



## Recommendation for Action

**File #:** 19-2458, **Agenda Item #:** 10.

8/8/2019

### **Posting Language**

Approve a resolution finding that the use of the Competitive Sealed Proposal method of contracting, as authorized by Subchapter D, Chapter 2269 of the Texas Government Code, is the project delivery method that provides the best value to the City for the Brush Square - O. Henry Museum Restoration project to restore the museum building.

(Note: MBE/WBE goals will be established prior to issuance of this solicitation.)

### **Lead Department**

Capital Contracting Office

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

Parks and Recreation 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 Competitive Sealed Proposal selection has been completed.

### **Purchasing Language:**

This request is for Council to authorize the use of the Competitive Sealed Proposal; therefore, no solicitation has yet been initiated.

### **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, Kevin Johnson, 512-974-9506, or Garrett Cox, 512-974-9423.

### **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 Competitive Sealed Proposal under Chapter 2269 of the Texas Government Code if such a method provides a better value for the City.

It is recommended that this work be delivered under the Competitive Sealed Proposal method of contracting set forth in state statutes. Competitive Sealed Proposal is the alternative delivery method most closely related to traditional competitive bidding. The principal difference is that the City makes its selection of the

---

respondents based on evaluation criteria consisting of, but is not limited to, safety record and safety practices, comparable relevant project experience, sustainability practices, local business presence, financial stability, and price. Unlike traditional competitive bidding, which focuses primarily on price and bidder responsibility, price is a strong factor in the Competitive Sealed Proposal method, but it not the only factor in the overall evaluation score. A City-staffed evaluation panel that will review, evaluate, and rank proposals based on stated evaluation criteria.

A contractor will be selected by a City-staffed evaluation panel that will evaluate and score proposals based on published evaluation criteria to determine the highest ranked proposer. The services will be provided by a duly qualified and experienced contractor offering the “best value” to the City.

This project will provide a historic restoration of the O. Henry House Museum located at 409 E. 5th St. The estimated construction budget for this work is \$600,000 and it is anticipated that construction will begin February 2020.

This item is not time sensitive, however a delay in authorizing the use of this method would mean a delay to the issuance of this solicitation.

This solicitation and evaluation process is approximately seven months.