

Request for Action

Waller Creek Local Government Corporation Meeting: December 18, 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 Waller Creek Delta – Creek Delta Link -- Creek Delta project.

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

Amount and Source of Funding

After the selection process is complete, staff will return to the Waller Creek Local Government Corporation (LGC) to request authority to negotiate and execute a contract for a not to exceed contract amount.

Purchasing Language:

This request is for the LGC to authorize the use of the competitive sealed proposal method of procurement and contracting; therefore, the solicitation has not yet been issued.

Prior Council Action:

N/A

For More Information:

Inquiries should be directed to the City Manager's Agenda Office, at 512-974-2991 or 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.

Council Committee, Boards and Commission Action:

N/A

Additional Backup Information:

State statutes govern construction procurement for municipalities. The standard method of contracting used for construction services is the competitive bidding method, where the municipality issues an invitation for bids, receives competitive sealed bids, and awards the contract to the lowest responsible bidder. Texas Government Code Chapter 2269 allows for alternate methodologies to a low bidding method. These alternate methodologies include: competitive sealed proposals, construction manager at risk, design build, and job order contracting. The law allows the City to make use one of these alternative methods if, before advertising, the governing body makes a formal determination that an alternate method would provide the best value for the City.

Staff recommends that this project be delivered under the competitive sealed proposal (CSP) method of contracting. CSP is the alternative delivery method that most closely resembles traditional competitive

bidding. The principle difference is that the City receives sealed proposals rather than sealed bids, evaluates the respondents based on a set of evaluation criteria rather than comparing only price, and awards the contract to the offeror that submits the proposal that offers the best value to the City. Criteria that can be considered can consist of, but are not limited to, a contractor's safety record and safety practices, comparable relevant project experience, sustainability practices, financial stability, and price. Traditional competitive bidding focuses primarily on price. When using the CSP method, price is still a strong factor in the evaluation and selection process, but it is not the only factor in the overall evaluation score. A City-staffed evaluation panel will review, evaluate, and rank proposals based on stated evaluation criteria.

The Creek Delta project is part of a private-public partnership agreement with the Waterloo Greenway Conservancy that was established to deliver a world-class, one-of-a-kind public space.

The work involves creek dewatering, intensive streambank restoration work, installation of unique ecologic features, and enhanced landscape design and plantings from Lady Bird Lake to 4th Street. The creek channel will be reconstructed to stabilize the severely eroded slopes and restore the riparian zone and ecosystem. The trail will be located on both banks of Waller Creek and will be approximately one mile in total length. There will be top of bank trails, creek level elevated walkways, and three new pedestrian bridges. Eleven new trail connections to existing right of ways are also proposed.

These improvements are best performed by a duly qualified and experienced contractor offering the "best value" to the City. Due to the complexities of creek dewatering, working in downtown Austin, and the specialized improvements being proposed for this project, it is important to select a contractor with appropriate experience and expertise. CSP offers the best value in allowing the City to evaluate the interested contractors based on specific criteria developed to meet the needs of this particular project.

The estimated construction budget for this work is \$46,000,000 and it is anticipated that construction will begin in late 2021.

A delay in authorization of the methodology will result in a delay in the issuance of the solicitation and will affect the ability to perform these improvements during the planned construction timeline for the Waller Creek District/Waterloo Greenway program, which is a major City initiative and stimulus to our local economy.

This solicitation and evaluation process is approximately five months.

Strategic Outcome(s)

Safety

Culture and Lifelong Learning

Economic Opportunity and Affordability

Health and Environment

Mobility