose retractors. Disconnect electric connections, existing fuel force terminal and existing vacuum cleaner and store them at site for future reuse. Furnish and install three new dispensers on island and reinstall existing fuel force terminal and vacuum cleaners. Provide required electrical to reconnect new dispensers, fuel force terminal and vacuum cleaners. Paint the yellow safety stripe on all three new fuel islands. <i>Marta Crinejo</i> SM:HB:JLN:GM:FK:fk c: Marta Crinejo Jacquelyn L. Nisby Carlecia Wright Calvin Curtis Gabriel Mussio, File			
REQUIRED AUTHORIZATION CUIC ID # 25GM283			
General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director		Houston Police Department: <i>Charles McClelland, Jr.</i> C. A. McClelland, Jr. Chief of Police	



Fuel Island Replacement at HPD:
Westside Command Station
 3203 South Dairy Ashford
 Houston, TX 77082

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #20RPS29

SUBJECT:

Ordinance to issue a pipeline permit to Terry Oil & Gas Company, LP dba Clover Production Company for one existing pipeline for the underground transportation of materials within portions of certain City street rights of way.

Category #

Page

1 of 1

Agenda Item#

28

FROM: (Department or other point of origin):

Public Works and Engineering

Origination Date

5/2/13

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E. Director

Council Districts affected:

E

For additional information contact:

Richard Smith, P.E., PTOE

Phone: (832) 394-9137

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance granting a permit to Terry Oil & Gas Company, LP dba Clover Production Company, a Limited Partnership, to operate, maintain, improve, repair and replace one existing pipeline for underground transportation of materials under portions of certain street rights of way.

SPECIFIC EXPLANATION:

It is recommended that City Council approve a pipeline permit pursuant to the provisions of Article IX of Chapter 40 of the Code of Ordinances, authorizing Terry Oil & Gas Company, LP dba Clover Production Company, a Limited Partnership, to operate, maintain, improve, repair and replace one existing pipeline for the underground transportation of materials under portions of certain street rights of way in the City, as listed below and more specifically detailed in the permit ordinance:

Pipeline Name	Diameter Size	Materials
South Houston	4-inch	Natural Gas

Terry Oil & Gas Company, LP dba Clover Production Company submitted the initial required application permit fee of \$2,064.60 plus \$1,032.30 per pipeline for a total of \$3,096.90. A fee of \$1,032.30, plus any consumer price index (CPI) increases is due and payable January 1 of each year during the term of this permit ordinance. The permit is for 30 years.

LOCATION: The pipeline is located in Key Map grid(s) 535Z, 576B

DWK:MLL:JTL:RPS:tss

cc: Marta Crinejo
Mark L. Loethen, P.E., PTOE, CFM
Deborah McAbee
Mary F. Buzak

LTS No. 4784

REQUIRED AUTHORIZATION

CUIC ID 20RPS29

Finance Director:

Other Authorization:

Other Authorization:

Mark L. Loethen, P.E., PTOE, CFM
Planning & Development Services

OWNER_NAME	SYSTEM TYPE	PIPELINE NAME	PIPE SIZE (in.)	NOP	MOP	PRODUCT	*LOCATION	KEYMAP	COUNCIL DISTRICT	EXHIBIT MAP PAGE
Terry Oil & Gas Company, LP dba Clover Production	Transmission	South Houston	4"	0	700	Natural Gas	7215 Galveston	576B	E	2
Terry Oil & Gas Company, LP dba Clover Production	Transmission	South Houston	4"	0	700	Natural Gas	2102 Nell	576B	E	2
Terry Oil & Gas Company, LP dba Clover Production	Transmission	South Houston	4"	0	700	Natural Gas	7515 Bracknell St	535Z	E	2

*Pipeline crossings at the approximate 100 blocks of the streets specified. These locations should not be relied on for excavation or other purposes. Permittee should be contacted to establish concise locations.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Services Contract with the Houston Arts Alliance (HAA) for the Administration of the City's Civic Art Program Art and Conservation projects on behalf of the Houston Airport System (HAS). (WBS#s A000422-0014-3-01 & A-000422-0014-3-02)	Category #	Page 1 of 2	Agenda Item # 29
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FROM (Department or other point of origin):
Houston Airport System

Origination Date
April 2, 2013

Agenda Date
MAY 08 2013

DIRECTOR'S SIGNATURE: *[Signature]*
Council District affected:
B, E, I
For additional information contact:

Samar Mukhopadhyay Phone: 281/233-1840
 Jarrett Simmons JWS 281/233-1973
 Pamela K. Ingersoll PIA 281/233-1642

Date and identification of prior authorizing Council action:
N/A
AMOUNT & SOURCE OF FUNDING:

(previously appropriated for Civic Art)
 (\$1,209,890.00 HAS Airport Improvement Fund 8011)

Prior appropriations:
N/A
RECOMMENDATION: (Summary)

Approve and authorize a professional services contract with the Houston Arts Alliance (HAA) for the administration of the City's Civic Art Program art and conservation projects on behalf of the Houston Airport System (HAS).

SPECIFIC EXPLANATION:

In compliance with the provisions of the City's Civic Art Ordinance, 1.75% of the appropriation for eligible Houston Airport System (HAS) CIP projects is appropriated for Civic Art Program purposes, including civic art projects and conservation projects.

To execute these civic art projects in a professional and timely manner, HAS proposes entering into a one-year professional services contract with the Houston Arts Alliance (HAA) to administer this program. HAA will assist in managing the art acquisition and professional conservation projects. Duties include, but are not limited to, overseeing the artist selection process, negotiating artist contracts where appropriate, purchasing art on behalf of the City, project management and assistance in closing out the projects. HAA will also assess the HAS art collection, propose restoration/conservation treatment of those pieces in need of professional treatment, assist with professional conservator selection, negotiate conservator contracts, perform conservation project management and assist in closing out the projects.

The proposed contract provides that the City may terminate the agreement at any time during the term on 30 days notice.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity of Houston businesses and supports job creation. In this case the contractor meets the requirements of Hire Houston First.

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization: *[Signature]*Other Authorization: *[Signature]*

Date April 2, 2013	SUBJECT Professional Services Contract with the Houston Arts Alliance (HAA) for the Administration of the City's Civic Art Program Art and Conservation projects on behalf of the Houston Airport System (HAS). (WBS#s A000422-0014-3-01 & A-000422-0014-3-02)	Originator's Initials PI	Page 2 of 2
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PROJECT COST: The total amount to be provided for services under this contract consists of the following:

\$ 172,890.00	Basic Services
\$1,017,000.00	Additional Services
\$ 3,000.00	Reimbursable Expenses
\$ <u>17,000.00</u>	Contingency
\$1,209,890.00	Total Allocation

M/WBE Participation: Because of the special nature of the projects undertaken by the Houston Arts Alliance and the difficulty of determining the scope of work prior to contracting with artists, a zero percent (0%) M/WBE goal has been assigned on the portion of contract funding for art projects or commissioning of artists. However, the Houston Arts Alliance is committed to contracting five percent (5%) of its administrative purchases with City of Houston Certified Minority and Women Business Enterprises.

The Houston Arts Alliance will continue its history of employing small, women and minority business enterprises. The Houston Arts Alliance will also encourage contractors to utilize M/WBEs as well as conduct outreach events and seminars to encourage artists and subcontractors to certify as an M/WBE with the City of Houston.

Firms

Type of Work

Criner-Daniels & Associates, Inc.	Computer Support
Barking Dog Design	Graphic Design
The Chevalier Law Firm, PLLC	Legal Services
Tejas Office Products, Inc.	Office Supplies

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: An ordinance authorizing an agreement with Beck Redden, LLP relating to the pursuit of damages associated with In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation

Category #

Page
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Agenda Item #

30

FROM: (Department or other point of origin):
Legal Department

Origination Date

5/2/13

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE:

David M. Feldman

Council Districts affected:

All

For additional information contact:

Lynette Fons-Legal

832-393-6282

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt an ordinance approving: an agreement for legal services between the City of Houston and **Beck Redden, LLP**, for representation of the City in litigation against Visa and MasterCard, their affiliates and defendants identified in Interchange Class Action styled No. 05-MD-1720-JG-JO; In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation and for associated activities related to evaluation, opt-out, objection, arbitration, trial or settlement of claims made in said litigation related to antitrust and the illegal fixing of interchange fees.

AMOUNT AND SOURCE OF FUNDING:

Payment to Beck Redden, LLP is contingent upon recovery of funds from the In re Payment Card Interchange Fee and Merchant Discount antitrust Litigation

Budget:

SPECIFIC EXPLANATION:

City seeks to retain Beck Redden, LLP ("Firm") to represent the City in connection with litigation wherein Visa and MasterCard are alleged to have unlawfully fixed interchange fees and engaged in conduct in violation of the Sherman Act (15 U.S.C. § 1, et seq.) and Clayton Act (15 U.S.C. § 12, et seq.) and to have illegally conspired to fix processing fees at unfairly high levels, unreasonably restraining trade and lessening competition causing the City financial loss. Firm will evaluate the City's claims, remedies and damages related to the alleged illegal activity of Visa and MasterCard in the context of pending litigation styled No. 05-MD-1720-JG-JO (MDL 1720); In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation in the United States District Court, Eastern District of New York. In the presence of growing opposition by municipalities, retail groups, merchant trade associations and retail giants to a proposed class action settlement, Firm will assist the City in evaluating the proposed settlement and pursue, through opt-out, objection, suit, arbitration or settlement, the City's claims against these credit card issuers who may be liable to City. The deadline for opting out or objecting to the class action settlement is May 28, 2013. Work to be performed by Firm shall be performed on a contingency fee basis. Firm will pay all expenses associated with their pursuit of a recovery on the City's behalf and be reimbursed for same in accordance with the City Attorney's policy on reimbursement of expenses and only in the event of a recovery favoring the City that is in excess of the net fee that the City would receive if the City of Houston remained in the class action settlement. Expenses and costs shall be reimbursed before amounts received by reason of settlement or judgment are divided between City and Firm or calculated for purposes of division between City and Firm. After settlement or judgment amount in excess of the net fee that the City would receive if the City of Houston remained in the class action settlement. City allocates no other funds for the purpose of discharging City's duty to pay the Firm's fees and expenses or costs under this Agreement. The City has the ability to terminate for convenience or cause, provided however, the City may not terminate for convenience, unless the City Council allocates sufficient funds to reimburse Firm for expenses incurred by Firm in filing and prosecuting the Litigation.

No settlement or resolution of the dispute will be undertaken without the approval of the City Attorney.

Beck Redden, LLP enjoys an excellent reputation as a highly qualified and highly competent trial firm capable of handling complex commercial litigation. The Firm has previously performed work for the City and is on its list of panel counsel. The Firm's prior work has been performed on a pro bono basis or at a reduced rate. The contingency fee agreed to by the Firm represents a discounted fee arrangement. The Firm will retain a qualified MWBE law firm subject to the approval of the City Attorney.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating certain improved single-family residential lots in the Alameda Plaza Subdivision, Sections 1 & 2, north of Alameda Plaza Drive and Section 4 as a Prohibited Yard Parking Requirement Area	Category #	Page 1 of _____	Agenda Item # 31
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date April 3, 2013	Agenda Date MAY 08 2013
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DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>	Council District affected: K
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: 2009-0059, 1-28-09
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RECOMMENDATION: (Summary) Approval of an ordinance designating certain improved single-family residential lots in the Alameda Plaza Subdivision, Sections 1 & 2, north of Alameda Plaza Drive and Section 4 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Alameda Plaza Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Alameda Plaza Civic Club. Notification was mailed to 126 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Two (2) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on February 27, 2013 and recommended establishing the Prohibited Yard Parking Requirement Area.

Attachments:
Decision of the Hearing Official
Prohibited Yard Parking Requirement Area Application
Letter of Support
Map of the proposed requirement area / land use

xc: Anna Russell, City Secretary
David M. Feldman, City Attorney
Don Cheatham, Senior Assistant City Attorney
Chief C. A. McClelland, HPD
Alfred Moran, ARA

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:

