



Recommendation for Action

File #: 23-1645, **Agenda Item #:** 8.

5/4/2023

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 Williamson Creek Wastewater Interceptor project to construct a new gravity interceptor along Williamson Creek, and determining that it is in the public interest to assign to price a weighted value of not less than 36.9% of the total weighted value of all selection criteria.

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

Lead Department

Financial Services Department.

Managing 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 the Competitive Sealed Proposal; therefore, no solicitation has yet been initiated.

For More Information:

Direct questions regarding this Recommendation for Council Action to the Financial Services Department - Central Procurement at: FSDCentralProcurementRCAs@austintexas.gov or at 512-974-2500.

Additional Backup Information:

State law 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 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.

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.

In addition to requesting approval of a resolution finding that the Competitive Sealed Proposal method of contracting is the method that provides the City with the best value for the Williamson Creek Wastewater Interceptor project, this item also requests a determination that it is in the public interest to assign to price a weighted value of not less than 36.9 percent of the total weighted value of all selection criteria. This determination will allow for meaningful consideration of price, while also considering the other criteria important to the project, as permitted by Chapter 2269 of the Government Code when using the Competitive Sealed Proposal method.

The Williamson Creek Wastewater Interceptor project will involve construction of approximately 18,800 linear feet of a new 72-inch diameter gravity interceptor along and near Williamson Creek. This is a large tunneling project requiring substantial tunneling experience, construction of complicated cutovers to reconnect local flows, high volume bypass pumping, and construction in environmentally sensitive areas, all while meeting an aggressive schedule. The existing interceptor is nearing capacity due to recent growth and is reaching the end of its useful life, making this project critical to provide reliable wastewater service and protect water quality. This project will divert the wastewater flows into the new interceptor and includes proper abandonment of the existing interceptor.

The estimated construction budget for this work is \$85,000,000, and it is anticipated that construction will begin January 2025.

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 anticipated to take approximately five months.