



## Recommendation for Action

**File #:** 20-2091, **Agenda Item #:** 6.

6/11/2020

### **Posting Language**

Approve a resolution finding 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 Elizabet Ney Museum Restoration and Improvements project for restoration of and improvements to the existing facilities and site.

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

### **Lead Department**

Capital Contracting Office

### **Managing Department**

Capital Contracting Office

### **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) <<mailto:AgendaOffice@austintexas.gov>>

NOTE: Respondents to this solicitation, and their representatives, shall direct inquiries to Rolando Fernandez, 512-974-7749 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 (CSP) under Chapter 2269 of the Texas Government Code if such a method provides a better value for the City.

CSP is the alternative delivery method most closely related to traditional competitive bidding. The principal difference is that the City makes its selection of the contractor based on evaluation criteria consisting of, but not limited to, safety record and practices, comparable relevant project experience, sustainability practices,

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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 CSP method, but is not the only factor in the overall evaluation score.

It is recommended that this work be delivered under the CSP method of contracting set forth in state statutes. The Elizabet Ney Museum is a local, state and nationally listed historical structure of unique construction and condition. This project at the Elizabet Ney Museum requires a more careful general contractor selection process because of the highly specialized experience required for a historic structure.

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. The CSP method offers the best value to the City by allowing consideration of specialized experience working with historical sites and buildings and protecting and working around sensitive works of art in the evaluation process.

The Elizabet Ney Museum is located at 304 E. 44th Street in Austin, Texas. The site is approximately 100,000 square feet with site work contained to approximately 20,000 square feet of Waller Creek bank stabilization, new steel pedestrian bridge and associated new accessible pathways and parking spaces. The museum building is approximately 3,700 square feet and work will include restoration of historical exterior doors and windows, replacement of HVAC and control systems, replacement of lighting and control system, and associated miscellaneous repairs to roof, masonry, interior finishes, and woodwork. The estimated construction budget for this work is \$1,710,000 and it is anticipated that construction will begin June 2021.

A delay in authorization of the methodology will result in a delay in the issuance of the solicitation and will affect public programming, events, and operation of museum and grounds and will result in increased construction and consultant costs.

This solicitation and evaluation process will be approximately five months.

**Strategic Outcome(s):**

Culture and Lifelong Learning.