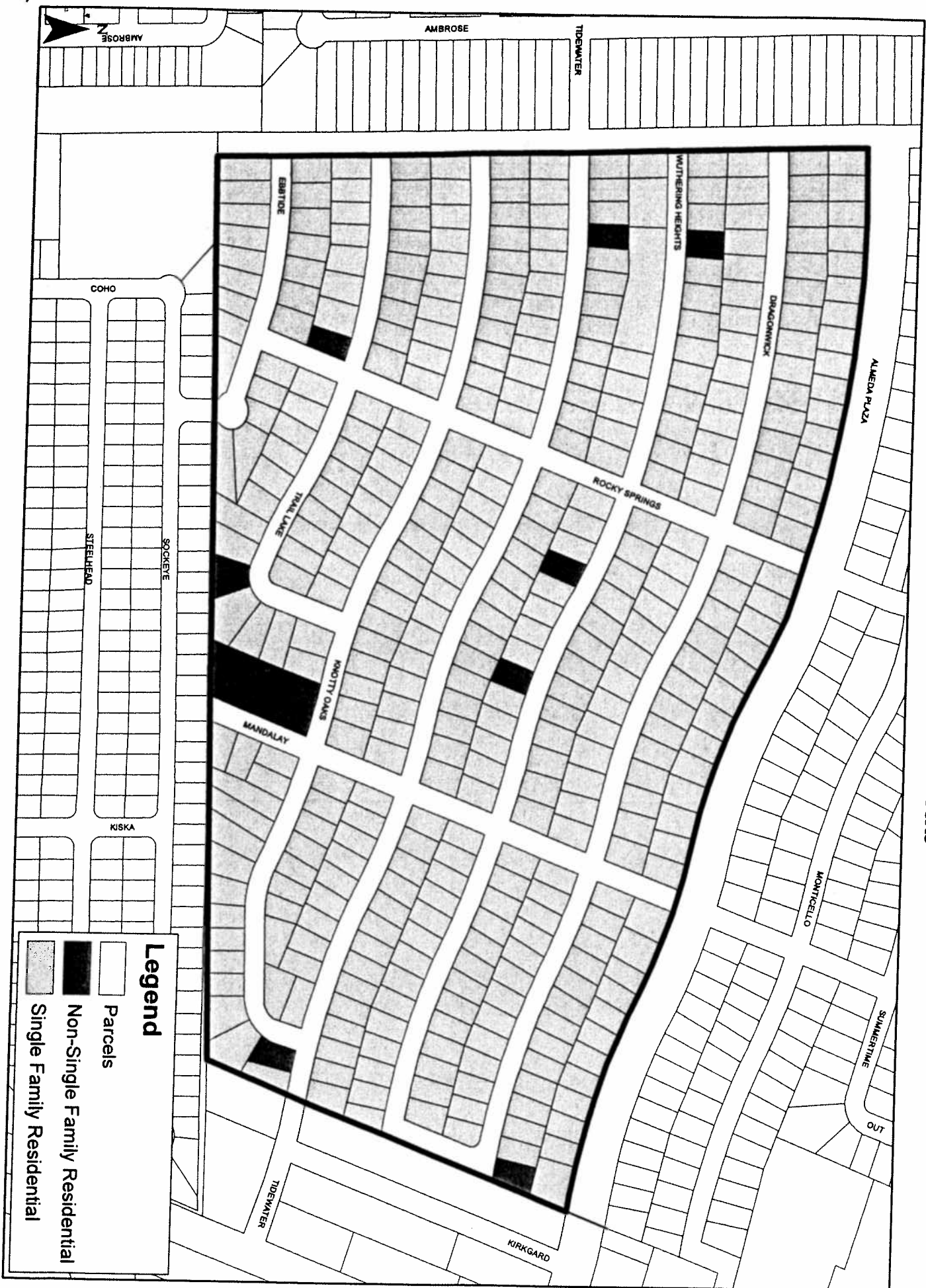
P121101
Alameda Plaza Civic Club



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating certain improved single-family residential lots in the Almeda Plaza Subdivision, Sections 1 & 2, south of Almeda Plaza Drive and Section 3 as a Prohibited Yard Parking Requirement Area		Category #	Page 1 of _____	Agenda Item # 32
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date April 3, 2013		Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: CUG <i>Marlene L. Gafrick</i>		Council District affected: K		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: 2009-0059, 1-28-09		
RECOMMENDATION: (Summary) Approval of an ordinance designating certain improved single-family residential lots in the Almeda Plaza Subdivision, Sections 1 & 2, south of Almeda Plaza Drive and Section 3 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.				
Amount and Source of Funding: NA			Finance Budget:	
SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Almeda Plaza Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Almeda Plaza Civic Club. Notification was mailed to 408 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Two (2) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on February 27, 2013 and recommended establishing the Prohibited Yard Parking Requirement Area.				
Attachments: Decision of the Hearing Official Prohibited Yard Parking Requirement Area Application Letter of Support Map of the proposed requirement area / land use				
xc: Anna Russell, City Secretary David M. Feldman, City Attorney Don Cheatham, Senior Assistant City Attorney Chief C. A. McClelland, HPD Alfred Moran, ARA				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	

P121102
Alameda Plaza Civic Club



TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT: Ordinance designating all improved single-family residential lots in the Braeburn Valley Subdivision, Sections 3 - 7 as a Prohibited Yard Parking Requirement Area

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FROM (Department or other point of origin):

Marlene L. Gafrick, Director
Planning and Development Department

Origination Date
April 3, 2013

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE:

Marlene L. Gafrick

Council District affected:
K

For additional information contact: Kevin Calfee
Phone: 713.837.7768

Date and identification of prior authorizing Council action: 2009-0059, 1-28-09

RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Braeburn Valley Subdivision, Sections 3 - 7 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

Amount and Source of Funding: NA

Finance Budget:

SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Braeburn Valley Homeowners' Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Braeburn Valley Homeowners' Association. Notification was mailed to 535 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Four (4) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on February 27, 2013 and recommended establishing the Prohibited Yard Parking Requirement Area.

Attachments:

Decision of the Hearing Official
Prohibited Yard Parking Requirement Area Application
Letter of Support
Map of the proposed requirement area / land use

xc: Anna Russell, City Secretary
David M. Feldman, City Attorney
Don Cheatham, Senior Assistant City Attorney
Chief C. A. McClelland, HPD
Alfred Moran, ARA

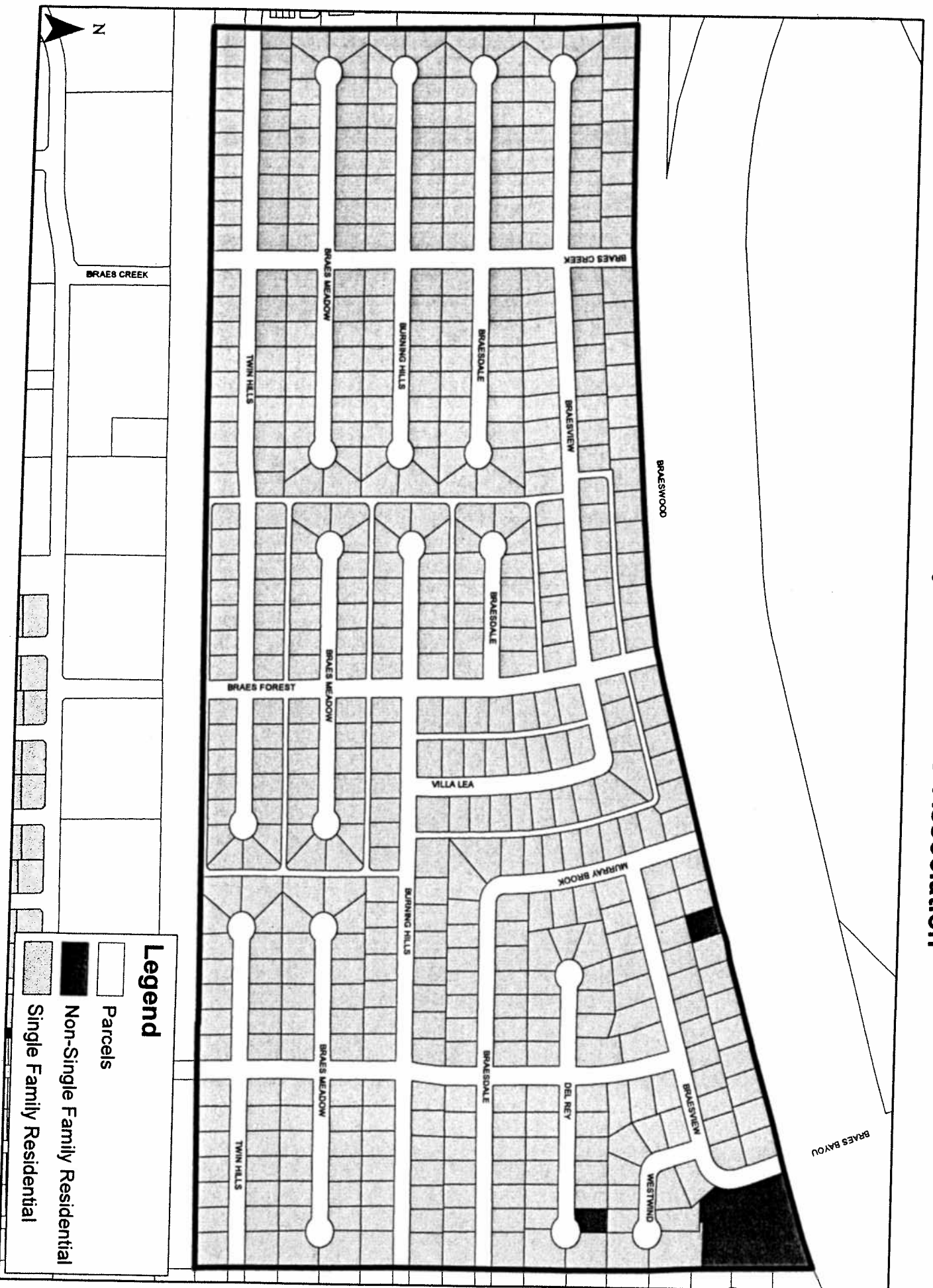
REQUIRED AUTHORIZATION

Finance Director:

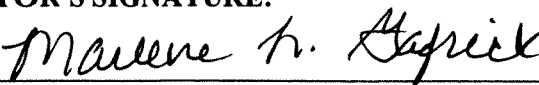
Other Authorization:

Other Authorization:

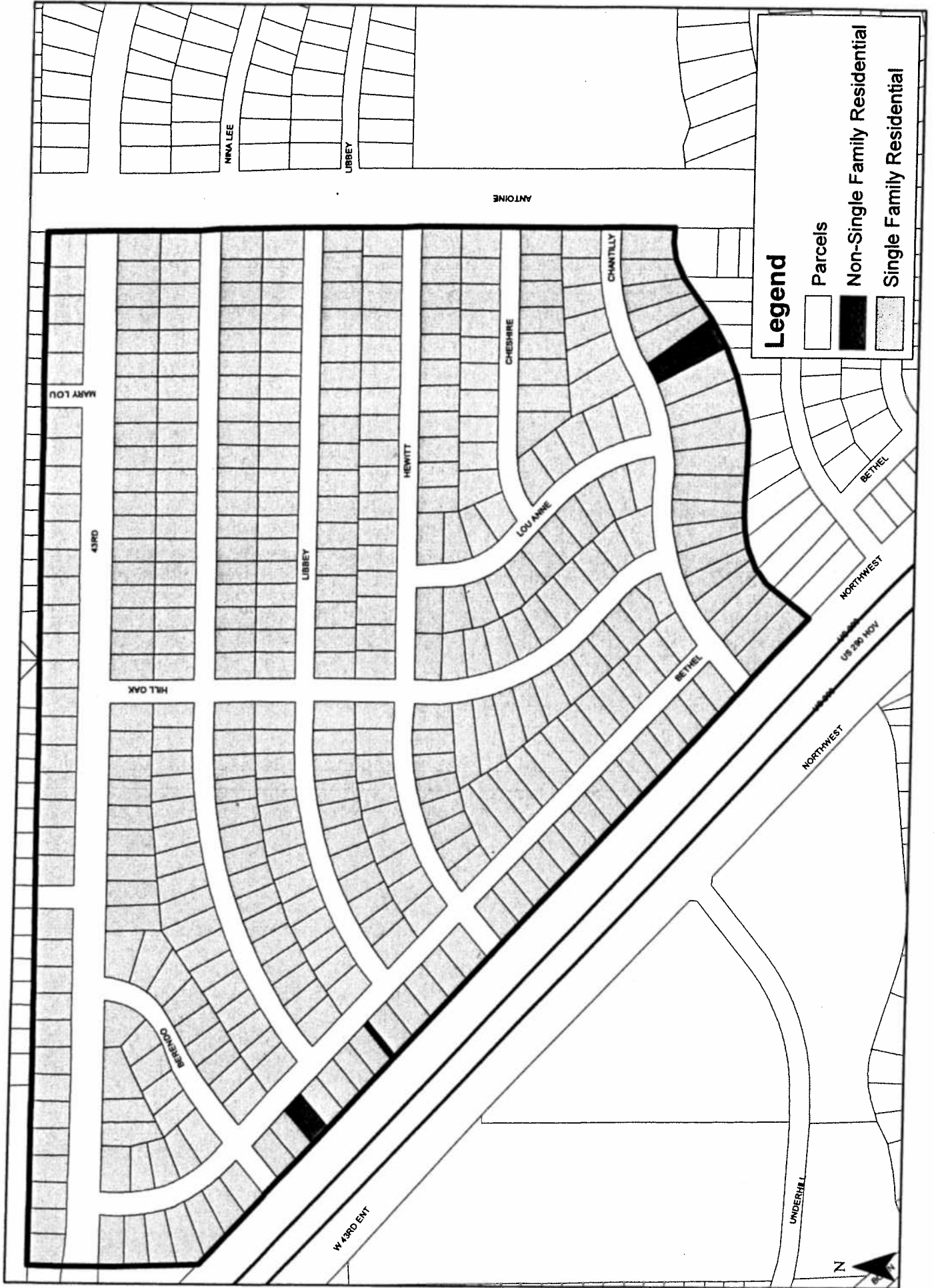
P121001
Braeburn Valley Homeowners' Association



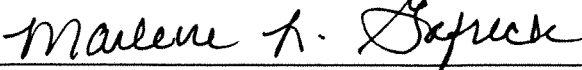
TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating certain improved single-family residential lots in the Oak Forest Subdivision, Section 17, Blocks 1-20 as a Prohibited Yard Parking Requirement Area		Category #	Page 1 of ____	Agenda Item # 34
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date April 3, 2013		Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: 		Council District affected: C		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: 2009-0059, 1-28-09		
RECOMMENDATION: (Summary) Approval of an ordinance designating certain improved single-family residential lots in the Oak Forest Subdivision, Section 17, Blocks 1-20 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.				
Amount and Source of Funding: NA			Finance Budget:	
SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Oak Forest Homeowners Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Oak Forest Homeowners Association. Notification was mailed to 393 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Three (3) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on February 27, 2013 and recommended establishing the Prohibited Yard Parking Requirement Area. Attachments: Decision of the Hearing Official Prohibited Yard Parking Requirement Area Application Letter of Support Map of the proposed requirement area / land use xc: Anna Russell, City Secretary David M. Feldman, City Attorney Don Cheatham, Senior Assistant City Attorney Chief C. A. McClelland, HPD Alfred Moran, ARA				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	

P120605
Oak Forest Homeowners Association



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

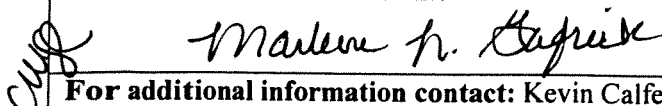
SUBJECT: Ordinance designating certain improved single-family residential lots in the Oak Forest Subdivision, Section 17, Blocks 21-24 as a Prohibited Yard Parking Requirement Area		Category #	Page 1 of _____	Agenda Item # 35
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date April 3, 2013		Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: 		Council District affected: C		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: 2009-0059, 1-28-09		
RECOMMENDATION: (Summary) Approval of an ordinance designating certain improved single-family residential lots in the Oak Forest Subdivision, Section 17, Blocks 21-24 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.				
Amount and Source of Funding: NA			Finance Budget:	
SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Oak Forest Homeowners Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Oak Forest Homeowners Association. Notification was mailed to 67 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. One (1) protest was timely filed with the Planning and Development Department. The Hearing Official held a public hearing on February 27, 2013 and recommended establishing the Prohibited Yard Parking Requirement Area. Attachments: Decision of the Hearing Official Prohibited Yard Parking Requirement Area Application Letter of Support Map of the proposed requirement area / land use xc: Anna Russell, City Secretary David M. Feldman, City Attorney Don Cheatham, Senior Assistant City Attorney Chief C. A. McClelland, HPD Alfred Moran, ARA				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:

