Recommendation for Action

File #: 23-1156, **Agenda Item #:** 18. 2/23/2023

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 Zilker Metropolitan Park - Barton Springs Bathhouse Rehabilitation project to provide improvements to the historical bathhouse at Barton Springs Pool.

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

Lead Department
Financial Services 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 Competitive Sealed Proposal; therefore, no solicitation has yet been initiated.

For More Information:
Direct inquiries to Shawn Willett, 512-974-2021 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 Competitive Sealed Proposal (CSP) 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 CSP method of contracting set forth in state statutes. 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 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 CSP method, but it 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.

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. Use of a CSP allows for evaluation of proposed contractor’s qualifications and experience to obtain a contractor with historic preservation expertise.

The scope of this project includes improvements to the historical bathhouse at Barton Springs Pool as called for in the Zilker Metropolitan Park master plan. This building is protected by Federal, State, and Local historic designations. This project requires a contractor with the experience and ability to work on a historic site in an environmentally sensitive area with specialized preservation techniques required for facility repairs, renovation, and rehabilitation. The estimated construction budget for this work is $10,550,000, and it is anticipated that construction will begin in September 2023.

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 five months.

Strategic Outcome(s):

Safety, Culture and Lifelong Learning, Health and Environment.