



## Recommendation for Action

**File #:** 20-2890, **Agenda Item #:** 9.

9/17/2020

### Posting Language

Authorize negotiation and execution of a construction manager at risk agreement with Rogers - O'Brien Construction Company, LLC (staff recommendation) or one of the other qualified responders for Request for Qualification Solicitation, CLMA039, for preconstruction and construction services for the Emma S. Barrientos Mexican American Cultural Center - Phase 2 in an amount not to exceed \$22,000,000.

[Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 13.38% MBE and 2.10% WBE participation.]

### Lead Department

Capital Contracting Office

### Managing Department

Parks and Recreation Department

### Fiscal Note

Funding is available in the Fiscal Year 2020-2021 Capital Budget of the Parks and Recreation Department.

### Purchasing Language:

Best Value to the City of Austin of three proposals evaluated.

### Prior Council Action:

July 29, 2020 - Approved a professional services agreement with Joint venture of Miro Rivera Architects, Inc. and Tatiana Bilbao SC to provide architectural design services.

February 20, 2020 - Authorized use of Construction-Manager-at-Risk alternative delivery procurement method.

May 24, 2018 - Adoption of the Emma S. Barrientos Mexican American Cultural Center (ESB-MACC) Master Plan.

### 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 Beverly Mendez, 512-974-3596, or the Project Manager, Heidi Tse, 512-974-7172.

### Additional Backup Information:

The Emma S. Barrientos Mexican American Culture Center (ESB-MACC) is dedicated to the preservation, creation, presentation, and promotion of Mexican American cultural arts and heritage. The center is a tremendous resource for the community and visitors to learn and participate in classes and programs that will

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foster a meaningful understanding and appreciation of not only Mexican American, but also Native American, Hispanic, and other Latinx cultures.

In 2018, a revised Master Plan for the ESB-MACC was adopted by Council to address the changing urban context of the Rainey Street Historic District, the addition of parcels of city-owned land dedicated as parkland to the site, and the evolving program needs of the center since the original inception of the Master Plan in 2000. A series of public meetings, online surveys and focus groups were conducted to collect input to determine priorities of the community for this revision to the 2018 Master Plan. The 2018 Master Plan outlines the remaining Phase 2 and Phase 3 of the center and serves as a guide to the renovation and future expansion of the facility. The facility is now ready for the implementation of Phase 2. The ESB-MACC has insufficient space in hosting the myriad of activities desired by the community. As such, staff and storage areas are inadequate to provide support. Existing public spaces need interior updates to improve functionality to better meet present and future needs. Connectivity to the hike and bike trails, Lady Bird Lake, and pedestrian walkways is needed to begin using the plaza and draw people to the facility for cultural events.

Funding for Phase 2 of the 2018 Master Plan project was obtained through approval of the 2018 General Obligation Bond Election, Proposition B, Libraries, Museums and Cultural Arts Facilities.

This request is consistent with Council Resolution No. 20200521-095 directing the City Manager to review capital project delivery planning and accelerate delivery of cultural center facilities included in the 2018 bond package. The ESB-MACC is specifically identified as one of the capital projects intended to aid economic recovery of the City's vital arts, music and entertainment industries during the COVID-19 pandemic.

Approval by City Council authorizes the negotiation and execution of a construction manager-at-risk agreement with the selected respondent. As such, there will be impact to the public use of property. Construction will be phased to minimize business disruption of the Center.

If authorization is not given to execute a construction manager-at-risk agreement, Phase 2 of the ESB-MACC Master Plan will be delayed, impacting the ability to address the needs associated with growing program expectations, address much needed updates to the facility, and various planned site improvements which include a new plaza shade structure, well defined entrance with improved pedestrian connectivity, and parking enhancements.

The Construction Manager-at-Risk method is a project delivery method where the City will contract with an architect/engineer to perform design services and separately contract with a Construction Manager to perform preconstruction and construction phase services. The role of the Construction Manager goes beyond performing general contractor services. The Construction Manager is under contract early in the design process to perform key preconstruction phase services such as collaborating with the City and the design team on scope and constructability and to optimize the design and control costs and budgets, and to provide quality assurance-quality control. After design, and before construction begins, the City will negotiate and execute a Guaranteed Maximum Price for the remainder of the work, including actual construction.

As set forth in Government Code 2269, the City of Austin will select a Construction Manager-at-Risk firm that will provide the "best value" to the City for preconstruction and construction services for the Project. The City staffed evaluation panel scored the submittals based on published evaluation criteria, to ensure the Contractor possessed the required experience and qualifications.

Prior to entering into the Construction Phase, the City will establish Minority-owned Business Enterprise and Women-owned Business Enterprise goals for construction, and the Construction Manager-at-Risk firm will submit a Compliance Plan meeting the construction goals or documentation detailing their good faith effort(s) to meet the established goals.

The contract allows for 1,080 calendar days for completion of this project. The facility is located in zip code 78701 (District 9). The project will be managed by the Public Works Department.

This authorization provides for funding of the above listed services. This request allows for the development of an agreement with the qualified responder that Council awards. If the City is unsuccessful in negotiating a satisfactory agreement with the awarded responder, negotiations will cease with that provider. Staff will return to Council so that Council may award another qualified responder and authorize contract negotiations with that provider.

A complete solicitation package is available on the City's Financial Services website. Solicitation Documents Link: [Solicitation Documents <https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.austintexas.gov%2Ffinanceonline%2Fvendor\\_connection%2Fsolicitation%2Fsolicitation\\_details.cfm%3Fsid%3D134374&data=02%7C01%7CHeidi.Tse%40austintexas.gov%7Cc04b8b00a02240caceab08d8113ccaec%7C5c5e19f6a6ab4b45b1d0be4608a9a67f%7C0%7C0%7C637278300092129339&sdata=i1Fox5m9Yn6bV3kEgXG7e1CN7tlpR1appBjgvKdIDWg%3D&reserved=0>](https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.austintexas.gov%2Ffinanceonline%2Fvendor_connection%2Fsolicitation%2Fsolicitation_details.cfm%3Fsid%3D134374&data=02%7C01%7CHeidi.Tse%40austintexas.gov%7Cc04b8b00a02240caceab08d8113ccaec%7C5c5e19f6a6ab4b45b1d0be4608a9a67f%7C0%7C0%7C637278300092129339&sdata=i1Fox5m9Yn6bV3kEgXG7e1CN7tlpR1appBjgvKdIDWg%3D&reserved=0)

**TOP RANKED FIRM** : Rogers - O'Brien Construction Company, LLC is located in Austin, Texas.

**SECOND RANKED FIRM** : SpawGlass Contractors, Inc. is located in Austin, Texas.

**Strategic Outcome(s):**

Government that Works for All; Culture and Lifelong Learning