P12U6U6

Oak Forest Homeowners Association



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating certain improved single-family residential lots in the Oak Forest Subdivision, Section 17, Blocks 30-36 as a Prohibited Yard Parking Requirement Area		Category #	Page 1 of _____	Agenda Item # 36
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date April 3, 2013		Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: 		Council District affected: A		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: 2009-0059, 1-28-09		
RECOMMENDATION: (Summary) Approval of an ordinance designating certain improved single-family residential lots in the Oak Forest Subdivision, Section 17, Blocks 30-36 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.				
Amount and Source of Funding: NA			Finance Budget:	
<p>SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Oak Forest Homeowners Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Oak Forest Homeowners Association. Notification was mailed to 69 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Since no protests were timely filed and the application meets the requirements, the Director is forwarding the application to City Council for consideration.</p> <p>It is recommended that the City Council adopt an ordinance establishing a Prohibited Yard Parking Requirement Area.</p> <p>Attachments: Planning Director's Approval Prohibited Yard Parking Requirement Area Application Letter of Support Map of the proposed requirement area / land use</p> <p>xc: Anna Russell, City Secretary David M. Feldman, City Attorney Don Cheatham, Senior Assistant City Attorney Chief C.A. McClelland, HPD Alfred Moran, ARA</p>				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	

P120607

Oak Forest Homeowners Association



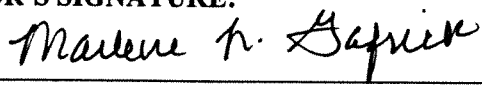
TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating all improved single-family residential lots in the Scenic Woods Plaza Subdivision as a Prohibited Yard Parking Requirement Area		Category #	Page 1 of _____	Agenda Item # <i>37</i>
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date April 3, 2013		Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>		Council District affected: B		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: 2009-0059, 1-28-09		
RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Scenic Woods Plaza Subdivision as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.				
Amount and Source of Funding: NA			Finance Budget:	
SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Scenic Woods Plaza Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Scenic Woods Plaza Civic Club. Notification was mailed to 257 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. One (1) protest was timely filed with the Planning and Development Department. The Hearing Official held a public hearing on February 27, 2013 and recommended establishing the Prohibited Yard Parking Requirement Area.				
Attachments: Decision of the Hearing Official Prohibited Yard Parking Requirement Area Application Letter of Support Map of the proposed requirement area / land use				
xc: Anna Russell, City Secretary David M. Feldman, City Attorney Don Cheatham, Senior Assistant City Attorney Chief C. A. McClelland, HPD Alfred Moran, ARA				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	

P120901
Scenic Wood Plaza Civic Club



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating all improved single-family residential lots in the University Oaks Subdivision and Forty-Three Ninety Seven North MacGregor Subdivision as a Prohibited Yard Parking Requirement Area		Category #	Page 1 of _____	Agenda Item # 38
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date April 3, 2013		Agenda Date MAY 08 2013
DIRECTOR'S SIGNATURE: 		Council District affected: D		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: 2009-0059, 1-28-09		
RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the University Oaks Subdivision and Forty-Three Ninety Seven North MacGregor Subdivision as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.				
Amount and Source of Funding: NA			Finance Budget:	
SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the University Oaks Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the University Oaks Civic Club. Notification was mailed to 212 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Two (2) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on February 27, 2013 and recommended establishing the Prohibited Yard Parking Requirement Area. Attachments: Decision of the Hearing Official Prohibited Yard Parking Requirement Area Application Letter of Support Map of the proposed requirement area / land use xc: Anna Russell, City Secretary David M. Feldman, City Attorney Don Cheatham, Senior Assistant City Attorney Chief C. A. McClelland, HPD Alfred Moran, ARA				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	

121103
University Oaks Civic Club



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 10.069 acres of land to Bridgestone Municipal Utility District (Key Map No. 291-T)

Page
1 of 1

Agenda Item
#

39

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

MAY 08 2013

DIRECTOR'S SIGNATURE

Council District affected:
"ETJ"

Daniel W. Krueger, P.E.

For additional information contact:

Date and identification of prior authorizing
Council action:

Mark L. Loethen, P.E., CFM, PTOE
Deputy Director (832) 395-2705

RECOMMENDATION: (Summary)

The petition for the addition of 10.069 acres of land to Bridgestone Municipal Utility District be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Bridgestone Municipal Utility District has petitioned the City of Houston for consent to add 10.069 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of Shalom Creek Lane, Kreinhop Road, Krahn Road and HCFCD Unit No. K124-05-00. The district desires to add 10.069 acres, thus yielding a total of 2,265.4657 acres. The district is served by the Bridgestone Municipal Utility District Wastewater Treatment Plant. The nearest major drainage facility for Bridgestone Municipal Utility District is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marta Crinejo Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee

REQUIRED AUTHORIZATION

20UPA233

Finance Department

Other Authorization:

Other Authorization:

Mark L. Loethen, P.E., CFM, PTOE
Deputy Director

Planning & Development Services Div.

Proposed annexation of 10.069 Acres of land
(HARRIS COUNTY KEY MAP : 291-T)



H.C.F.C.D. UNIT No. K-124-05-00

10.069 ACRE TRACT

KREINHOP ROAD

KRAHN ROAD

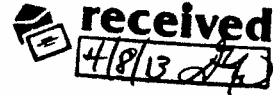
SHALOM CREEK LN



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the ☐ creation / ☒ addition of 10.069 acres to Bridgestone MUD under the provisions of 49 Texas Water Code.

[Signature]
Attorney for the District

Attorney: Ms. Robin S. Bobbitt, JRPB

Address: 1001 McKinney St., Ste. 1000, Houston, TX

Zip: 77002

Phone: 713/237/1221

Engineer: Erich Peterson, P.E., Jones & Carter, Inc.

Address: 8701 New Trails, Ste. 200, The Woodlands, TX

Zip: 77381

Phone: 281/363-4039

Owners: Joe L. Fuentes, Luxury Warehousing, LLC

Address: 2129 FM 2920, Suites 190-204, Spring, TX

Zip: 77388

Phone: 713/899-9098

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

NAME OF COUNTY (S) Harris
Abstract 656

Survey A. Reeves

Geographic Location: List only major streets, bayous or creeks:

North of: Shalom Creek Lane ✓

East of: HCFCD Unit No. K124-05-00 ✓

South of: Kreinhop Road ✓

West of: Krahn Road ✓

WATER DISTRICT DATA

Total Acreage of District: 2255.3967 ✓

Existing Plus Proposed Land 2265.4657 ✓

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential _____

Multi-Family Residential _____

Commercial 100% Industrial _____

Institutional _____

Sewage generated by the District will be served by a : District Plant ☒ Regional Plant ☐

Sewage Treatment Plant Name: Bridgestone WWTP

NPDES/TPDES Permit No: WQ0011835001

TCEQ Permit No: 11835-001



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 2.5

Ultimate Capacity (MGD): 2.5

Size of treatment plant site: 7.5043 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 2.5 MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: _____

MGD of (Regional Plant).

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: Bridgestone Water Plant Nos. 1,2,3.&5

Water Treatment Plant Address: SEE ATTACHED LIST

Well Permit No: SEE ATTACHED LIST

Existing Capacity:

Well(s): 6,416

GPM

Booster Pump(s): 8,450

GPM

Tank(s): 2.634

MG

Ultimate Capacity:

Well(s): 6,416

GPM

Booster Pump(s): 8,450

GPM

Tank(s): 2.634

MG

Size of Treatment Plant Site: SEE ATTACHED LIST

square feet/acres.

Comments or Additional Information: _____

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of two (2) tracts of land totaling 13.710 acres to Fort Bend County Municipal Utility District No. 50 (Key Map No. 525-L)

Page
1 of 1

Agenda Item
#

40

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

MAY 08 2013

DIRECTOR'S SIGNATURE

Daniel W. Krueger, P.E.

Council District affected:
"ETJ"

For additional information contact:

Date and identification of prior authorizing
Council action:

Mark L. Loethen, P.E., CFM, PTOE
Deputy Director (832) 395-2705

RECOMMENDATION: (Summary)

The petition for the addition of 13.710 acres of land to Fort Bend County Municipal Utility District No. 50 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Fort Bend County Municipal Utility District No. 50 has petitioned the City of Houston for consent to add 13.710 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of Bellaire, Grand Parkway (SH 99), Westheimer and Bellefonte. The district desires to add 13.710 acres, thus yielding a total of 1,263.7820 acres. The district is served by the Fort Bend County Municipal Utility District No. 50 Interim Wastewater Treatment Plant. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 50 is Little Prong Creek which flows into Buffalo Bayou and finally into Houston Ship Channel.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marta Crinejo Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee

REQUIRED AUTHORIZATION

20UPA225

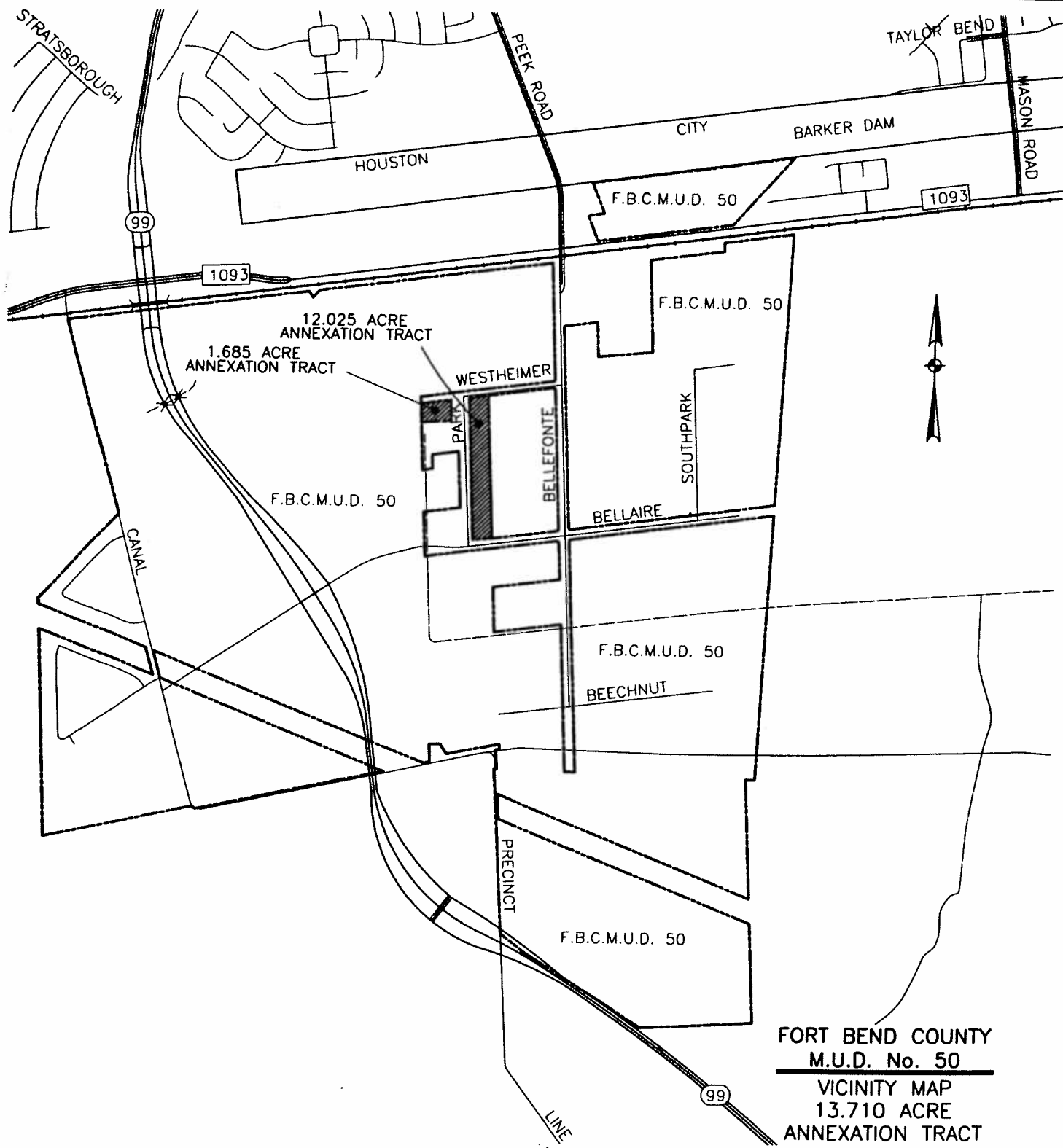
Finance Department

Other Authorization:

Mark L. Loethen, P.E., CFM, PTOE
Deputy Director
Planning & Development Services Div.

Other Authorization:

36



FORT BEND COUNTY
M.U.D. No. 50

VICINITY MAP
13.710 ACRE
ANNEXATION TRACT

r.g.miller
engineers
since 1986

12121 Wickchester Lane
Suite 200
Houston, Texas 77079
(713) 461-9600

TEXAS FIRM REGISTRATION NO. F-487

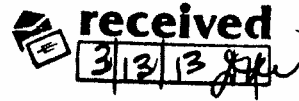
DATE: FEBRUARY 2013 SCALE: N.T.S.



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 13.710 acres to Fort Bend County MUD No. 50 under the provisions of Chapters 49 and 54 Texas Water Code.

Christina S. Miller

Attorney for the District

Attorney: Allen Boone Humphries Robinson LLP

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027

Phone: 713-860-6400

Engineer: R. G. Miller Engineers, Inc.

Address: 12121 Wickchester Lane, Suite 200, Houston, TX Zip: 77079

Phone: 713-461-9600

Owners: The District at Parkway Lakes, Ltd.

Address: c/o Parkway Lakes Development, Inc., 21711 FM
1093, Richmond, TX

Zip: 77469

Phone: 281-497-6000

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒
Survey Brooks&Burleson, Geo Fields, Wm Stanley

NAME OF COUNTY (S) Fort Bend County
Abstract 145, 591, 599

Geographic Location: List only major streets, bayous or creeks:

North of: Bellaire ✓

East of: Grand Parkway (SH 99) ✓

South of: Westheimer ✓

West of: Bellefonte ✓

WATER DISTRICT DATA

Total Acreage of District: 1250.072

Existing Plus Proposed Land 1263.782

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential _____

Multi-Family Residential _____

Commercial 100

Industrial _____

Institutional _____

Sewage generated by the District will be served by a : District Plant ☒ Regional Plant ☐

Sewage Treatment Plant Name: FBC MUD 50 Interim Wastewater Treatment Plant

NPDES/TPDES Permit No: WQ0013228001

TCEQ Permit No: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.7 MGD

Ultimate Capacity (MGD): 0.7 MGD

Size of treatment plant site: 92,800/2.13 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.7 MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: 0.7 MGD

MGD of (Regional Plant).

