



## Recommendation for Action

**File #:** 19-1573, **Agenda Item #:** 22.

6/20/2019

### **Posting Language**

Approve a resolution finding the use of the Design-Build method of contracting, as authorized by Subchapter H, Chapter 2269 of the Texas Government Code, is the project delivery method that provides the best value to the City for the Shoal Creek - Emergency Landslide Repair project to repair the slope failure near the 2500 Block of North Lamar Boulevard. Related item #21.

[Note: This procurement is exempt from the City's MBE/WBE Program requirements as a public health and safety purchase.]

### **Lead Department**

Capital Contracting Office

### **Managing Department(s)**

Watershed Protection Department

### **Fiscal Note**

A Recommendation for Council Action with the not to exceed contract amount for the resultant contract will be presented to Council once the Design-Build selection has been completed.

### **Purchasing Language:**

This request is for Council to authorize the use of the Design-Build method for a contract that will be procured pursuant to emergency procurement procedures.

### **For More Information:**

Inquiries should be directed to the City Manager's Agenda Office, at 512-974-2991 or [AgendaOffice@austintexas.gov](mailto:AgendaOffice@austintexas.gov).

NOTE: Respondents to this solicitation, and their representatives, shall direct inquiries to Rolando Fernandez, 512-974-7749 or Beverly Mendez, 512-974-3596.

### **Additional Backup Information:**

State Statute governs construction procurement for municipalities. The standard method of contracting used for construction services is competitive bidding, where the contract is awarded to the lowest responsible bidder. Texas Government Code Chapter 2269 allows for methodologies alternate to low bidding method which may provide the best value to the municipality. These alternate methodologies include: Competitive Sealed proposals, Construction Manager- at-Risk, Design-Build, and Job Order Contracting. Texas Local Government Code Section 252.022(d) allows the City to adopt and use an alternative method such as Design-Build under Chapter 2269 of the Texas Government Code if such a method provides a better value for the City.

Furthermore, City staff has determined the project is necessary to protect public safety and is therefore exempt from Chapter 252 of the Texas Local Government Code, which governs the purchasing and contracting authority of municipalities. See Texas Local Government Code Section 252.022(a)(2).

The project will consist of two continuous phases: design of the stabilization solution and construction performance. The Design-Build method is the most effective delivery method for meeting schedule constraints within the project budget as each phase of design and construction services is carefully negotiated. Design-Build is a method of construction procurement under which design and construction services are contracted through a design-build firm.

The slope failure (landslide) occurred on the west bluff overlooking Shoal Creek adjacent to the 2500 block of North Lamar Boulevard on May 4, 2018 after a severe weather event. There were no injuries reported. For additional background, please refer to the five memos sent between May 2018 and April 2019. The trail was cordoned off from 24th Street to Shoal Creek Boulevard. The backyards of several homes on Wooldridge Drive overlooking the bluff were visibly impacted. City of Austin parkland, approximately 300 feet of the hike and bike trail, a boulder wall, and a wastewater pipe were damaged along Shoal Creek. A large quantity of soil, rock, and debris from the slope failure was deposited in the creek. The slope is still unstable and at risk of further movement. The City is monitoring the slope and creek conveyance until a permanent solution is implemented. Staff has been following emergency contract and expedited procurement procedures to advance slope repair solutions.

A public meeting was conducted by WPD, the Parks and Recreation Department, and the Public Works Department on July 19, 2018 at City Hall to provide an overview of the slope failure situation and answer questions.

This project is located zip code 78703 and is located in District 9.