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: FBC MUD 50 Water Plant 1

Water Treatment Plant Address: 22939 Bellaire Blvd.

Well Permit No: 17020

Existing Capacity:

Well(s): 1500 GPM

Booster Pump(s): 5,500 GPM

Tank(s): 0.5 MG

Ultimate Capacity:

Well(s): 1500 GPM

Booster Pump(s): 5,500 GPM

Tank(s): 0.5 MG

Size of Treatment Plant Site: 74,410/1.7082

square feet/acres.

Comments or Additional Information: See attached page for additional owner.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of twenty (20) tracts of land totaling 262.89 acres to Harris County Municipal Utility District No. 501 (Key Map No. 406-D & 407-A)

Page
1 of 1

Agenda Item
#

41

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

MAY 08 2013

DIRECTOR'S SIGNATURE

Daniel W. Krueger, P.E.

For additional information contact:

Mark L. Loethen, P.E., CFM, PTOE
Deputy Director (832) 395-2705

Council District affected:
"ETJ"

Date and identification of prior authorizing
Council action:

RECOMMENDATION: (Summary)

The petition for the addition of 262.89 acres of land to Harris County Municipal Utility District No. 501 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 501 has petitioned the City of Houston for consent to add 262.89 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of West Road, Fry Road, Cypress Creek and Barker-Cypress Road. The district desires to add 262.89 acres, thus yielding a total of 929.1700 acres. The district is served by the Harris County Municipal Utility District No. 500 Horsepen Creek Wastewater Treatment Plant. The other districts served by this plant are Harris County Municipal Utility District No. 500 and Harris County Municipal Utility District No. 502. The nearest major drainage facility for Harris County Municipal Utility District No. 501 is Horsepen Creek which flows into Langham Creek then into South Mayde Creek, which flows into Buffalo Bayou, and finally into the Houston Ship Channel.

Potable water is provided by Harris County Municipal Utility District No. 500. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marta Crinejo Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee

REQUIRED AUTHORIZATION

20UPA224

Finance Department

Other Authorization:

Mark L. Loethen, P.E., CFM, PTOE
Deputy Director

Planning & Development Services Div.

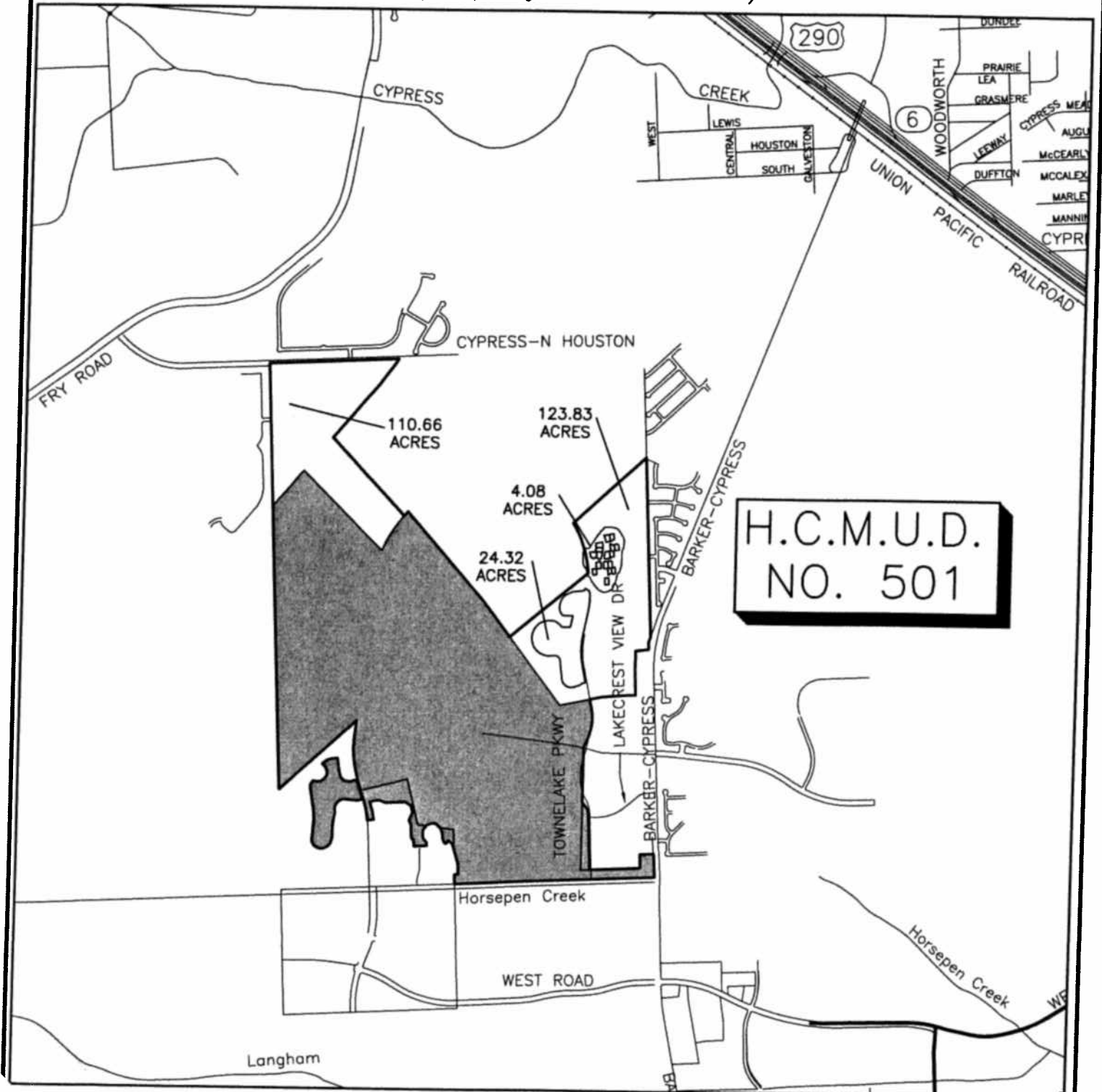
Other Authorization:

37

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 501

Annexation of 110.66 Acres, 24.32 Acres, 4.08 Acres
& 123.83 Acres of Land

(Key Map Page No. 406D & 407A)



VICINITY MAP

N.T.S.



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 262.89 acres to Harris County Municipal Utility District No. 501 under the provisions of Chapter 54 Texas Water Code.


Attorney for the District

Attorney: James A. Boone

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX

Zip: 77027

Phone: 713-860-6404

Engineer: A. Hasan Syed, P.E.

Address: 10555 Westoffice Drive, Houston, TX

Zip: 77042

Phone: 713-784-4500

Owners: (See Attached Sheet)

Address:

Zip:

Phone:

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

NAME OF COUNTY (S) Harris

Survey: Evan Thomas

Abstract: A-775

Geographic Location: List only major streets, bayous or creeks:

North of: West Road

East of: Fry Road

South of: Cypress Creek

West of: Barker-Cypress Road

WATER DISTRICT DATA

Total Acreage of District: 666.28 ac

Existing Plus Proposed Land 929.17 ac

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 100%

Multi-Family Residential

Commercial

Industrial

Institutional

Sewage generated by the District will be served by a : District Plant ☐ Regional Plant ☒

Sewage Treatment Plant Name: Harris County M.U.D. No. 500 Horsepen Creek WWTP

NPDES/TPDES Permit No: 14740-001

TCEQ Permit No: N/A



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): Phase Two – 0.32

Ultimate Capacity (MGD): 1.5 MGD

Size of treatment plant site: 3.8 Acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: N/A MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: 1.5

MGD of (Regional Plant).

Name of District: Harris County M.U.D. No. 501

MGD Capacity Allocation 0.50

or property owner(s)

Name of District: Harris County M.U.D. No. 502

MGD Capacity Allocation 0.50

Name of District: Harris County M.U.D. No. 500

MGD Capacity Allocation 0.50

Water Treatment Plant Name: Harris County M.U.D. No. 500 Water Plant No. 1 (Under Construction)

Water Treatment Plant Address: 19627 1/2 Tuckerton Road

Well Permit No: N/A

Existing Capacity: N/A

Well(s): _____

GPM

Booster Pump(s): _____

GPM

Tank(s): _____

MG

Ultimate Capacity:

Well(s): N/A (Water Supply from Surface Water)

GPM

Booster Pump(s): 10,000

GPM

Tank(s): 1.0

MG

Size of Treatment Plant Site: 1.97 Acres

square feet/acres.

Comments or Additional Information: Harris County M.U.D. No. 501 receives water supply from Harris County M.U.D. No. 500 in accordance with the contractual agreements between the Districts. Harris County M.U.D. No. 500 receives interim water supply from Remington M.U.D. No. 1 in accordance with their agreement dated April 23, 2008. HCMUD 500 has secured capacity of up to 800 ESFC until which time the HCMUD No. 500 Water Plant No. 1 is completed and in service. Water Plant No. 1 is currently under construction and will receive surface water from the West Harris County Regional Water Authority upon start-up which is projected to be in the second quarter of 2013.

List of Property Owners

Owners:	CW SCOA West, L.P.		
Address	7904 N. Sam Houston Parkway, 4th Floor, Houston	Zip: 77064	Phone: 713-664-6608
Owners:	MHI Partnership		
Address	7676 Woodway, Suite 104, Houston	Zip: 77063	Phone: 713-952-6767
Owners:	David Weekley Homes		
Address	1111 N. Post Oak, Houston	Zip: 77055	Phone: 713-963-0500
Owners:	Newmark Homes Houston		
Address	10455 Briar Forest Drive, Suite 200, Houston	Zip: 77042	Phone: 713-346-0182
Owners:	Toll Brothers, Inc.		
Address	101 N. Sage Sparrow Court, The Woodlands	Zip: 77389	Phone: 281-894-8655
Owners:	Harris County Municipal District No. 500		
Address	3200 Southwest Freeway, Suite 2600, Houston	Zip: 77027	Phone: 713-860-6404

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 45.49 acres of land to West Harris County Municipal Utility District No. 21 (Key Map No. 370-Y & 410-B)

Page
1 of 1

Agenda Item
#

42

FROM (Department or other point of origin):

Origination Date

Agenda Date

MAY 08 2013

Department of Public Works and Engineering

DIRECTOR'S SIGNATURE

Daniel W. Krueger, P.E.

For additional information contact:

Mark L. Loethen, P.E., CFM, PTOE
Deputy Director (832) 395-2705

Council District affected:
"ETJ"

Date and identification of prior authorizing
Council action:

RECOMMENDATION: (Summary)

The petition for the addition of 45.49 acres of land to West Harris County Municipal Utility District No. 21 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

West Harris County Municipal Utility District No. 21 has petitioned the City of Houston for consent to add 45.49 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of West Little York Road, Sam Houston Tollway, Fallbrook Drive and Fairbanks North Houston Road. The district desires to add 45.49 acres, thus yielding a total of 667.7200 acres. The district is served by the West Harris County Municipal Utility District No. 21 Wastewater Treatment Plant. The nearest major drainage facility for West Harris County Municipal Utility District No. 21 is Greens Bayou which flows into the Houston Ship Channel.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marta Crinejo Marlene Gafrick Jun Chang
Bill Zrioka Deborah McAbee

REQUIRED AUTHORIZATION

20UPA232

Finance Department

Other Authorization:

Mark L. Loethen

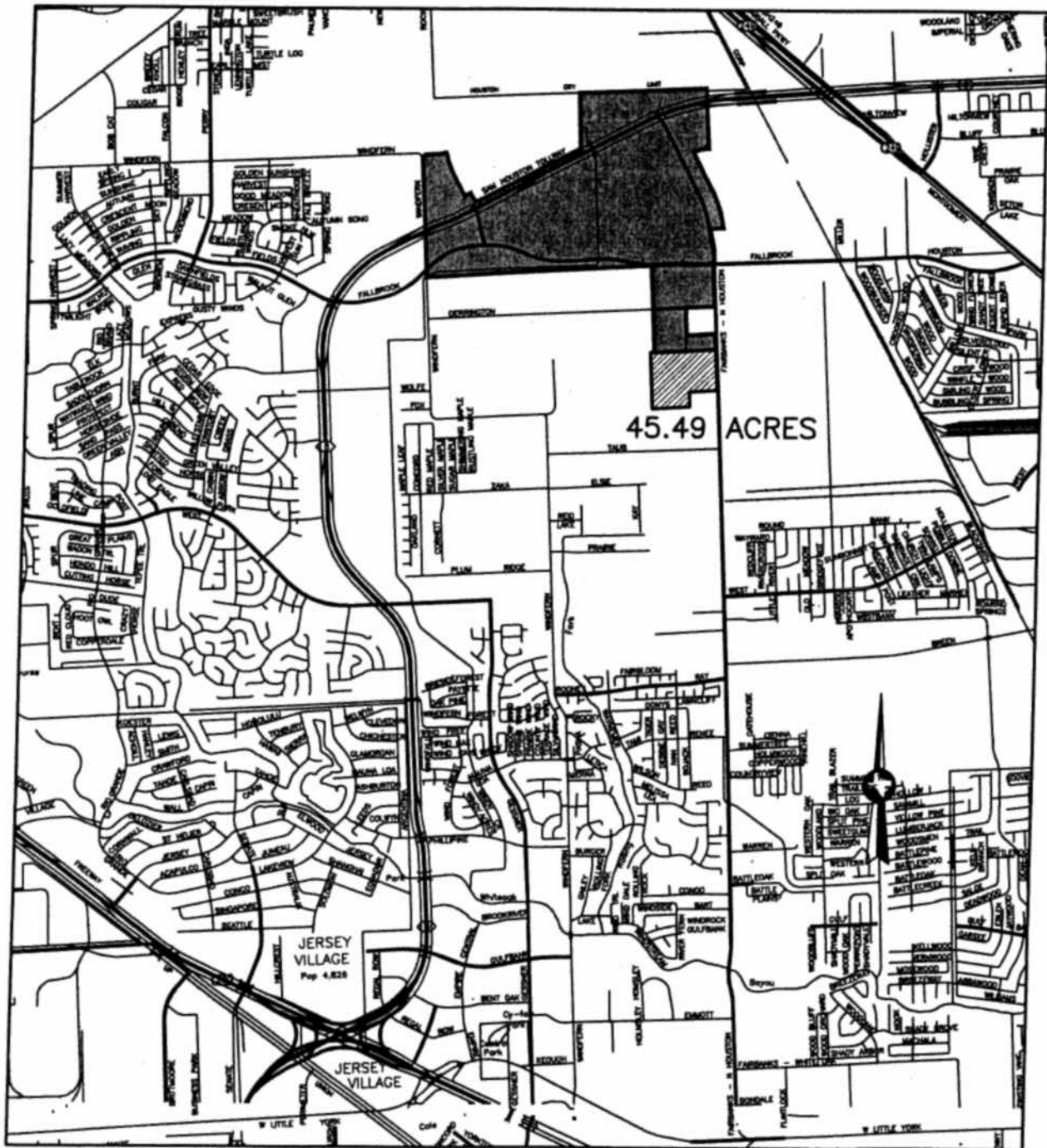
Mark L. Loethen, P.E., CFM, PTOE
Deputy Director
Planning & Development Services Div.

Other Authorization:

**WEST HARRIS COUNTY
MUNICIPAL UTILITY DISTRICT NO. 21**

667.72 Acres of Land

(Key Map Page No. 370 S, T, U, W, X & Y)



Vicinity Map
N.T.S.



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 45.49 acres to West Harris County Municipal Utility District No. 21 under the provisions of Chapter 54 Texas Water Code.

Attorney for the District

Attorney: Ron Young

Address: 10000 Memorial Drive, Suite 260, Houston, TX

Zip: 77024

Phone: 713-951-0800

Engineer: A. Hasan Syed, P.E.

Address: 10555 Westoffice Drive, Houston, TX

Zip: 77042

Phone: 713-784-4500

Owners: SUPERIOR EQUIPMENT AND SUPPLY CORPORATION

Address: 9523 Fairbanks North Houston Road, Houston, TX

Zip: 77064

Phone: 281-890-9977

(If more than one owner, attach additional page. List all owners of property within the District) (see attached sheet)

LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

NAME OF COUNTY (S) Harris

Survey: L.M. Prior

Abstract: 635

Geographic Location: List only major streets, bayous or creeks:

North of: West Little York Road

East of: Sam Houston Tollway

South of: Fallbrook Drive

West of: Fairbanks North Houston Road

WATER DISTRICT DATA

Total Acreage of District: 622.23 ✓

Existing Plus Proposed Land 667.72

Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential _____

Multi-Family Residential _____

Commercial 100%

Industrial _____

Institutional _____

Sewage generated by the District will be served by a : District Plant ☒ Regional Plant ☐

Sewage Treatment Plant Name: West Harris County M.U.D. No. 21 Wastewater Treatment Plant

NPDES/TPDES Permit No: 13623-001

TCEQ Permit No: N/A



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.25

Ultimate Capacity (MGD): 0.50 MGD

Size of treatment plant site: 4.26 acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.50 MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page): N/A

Total permitted capacity: _____

MGD of (Regional Plant) _____

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: West Harris County M.U.D. No. 21 Water Plant

Water Treatment Plant Address: 8350 Fallbrook Drive, Houston, TX 77064

Well Permit No: 153015

Existing Capacity: N/A

Well(s): 1,800 GPM

Booster Pump(s): 6,500 GPM

Tank(s): 420,000 MG

Ultimate Capacity:

Well(s): 1,800 GPM

Booster Pump(s): 6,500 GPM

Tank(s): 420,000 MG

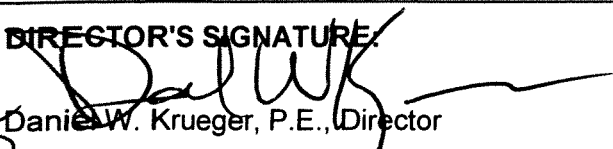

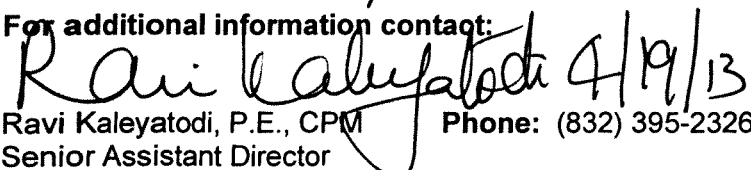
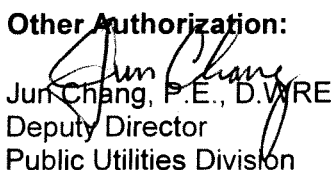

Size of Treatment Plant Site: 1.56 Acres


square feet/acres.

Comments or Additional Information: _____

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment for Professional Engineering Services Contract between the City and Construction and Management Professionals, LLC dba PKV Engineering for the East Water Purification Plant: Forebay Condition Assessment at Plant 3, Forebay Berm Thickness Assessment at Plant 1, Plant 2 and Landfill Access Road Improvements. WBS Number S-000056-0063-3		Page 1 of 2	Agenda Item # 43
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/2/13	Agenda Date MAY 08 2013	
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: E 		
For additional information contact:  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	Date and identification of prior authorizing Council action: Ordinance No. 2011-0719 August 17, 2011		
RECOMMENDATION: (Summary) Approve Amendment for Professional Engineering Services Contract and appropriate additional funds.			
Amount and Source of Funding: \$287,500.00 from Water and Sewer System Consolidated Construction Fund No. 8500. <i>M.P. 4/22/2013</i> Original (previous) appropriation of \$1,121,755.00 from Water and Sewer System Consolidated Construction Fund No. 8500.			
PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Capital Improvement Program to improve operability, maintainability and reliability for the East Water Purification Plant to comply with the Texas Commission on Environmental Quality and Surface Water Treatment Rule mandated by the United States Environmental Protection Agency and to meet existing and future water demand requirements.			
DESCRIPTION/SCOPE: This project consists of providing professional engineering and related services associated with the evaluation, design, and improvements including landfill access road upgrades, forebay condition assessments and repairs. The increased funding is to provide for the additional scopes in the design and construction support services.			
LOCATION: This project is located at 12555 Clinton Drive and 2300 Federal Road. The project is located in key map grids 496 U and Y.			
PREVIOUS HISTORY AND SCOPE: City Council approved the original contract by Ordinance Number 2011-0719 on August 17, 2011. The scope of services under the original contract consisted of phase I - preliminary design, phase II - final design, phase III - construction phase services and additional services associated with the evaluation, design, and improvements to the East Water Purification Plant including land application access road upgrades, forebay condition assessments and repairs. The consultant has been authorized \$700,589.28 (71.82%) out of the original contract appropriation to date.			
LTS No. 4083		CUIC ID #20JWM69	
Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE Deputy Director Public Utilities Division	 Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division	

Date	SUBJECT: Amendment for Professional Engineering Services Contract between the City and Construction and Management Professionals, LLC dba PKV Engineering for the East Water Purification Plant: Forebay Condition Assessment at Plant 3, Forebay Berm Thickness Assessment at Plant 1, Plant 2 and Landfill Access Road Improvements. WBS Number S-000056-0063-3	Originator's Initials 	Page <u>2</u> of <u>2</u>
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SCOPE OF AMENDMENT AND FEE: The additional scopes include site acquisition due diligence investigation, site improvements including the design of a security fence, site access road, site management and the additional repairs of the south-side levee at plants 1 and 2. Under the terms of this amendment, the consultant will perform phase II - final design and phase III - construction phase services and additional services. The basic services fees for phase II and phase III are negotiated on a lump sum basis. The total basic services appropriation is \$118,000.00.


Additional services such as surveying, geotechnical investigation, and flood plain analysis will be paid either as lump sum or on a reimbursable basis subject to authorization by the Director. The total additional services appropriation is \$132,000.00.

The budgeted amount for this amendment is \$287,500.00 to be appropriated as follows: \$250,000.00 for contract services and \$37,500.00 for CIP Cost Recovery.

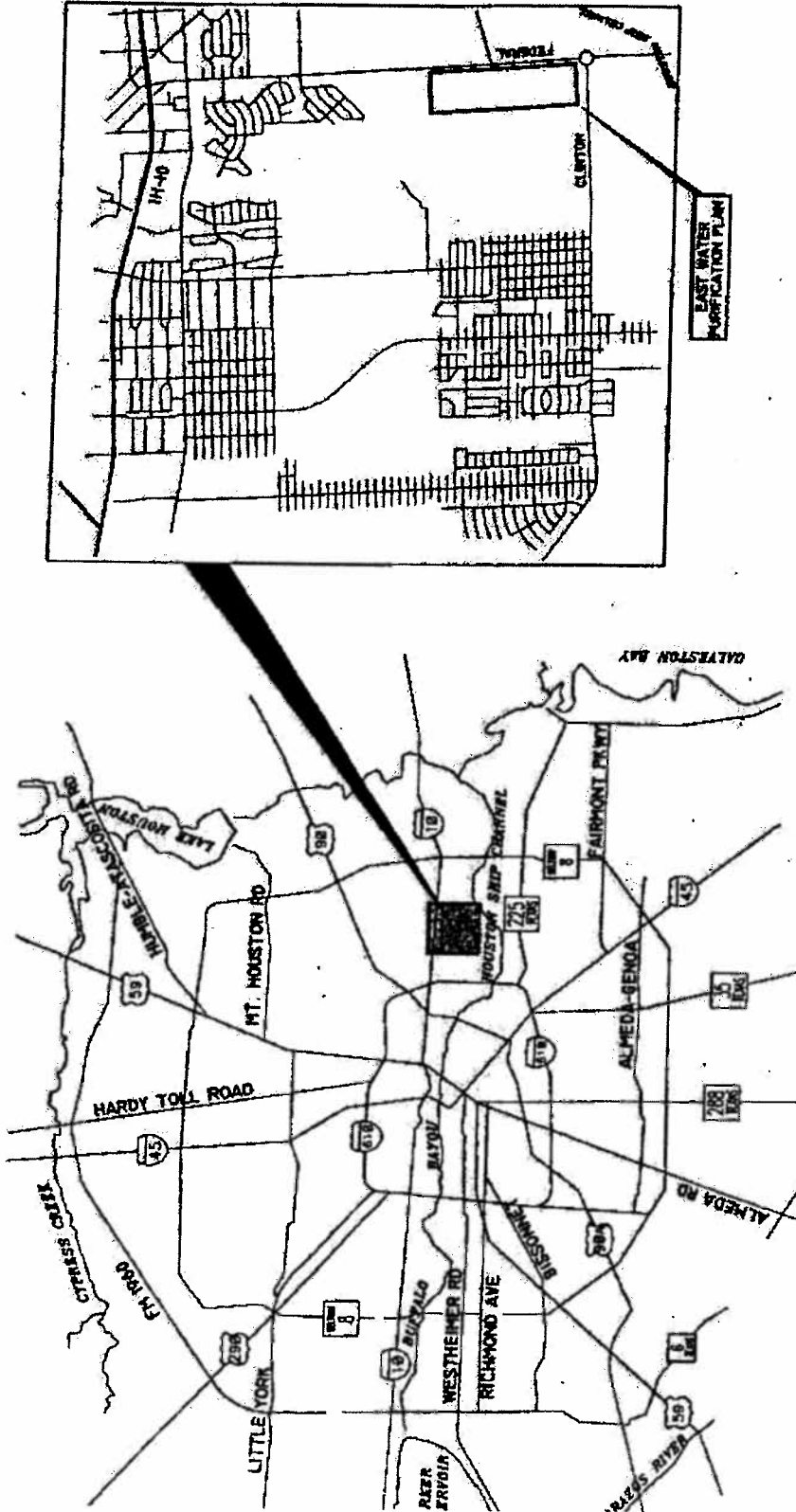
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WBE INFORMATION: The M/WBE goal for the contract is 24%. The engineer has been authorized \$700,589.28 (71.82%) of the original contract amount (\$975,438.00) to perform services and M/WBE sub-consultants have been authorized to perform services totaling \$203,895.20 (29.10%) of the authorized amount. The engineer has been paid \$484,184.60 (69.11%) to date. Of this amount, \$138,333.50 (28.57 %) has been paid to M/WBE sub-consultants. With services proposed to be performed with the original and additional appropriations, the Engineer plans the following MWBE participation.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Paid Prior Commitment			
2. KIT Professionals, Inc.	Engineering Services	\$138,333.50	11.29%
3. Aviles Engineering Corporation	Geotechnical Services	\$123,292.66	10.06%
4. Kuo & Associates, Inc.	Surveying Services	\$73,800.20	6.02%
		<u>\$25,340.00</u>	<u>2.07%</u>
TOTAL		\$360,376.36	29.44%


 DWK:DRM:RK:HH:SD:JM:kb
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File S-000056-0063-3 (RCA - 1.2)



AREA MAP

East Water Purification Plant: Forebay Condition Assessment at Plant 3, Forebay
Berm Thickness Assessment at Plant 1, Plant 2 and Landfill Access Road
Improvements.
WBS Number S-000056-0063-3



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for FY2013 Local Drainage Project Construction
Work Orders #2
WBS No. M-000126-0080-4

Page
1 of 2

Agenda Item #

44

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

5/2/13

Agenda Date:

MAY 08 2013

DIRECTOR'S SIGNATURE:


Daniel W. Krueger, P.E., Director

Council District affected:

All

PR

For additional information contact:


Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326
Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Accept low bid, award Construction Contract and appropriate funds.

Amount and Source of Funding:

\$1,745,000.00 from Fund 4042 - Street & Traffic Control and Storm Drainage DDSRF.

M.P. 4/17/2013

PROJECT NOTICE/JUSTIFICATION: This program is required to investigate and resolve existing localized storm water drainage problems reported by citizens.

DESCRIPTION/SCOPE: This program provides professional engineering services and construction to address necessary local storm water drainage system improvements citywide. It also addresses certain large-scale storm water drainage system repairs. The Contract duration for this project is 730 calendar days.

LOCATION: Citywide. Work locations will be anywhere within the City of Houston and its jurisdictional limits and will be established by each work order.

BIDS: Bids were received on March 7, 2013. The six (6) bids are as follows:

<u>Bidder</u>	<u>Adjustment Factor</u>
1. P2MG, LLC	1.120
2. Total Contracting Limited, LLC	1.190
3. ISI Contracting, Inc.	1.230
4. IPR South Central, LLC	1.280
5. JFT Construction, Inc.	1.349
6. PMG Project Management Group, LLC	1.410

Contract bids are based on an Adjustment Factor rather than a monetary amount. The Contract will not exceed \$1,500,000.00. Estimated work order prices will be calculated by multiplying the unit quantity of each item in the work order by the unit price and the Adjustment Factor.

Request LTS No. 5105


CUIC# 20RDP09

MA

Finance Department

Other Authorization:

Other Authorization:


Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

ad

Date	Subject: Contract Award for FY2013 Local Drainage Project Construction Work Orders #2 WBS No. M-000126-0080-4	Originator's Initials R	Page 2 of 2
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AWARD: It is recommended that this construction Contract be awarded to P2MG, LLC with a low bid of 1.120 Adjustment factor and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$ 1,745,000.00 to be appropriated as follows:

• Bid Amount	\$1,500,000.00
• Contingencies	\$75,000.00
• Engineering and Testing Services	\$65,000.00
• CIP Cost Recovery	\$105,000.00

Engineering and Testing Services will be provided by Austin-Reed Engineers, LLC. under a previously approved contract.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston business and supports job creation. In this case the proposed contractor meets the requirements of Hire Houston First.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 9% MBE goal and 7% SBE goal for this project.

MBE - Name of Firms		Work Description	Amount	% of Contract
1.	Site and Field Engineering, LLC	Surveying, Dredging & Construction Management	\$ 85,000.00	5.67%
2.	Chief Solutions, Inc.	Storm Pipe	\$ 50,000.00	3.33%
TOTAL			\$ 135,000.00	9.00%
SBE - Name of Firms		Work Description	Amount	% of Contract
1.	JT Utility Construction, LLC	Underground Utility Work	\$ 52,500.00	3.50%
2.	Lazer Construction Company, Inc.	Concrete, Asphalt Work, Excavating Site Work, And Storm Sewer	\$ 52,500.00	3.50%
TOTAL			\$ 105,000.00	7.00%

DWK:DRM:RK:DPS:RP:JV:klw

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c: File No. M-000126-0080-4

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Repair/Rehabilitation of WCID#47 Wastewater Treatment Plant Blowers and Blower Building.
WBS No. R-000265-0087-4.

Page
1 of 2

Agenda Item #

45

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

Agenda Date:

MAY 08 2013

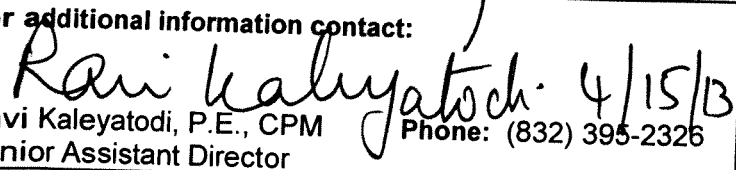
Director's Signature:


Daniel W. Krueger, P.E., Director

Council District affected:

E MR

For additional information contact:


Ravi Kaleyatodi, P.E., CPM
Senior Assistant Director

Phone: (832) 395-2326

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$4,039,700.00 Water and Sewer System Consolidated Construction Fund No. 8500.

M.P. 4/19/2013

PROJECT NOTICE/JUSTIFICATION: This project is part of the ongoing Wastewater Treatment and Sludge Plant Improvements Program and is required to control operations and maintenance costs and ensure regulatory compliance.

DESCRIPTION/SCOPE: This project consists of Repair/Rehabilitation of WCID #47 Wastewater Treatment Plant Blowers and Blower Building.

The Contract duration for this project is 730 calendar days. This project was designed by Chiang, Patel & Yerby, Inc.

LOCATION: 7410 Old Galveston Road, Houston Texas 77034. The project is located in Key Map Grid 576F.

BIDS: Bids were received on December 6, 2012. The four (4) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Industrial TX Corp.	\$3,584,540.00
2. Pepper-Lawson Waterworks, LLC	\$3,715,000.00
3. LEM Construction Company, Inc.	\$3,724,540.00
4. R J Construction Company, Inc.	\$4,550,000.00

LTS No. 5366

CUIC ID #20IMR85

Finance Department:

Other Authorization:


Jun Chang, P.E., D.WRE, Deputy Director
Public Utilities Division

Other Authorization:


Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

Date	Subject: Contract Award for Repair/Rehabilitation of WCID #47 Wastewater Treatment Plant Blowers and Blower Building. WBS No. R-000265-0087-4.	Originator's Initials IMR	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to Industrial TX Corp. with a low bid of \$3,584,540.00 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$4,039,700.00 to be appropriated as follows:

• Bid Amount	\$3,584,540.00
• Contingencies	\$ 179,227.00
• Engineering and Testing Services	\$ 25,000.00
• CIP Cost Recovery	\$ 250,933.00

Engineering and Testing Services will be provided by Terracon Consultants, Inc. under a previously approved contract.

HIRE HOUSTON FIRST:

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston business and supports job creation. In this case the proposed contractor meets the requirements of Hire Houston First.

PAY OR PLAY PROGRAM:

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WBE PARTICIPATION:

The MBE/SBE goals established for this project are 10% MBE and 8% SBE. Industrial TX Corp. has submitted the following Certified firms with Good Faith efforts of 7.1% MBE and 5.15% SBE. Mayor's Office of Business Opportunity has reviewed and approved Industrial TX Corp. proposed Good Faith Efforts.

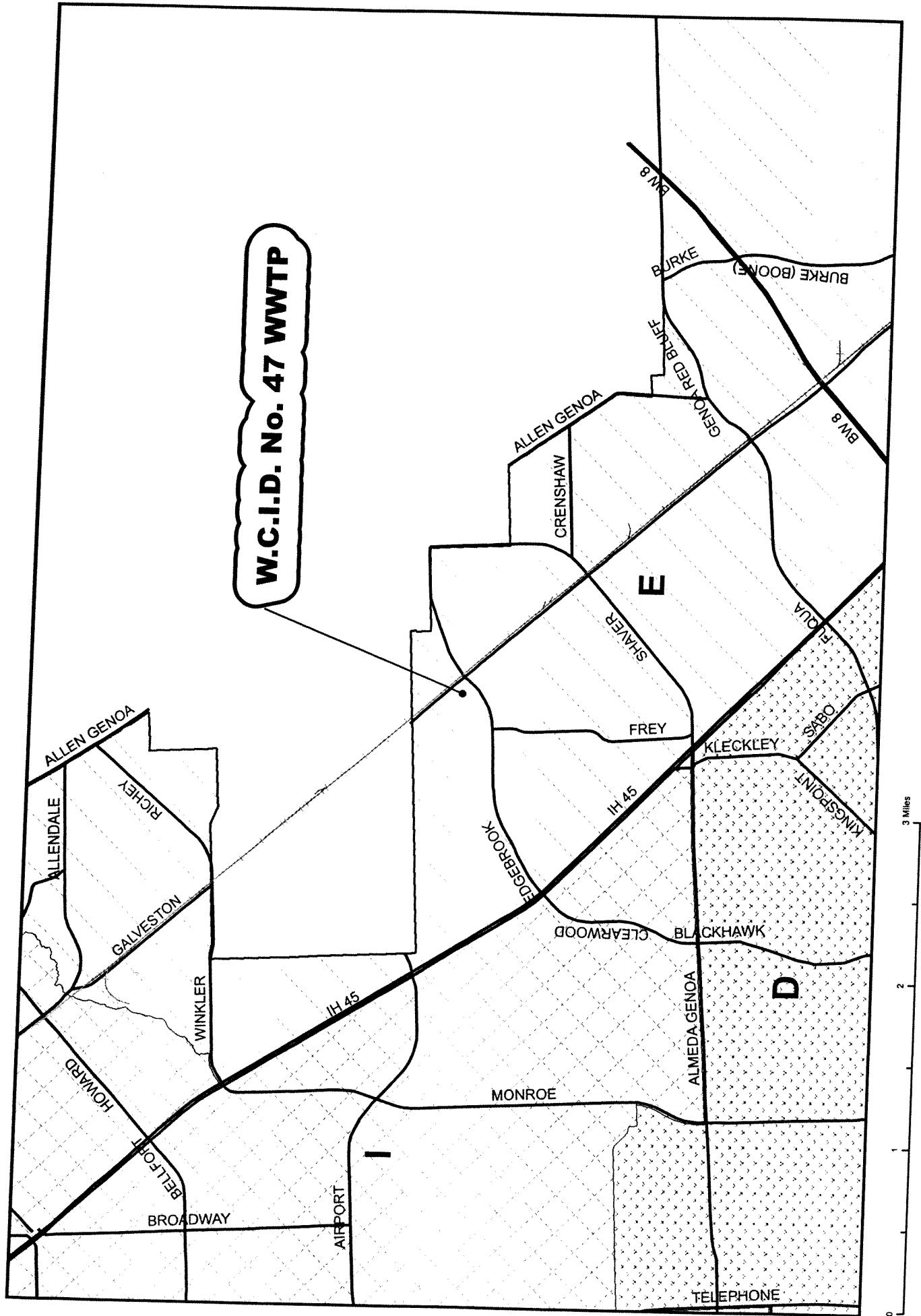
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Aviles Painting Contractor	painting	\$ 9,500.00	0.3%
2. C & B Rebar Construction, Inc.	rebar installation & supply	\$ 25,000.00	0.7%
3. Energy Electric Supply, Inc.	electrical supplies	\$180,000.00	5.0%
4. Escalante Construction, Inc.	concrete work	\$ 20,000.00	0.6%
5. J. A. Gamez Trucking Services	trucking	\$ 5,000.00	0.1%
6. Medcalf Fabrication, Inc.	misc. metal fabrication	\$ 15,000.00	0.4%
TOTAL		\$254,500.00	7.1%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Access Data Supply, Inc.	concrete	\$ 21,000.00	0.6%
2. Aggregate Technologies, Inc.	saw cutting	\$ 17,000.00	0.5%
3. Automation Nation, Inc.	programming	\$ 9,800.00	0.3%
4. Deanie Hayes, Inc.	aggregate	\$ 7,000.00	0.2%
5. Teague Industrial Sales & Services	pipng & valves	\$130,000.00	3.6%
TOTAL		\$184,800.00	5.2%

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

DWK:DRM:RK:EN:IMR/pa

c: File No. R-000265-0087-4



W.C.I.D. No. 47 WWTP

Vicinity Map
Repair / Rehabilitation of WCID #47 WWTP Blowers and Blower Building
WBS No. R-000265-0087-4

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Amy Ridge and Hiram Clarke Lift Station Diversion.
WBS No. R-000267-0115-4

Page
1 of 2

Agenda Item #

46

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

Agenda Date:

MAY 08 2013

Director's Signature:

Council District affected:

K 1R

Daniel W. Krueger, P.E., Director

For additional information contact:

Date and identification of prior authorizing
Council action:

Ravi Kaleyatodi 4/10/13
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326
Senior Assistant Director

RECOMMENDATION: (Summary)

Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$5,655,300.00 Water and Sewer System Consolidated Construction Fund No. 8500.

M.P. 4/19/2013

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program to consolidate lift stations through gravity sewer flow diversion.

DESCRIPTION/SCOPE: This project consists of demolition of two lift stations and associated site work. Construction of approximately 8,670 linear feet of 8, 10, 12 and 24-inch gravity sewer flow diversion to Post Oak #1 Lift Station. The Contract duration for this project is 305 calendar days. This project was designed by ARCADIS U.S., Inc.

LOCATION: The project area is generally bound by Sam Houston Tollway on the north, FM 2234/McHard Road on the south, Hiram Clarke Road on the east and S. Post Oak Road on the west. The project is located in Key Map Grids 611C & D.

BIDS: Bids were received on March 07, 2013. The two (2) bids are as follows:

Bidder	Bid Amount
1. BRH-Garver Construction, L.P.	\$4,889,089.00
2. S.J. Louis Construction of Texas, LTD	\$5,133,119.00

LTS No. 5306

CUIC ID #20TH04

Finance Department:

Other Authorization:

Other Authorization:

Jun Chang, P.E., D.WRE, Deputy Director
Public Utilities Division

Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

Date	Subject: Contract Award for Amy Ridge and Hiram Clarke Lift Station Diversion. WBS No. R-000267-0115-4	Originator's Initials TH	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to BRH-Garver Construction, L.P., with a low bid of \$4,889,089.00.

PROJECT COST: The total cost of this project is \$5,655,300.00 to be appropriated as follows:

• Bid Amount	\$4,889,089.00
• Contingencies	\$ 244,454.45
• Engineering and Testing Services	\$ 45,000.00
• CIP Cost Recovery	\$ 146,756.55
• Construction Management Fee	\$ 330,000.00

Engineering and Testing Services will be provided by Raba-Kistner Consultants, Inc., under a previously approved contract.

Construction Management Services will be provided by Weston Solutions, Inc., under a previously approved contract.

HIRE HOUSTON FIRST:

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston business and supports job creation. In this case the proposed contractor meets the requirements of Hire Houston First.

PAY OR PLAY PROGRAM:

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides benefits for some employees but will pay into the Contractor Responsibility Fund for other, in compliance with City policy.

M/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 10% MBE goal, and 8% SBE goal for this project.

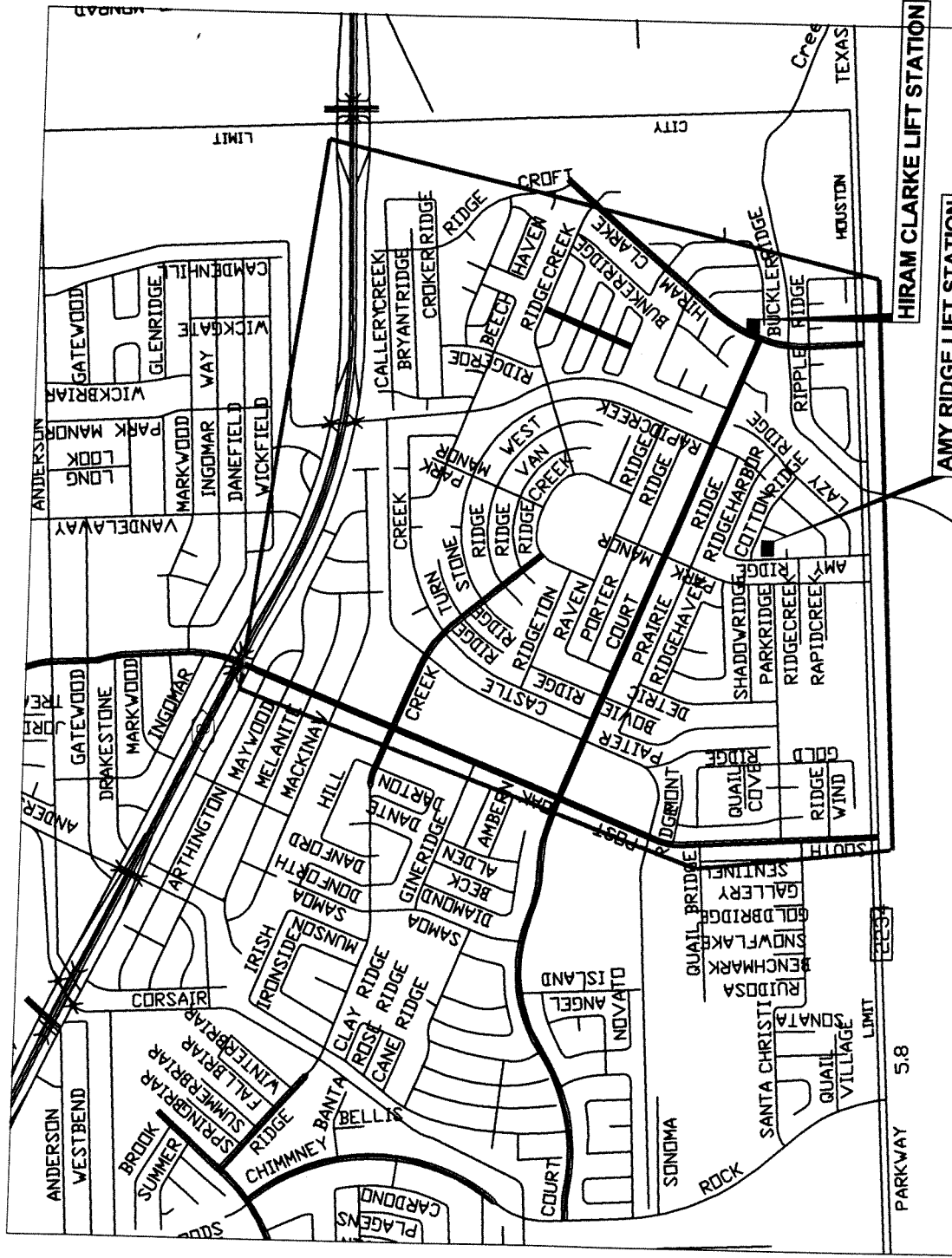
<u>MBE - Name of Firms</u>		<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.	Briones Construction & Supply, LTD.	Construction Materials Supply	\$ 428,400.00	8.76%
2.	P. A. Berrios Trucking	Dump Truck Services	\$ 61,000.00	1.25%
		TOTAL	\$ 489,400.00	10.01%
<u>SBE - Name of Firms</u>		<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1.	El Dorado Paving Company, Inc.	Paving	\$ 66,140.00	1.35%
2.	Hazard Assessment Leaders, Inc. DBA HAL, Inc	Abatement Services	\$ 3,448.00	0.07%
3.	Jimerson Underground, Inc.	Utility Construction	\$ 301,225.00	6.16%
4.	Kossman Contracting Company, Inc.	Erosion Control	\$ 8,400.00	0.17%
5.	Regional Traffic Services LLC	Traffic Barricading	\$ 12,000.00	0.25%
		TOTAL	\$ 391,213.00	8.00%

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

DWK:DRM:RK:EN:IMR:TH:pa

c: File No. R-000267-0115-4 (3.7)

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
ENGINEERING & CONSTRUCTION DIVISION



KEY MAP

AMY RIDGE: KEY MAP NO. 611C
HIRAM CLARKE LS: 611D



2000 Mainway Dr.
Suite 300
Houston, TX 77002
Tel: 713-463-4800 Fax: 713-977-4800
www.arcadis-usa.com



CITY OF HOUSTON

LIFT STATION RENEWAL & REPLACEMENT
AMY RIDGE & HIRAM CLARKE LIFT STATIONS
WBS NO.: R-000267-0115-4
(CONTRACT NO.: 56874)

VICINITY MAP

FACILITY NO. 375 AMY RIDGE LIFT STATION
FACILITY NO. 378 HIRAM CLARKE LIFT STATION

SUBJECT: Contract Award for Water Line Replacement in Garden Villas West Area.
WBS No. S-000035-0148-4.

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1 of 2

Agenda Item
47

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

5/2/13

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

m3

For additional information/contact:

Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326
Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:

\$2,637,200.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.

DESCRIPTION/SCOPE: This project consists of the construction of approximately 33,300 linear feet of water lines with related appurtenances in the Garden Villas West Area. The contract duration for this project is 260 calendar days. This project was designed by Kuo & Associates, Inc.

LOCATION: This project is generally bounded by Ashburn Street on the north, Airport Blvd. on the south, Prentiss on the east and Mykawa on the west. This project is located in key map grids 534Z and 574C,D,G&H.

BIDS: Bids were received on January 17, 2013. The eight (8) bids are as follows:

Bidder	Bid Amount
1. Collins & Collins	\$2,163,198.17
2. D.L. Elliott Enterprises, Inc.	\$2,527,451.98
3. DCE Construction Inc.	\$2,595,159.10
4. Metro City Construction, L.P.	\$2,781,678.40
5. Calco Contracting, LTD	\$2,790,169.00
6. McKinney Construction, Inc.	\$2,825,544.00
7. Resicom, Inc.	\$2,959,246.50
8. Scohil Construction Services, LLC	\$3,440,367.00

AWARD: It is recommended that this construction contract be awarded to Collins & Collins with a low bid of \$2,163,198.17 and that no Addendum be made a part of this contract.

TS No. 5029

CUIC ID #20MB121

Finance Department:

Other Authorization:

Jun Chang, P.E., DWRE
Deputy Director
Public Utilities Division

Other Authorization:

Daniel R. Menendez, P.E.,
Deputy Director
Engineering and Construction Division

Date	Subject: Contract Award for Water Line Replacement in Garden Villas West Area. WBS No. S-000035-0148-4.	Originator's Initials ms	Page <u>2</u> of <u>2</u>
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PROJECT COST: The total cost of this project is \$2,637,200.00 to be appropriated as follows:

•	Bid Amount	\$2,163,198.17
•	Contingencies	\$108,159.91
•	Engineering and Testing Services	\$60,000.00
•	CIP Cost Recovery	\$64,957.92
•	Construction Management	\$240,884.00

Engineering and Testing Services will be provided by Earth Engineering, Inc. under a previously approved contract.

Construction Management Services will be provided by S&B Infrastructure, Ltd., under a previously approved contract.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case the proposed contractor meets the requirements of Hire Houston First.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

MBE/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 11% MBE goal and 9% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Briones Construction & Supply, Ltd.	Supplier of Construction Materials	\$119,113.00	5.51%
2. Fredith's Trucking Co.	Hauling by Dumptruck Services	\$75,800.00	3.50%
3. Concrete and More	Concrete Construction	\$43,314.00	2.00%
TOTAL		\$238,227.00	11.01%
<u>SBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Mickie Service Company, Inc.	Installation of Hot Taps	\$194,913.00	9.01%
TOTAL		\$194,913.00	9.01%

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

DWK:DRM:RK:HH:ACM:MB:ofa:mb

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File: S-000035-0148-4 (3.7)

A - HELENA BROWN
B - JERRY DAVIS
C - ELLEN R. COHEN
D - WANDA ADAMS
E - DAVE MARTIN
F - AL HOANG
G - OLIVER PENNINGTON
H - EDWARD GONZALEZ
I - JAMES G. RODRIGUEZ
J - MIKE LASTER
K - LARRY V. GREEN

AT LARGE 1 — STEPHEN C. COSTELLO
AT LARGE 2 — ANDREW C. BURKS, JR.
AT LARGE 3 — MELISSA NORIEGA
AT LARGE 4 — C.O. "BRAD" BRADFORD
AT LARGE 5 — JACK CHRISTIE, D.C.



KEY MAP NO. 534 Z, 574 C, D, G & H

KEY MAP NO. 334 Z, 3/4 C, D, G & H
GIM MAP # 5553 C & D, 5552 A & B, 5653C

LEGEND:

EXISTING ROAD

ROAD DESIGNATED FOR PROPOSED WATER LINE

KUO

KUO
& associates, Inc.
Consulting Engineers
& Surveyors

10700 Richmond Ave., Suite 113
Houston, TX 77042
Tel: (713) 975-8769
Fax: (713) 975-0920
www.kuoassociates.com
Texas Firm Registration No. F-457

CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

**WATER LINE REPLACEMENT IN
GARDEN VILLAS WEST AREA**

PROJECT VICINITY MAP

COUNCIL DISTRICT I

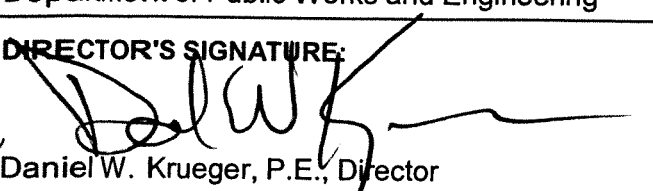
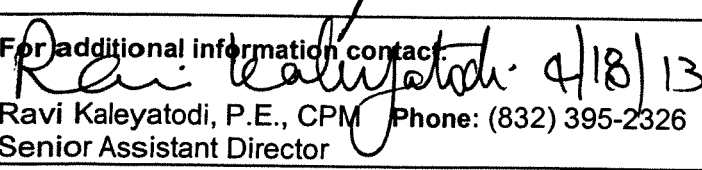
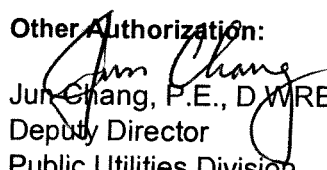
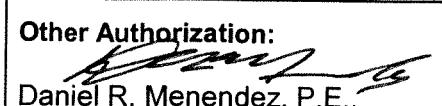
WBS NO.: S-000035-0148-4	CITY OF HOUSTON PM
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AWING SCALE: NONE	MUMTAZ BAIG, P.E.
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FEBRUARY 2013	SHEET 1 OF 1
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Water Line Replacement in Sagemont Park Area 2. WBS No. S-000035-0149-4.		Page 1 of 2	Agenda Item # 48
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/2/13	Agenda Date MAY 08 2013	
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: ms D		
For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Accept low bid, award construction contract and appropriate funds.			
Amount and Source of Funding: \$2,726,400.00 from Water and Sewer System Consolidated Construction Fund No. 8500. <i>U.P. 4/23/2013</i>			
PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.			
DESCRIPTION/SCOPE: This project consists of the construction of approximately 23,150 linear feet of water lines with related appurtenances in the Sagemont Park Area 2. The contract duration for this project is 220 calendar days. This project was designed by Kuo & Associates, Inc.			
LOCATION: This project is generally bounded by Hughes and Beltway 8 on the north, Sagedowne on the south, Sagewood on the east and Sagecreek on the west. This project is located in key map grids 576 Y & Z, & 616 C.			
BIDS: Bids were received on March 07, 2013. The six (6) bids are as follows:			
Bidder		Bid Amount	
1. Metro City Construction, LP		\$2,241,994.34	
2. McKinney Construction, Inc.		\$2,392,728.00	
3. D.L. Elliott Enterprises, Inc.		\$2,475,075.00	
4. Reytec Construction Resources, Inc.		\$2,784,920.00	
5. Scohil Construction Services, LLC		\$2,893,994.00	
6. DCE Construction Inc.		\$3,530,130.00	
AWARD: It is recommended that this construction contract be awarded to Metro City Construction, LP with a low bid of \$2,241,994.34 and that no Addendum be made a part of this contract.			
LTS No. 5241		CUIC ID #20MB127	
Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	Subject: Contract Award for Water Line Replacement in Sagemont Park Area 2. WBS No. S-000035-0149-4.	Originator's Initials	Page <u>2</u> of <u>2</u>
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PROJECT COST: The total cost of this project is \$2,726,400.00 to be appropriated as follows:

•	Bid Amount	\$2,241,994.34
•	Contingencies	\$112,099.72
•	Engineering and Testing Services	\$90,000.00
•	CIP Cost Recovery	\$67,239.94
•	Construction Management	\$215,066.00

Engineering and Testing Services will be provided by A & R Engineering and Testing, Inc. under a previously approved contract.

Construction Management Services will be provided by S&B Infrastructure, Ltd., under a previously approved contract.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

MBE/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 11% MBE goal and 9% SBE goal for this project.

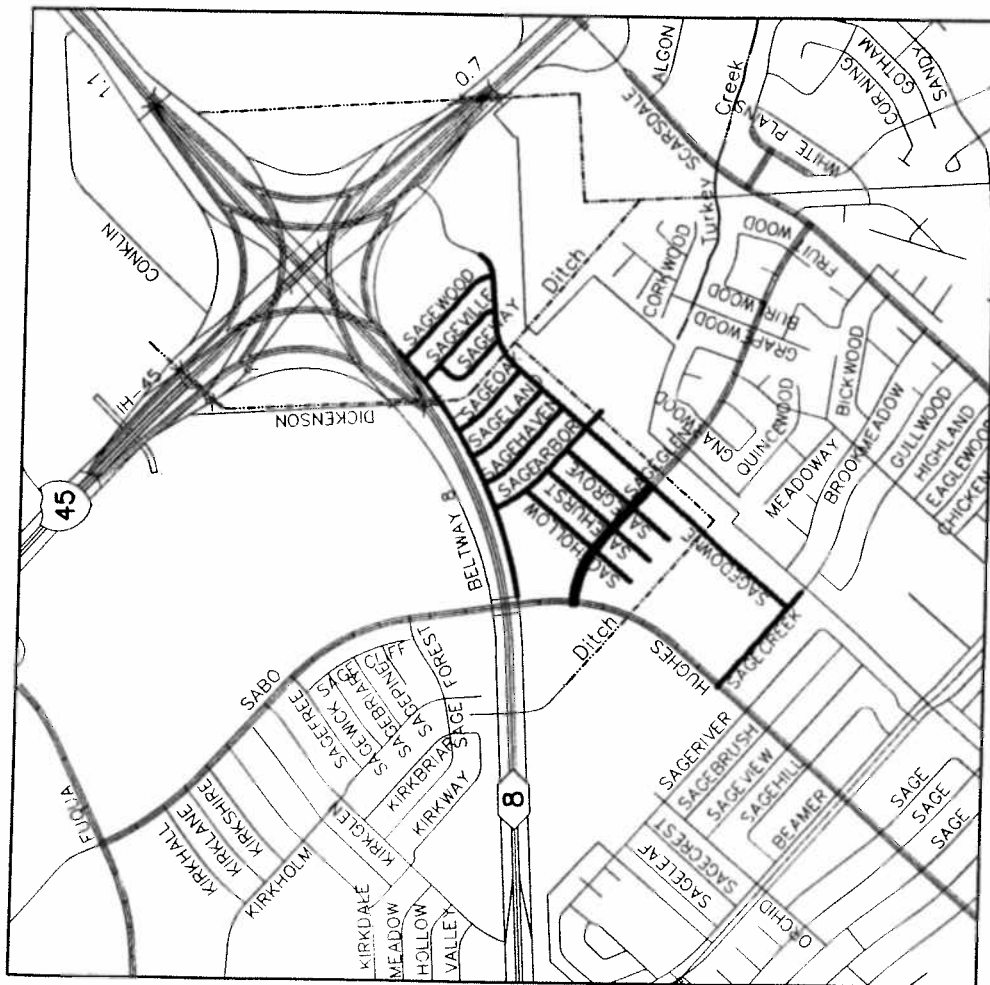
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Posey's Tractor Service	Water Line Installation	\$232,050.00	10.35%
2. D. Solis Trucking Company, Inc.	Hauling of Dirt/Sand/Gravel	\$94,800.00	4.23%
TOTAL		\$326,850.00	14.58%
<u>SBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Alcott, Inc.	Boring & Trenching	\$204,021.49	9.10%
TOTAL		\$204,021.49	9.10%

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

DWK:DRM:RK:HH:ACM:MB:ofa:mb^{het}

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File: S-000035-0149-4 (3.7)



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Water Line Replacement in Windsor Village Area.
WBS No. S-000035-0150-4.

Page
1 of 2

Agenda Item
49

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

4/18/13

Agenda Date

MAY 08 2013

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E., Director

Council District affected:

ms

K

For additional information contact:

Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326
Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:

\$3,270,600.00 from Water and Sewer System Consolidated Construction Fund No. 8500. *4/15/2013*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.

DESCRIPTION/SCOPE: This project consists of the construction of approximately 37,144 linear feet of water lines with related appurtenances in the Windsor Village Area. The contract duration for this project is 274 calendar days. This project was designed by Nathelyne A. Kennedy & Associates.

LOCATION: This project is generally bound by Oakham Street, Darlinghurst Drive and Prudence Street on the north, Grapevine Street on the south, Catina Lane on the east, Warkworth Drive on the west. This project is located in key map grids 571 P & Q.

BIDS: Bids were received on February 28, 2013. The seven (7) bids are as follows:

Bidder	Bid Amount
1. DCE Construction, Inc.	\$2,776,072.03
2. Collins & Collins	\$2,798,215.85
3. Metro City Construction, LP	\$2,892,053.41
4. D.L. Elliott Enterprises, Inc.	\$2,904,071.47
5. Reytec Construction Resources, Inc.	\$3,172,827.81
6. Resicom, Inc.	\$3,321,348.61
7. Scohil Construction Services, LLC	\$3,338,908.61

AWARD: It is recommended that this construction contract be awarded to DCE Construction, Inc. with a low bid of \$2,776,072.03 and that no Addendum be made a part of this contract.

LTS No. 5210

CUIC ID #20MB123 NDT

Finance Department:

Other Authorization:

Jun Chang, P.E., D.WRE
Deputy Director
Public Utilities Division

Other Authorization:

Daniel R. Menendez, P.E.,
Deputy Director
Engineering and Construction Division

Date	Subject: Contract Award for Water Line Replacement in Windsor Village Area. WBS No. S-000035-0150-4.	Originator's Initials mj	Page 2 of 2
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PROJECT COST: The total cost of this project is \$3,270,600.00 to be appropriated as follows:

•	Bid Amount	\$2,776,072.03
•	Contingencies	\$138,803.60
•	Engineering and Testing Services	\$75,000.00
•	CIP Cost Recovery	\$83,324.37
•	Construction Management	\$197,400.00

Engineering and Testing Services will be provided by Associated Testing Laboratories, Inc. under a previously approved contract.

Construction Management Services will be provided by ESPA CORP, Inc., under a previously approved contract.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case the proposed contractor meets the requirements of Hire Houston First.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

MBE/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 11% MBE goal and 9% SBE goal for this project.

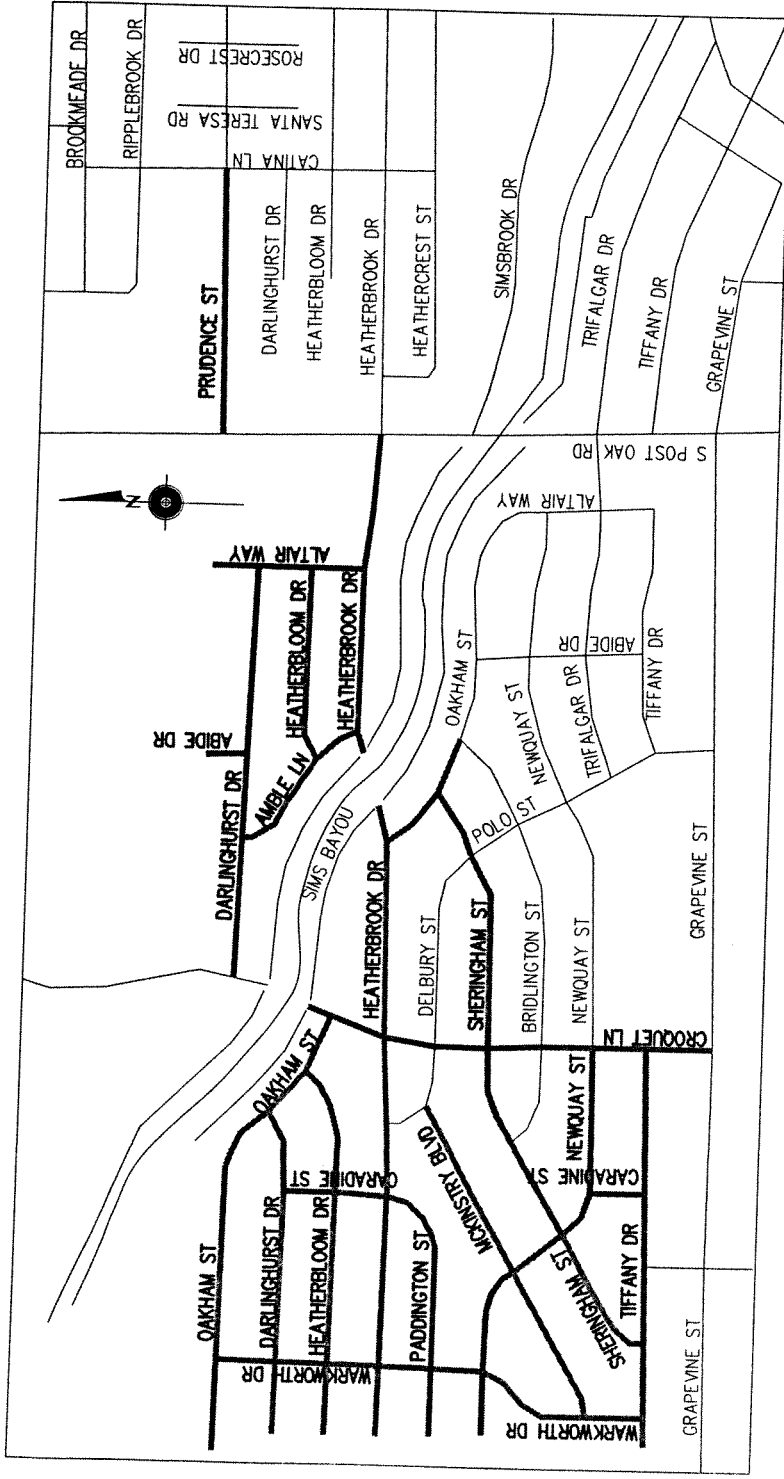
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Central Texas Hauling	Earth Hauling	\$107,800.00	3.88%
2. Castaneda Trucking Boring & Tunneling	Boring Services	\$198,200.00	7.14%
TOTAL		\$306,000.00	11.02%

<u>SBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Professional Traffic Control LLC	Plumbing Supplies	\$198,800.00	7.16%
2. Mickie Service Company, Inc.	Water Mains And Hot Taps	\$51,200.00	1.84%
TOTAL		\$250,000.00	9.00%

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

DWK:DRM:RK:HH:ACM:MB:ofa:mb
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File: S-000035-0150-4 (3.7)



COUNCIL DISTRICTS

- A -- HELENA BROWN
 - B -- JERRY DAVIS
 - C -- ELLEN R. COHEN
 - D -- WANDA ADAMS
 - E -- DAVE MARTIN
 - F -- AL HOANG
 - G -- OLIVER PENNINGTON
 - H -- EDWARD GONZALEZ
 - I -- JAMES G. RODRIGUEZ
 - J -- MIKE LASTER
 - K -- LARRY V. GREEN
- AT LARGE 1 -- STEPHEN C. COSTELLO
 AT LARGE 2 -- ANDREW C. BURKES, JR.
 AT LARGE 3 -- MELISSA NORIEGA
 AT LARGE 4 -- C.O. "BRAD" BRADFORD
 AT LARGE 5 -- JACK CHRISTIE, D.C.

WINDSOR VILLAGE AREA

KEY MAP 571 P,Q
 GIM'S MAP #5151 A, B, C & D
 NTS

PROJECT AREA LOCATED IN
 COUNCIL DISTRICT K

City of Houston Department of Public Works and Engineering 6200 SADDY DR HOUSTON, TEXAS 77036 (713) 988-0145 REGISTRATION # F-387	
CITY OF HOUSTON WATER LINE REPLACEMENT IN WINDSOR VILLAGE AREA PROJECT VICINITY MAP	
COUNCIL DISTRICT K LARRY V. GREEN	
CITY OF HOUSTON PW MANSUR BANG, P.E. MBS NO. S-0000328-0190-4	DATE FEB 2013
DRAWING SCALE NONE	SHEET NO. 1 OF 1

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Water Distribution System Rehabilitation and Renewal II (UMB), WBS No. S-000035-0230-4, File No. WA 11140

Page
1 of 2

Agenda Item #

58

FROM: (Department or other point of origin):
Department of Public Works and Engineering

Origination Date:

Agenda Date:

MAY 08 2013

DIRECTOR'S SIGNATURE:

Daniel W. Krueger, P.E.

Council District affected:

All

For additional information contact:

A. James Millage
Senior Assistant Director

Phone: 832.395.5262

Date and identification of prior authorizing
Council action:

RECOMMENDATION: (Summary)

Reject low bid, return bid bond, award construction contract to second low bidder and appropriate funds.

Amount and Source of Funding:

\$2,324,335.00 Water and Sewer System Consolidated Construction Fund No. 8500. *M.P. 4/29/2013*

PROJECT NOTICE/JUSTIFICATION: This project will provide for a work order based repair of water lines up to 16-inches in diameter in the distribution system on an emergency basis throughout the City.

DESCRIPTION/SCOPE: Work shall include the repair, improvement and/or new installation of main water lines and service lines. The main lines range in diameter up to 16-inches and the water service lines range in size from 3/4-inch to 2-inches in diameter. The contract duration for this project is 365 calendar days. This is a work order based contract with projects assigned on an as-needed basis.

LOCATION: The project area is generally bounded by the City Limits.

BIDS: Bids were received on March 14, 2013. The five (5) bids are as follows:

Bidder	Bid Amount
1. PMG Project Management Group, LLC	\$2,129,444.00 (Reject)
2. Reytec Construction Resources, Inc.	\$2,146,985.20
3. T Construction, LLC	\$2,217,150.00
4. D.L. Elliott Enterprises, Inc.	\$2,427,644.40
5. Metro City Construction, L.P.	\$2,480,268.00

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

CUIC#20AJM280

Jun Chang
Jun Chang, P.E., D.WRE, Deputy Director
Public Utilities Division

Date	Subject: Contract Award for Water Distribution System Rehabilitation and Renewal II (UMB), WBS No. S-000035-0230-4, File No. WA 11140	Originator's Initials	Page 2 of 2
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AWARD: The apparent low bidder, PMG Project Management Group, LLC, with a bid of \$2,129,444.00, miscalculated the total bid amount on Document 00410B Bid Form, Part B. PMG Project Management Group, LLC submitted a bid factor of 1.20. The total bid amount, including the bid factor, should have totaled \$2,129,444.00. However, the bid amount written on the 00410B Bid Form, Part B, was \$1,929,532.00. The apparent low bidder also failed to return the Bid Supplements, as required by 00410A Bid Form, Part A, Section 1.0 E. Therefore, it is recommended that the bid submitted by PMG Project Management Group, LLC be rejected and this construction contract be awarded to Reytec Construction Resources, Inc., with a low bid of \$2,146,985.20.

PROJECT COST: The total cost of this project is \$2,324,335.00 to be appropriated as follows:

•	Bid Amount	\$2,146,985.20
•	Contingencies	\$107,349.80
•	Engineering and Testing Services	\$70,000.00

Engineering and Testing Services will be provided by Coastal Testing Laboratories, Inc. under a previously approved contract.

HIRE HOUSTON FIRST: The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WBE PARTICIPATION: The low bidder has submitted the following proposed M/WBE participation to satisfy the 11% MBE goal, and 9% SBE goal for this project.

<u>MBE-Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Reyes Pineda Construction, Inc. DBA R P Construction	Replacement of Water Lines	\$236,170.00	11.00%
TOTAL		\$236,170.00	11.00%
<u>SBE-Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Jomar Silva Trucking, Inc.	Trucking and Hauling	\$64,410.00	3.00%
2. Access Data Supply, Inc.	Supplier	\$128,819.00	6.00%
TOTAL		\$193,229.00	9.00%

DWK:AJM:OS:SM:TC:tc
cc: A. James Millage
Sam Lathrum
Orin Smith, P.E.

File No. WA 11140