

AN ORDINANCE 2007-02-01-0127

EXPANDING THE AUTHORIZATION OF THE DIRECTOR OF PUBLIC WORKS TO MAKE DECISIONS REGARDING ACCEPTABLE PROJECT TYPES AND THE APPROPRIATE ALTERNATIVE DELIVERY METHOD FOR CITY PROJECTS TO INCLUDE THE CONSTRUCTION MANAGER AT RISK ALTERNATIVE DELIVERY METHOD AS REGULATED AND LIMITED BY THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE CONSTRUCTION MANAGER AT RISK PROCESS FOR IMPLEMENTATION IN CONNECTION WITH THE CONSTRUCTION MANAGER-AT-RISK SERVICES – TERMINAL EXPANSION PROGRAM AT THE SAN ANTONIO INTERNATIONAL AIRPORT AND AMENDING THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY PROGRAM TO INCLUDE THIS ALTERNATIVE DELIVERY METHOD.

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WHEREAS, with approval of City Council Chapter 271, Subchapter H of the Local Government Code provides for various alternative delivery methods for use by municipalities when entering into a contract for construction of certain facilities, including “Construction Manager-At-Risk”; and,

WHEREAS Council has previously authorized use of Competitive Sealed Proposals (CSP) and Design-Build (Ordinance No. 98358, dated October 23, 2003) and Job Order Contracts (Ordinance No. 2006R-11-02-1271) as alternative delivery methods; and

WHEREAS, it is anticipated that utilizing the Construction Manager-At-Risk alternative delivery method will enable the City to select a construction contractor prior to completion of final design in order to secure contractor input on constructability and value engineering, will increase the number of contractors interested in competing on larger construction projects, and will lead to greater use by those contractors of businesses certified by the City’s SBEDA Program; and

WHEREAS, the City of San Antonio has never utilized the Construction Manager-at –Risk method, however the Aviation Department has requested authorization to utilize the Construction Manager-At-Risk alternative delivery method in its Terminal Expansion Program; and

WHEREAS, it is now necessary to authorize use of the Construction Manager-At-Risk alternative delivery method; expand the authorization of the Director Of Public Works to make decisions regarding acceptable project types and the appropriate alternative delivery method for City construction projects to include the Construction Manager-At-Risk alternative delivery method including its use for the Airport Terminal Expansion Program, and amend the Small Business Economic Development Advocacy (SBEDA) program to include selection process guidelines for this alternative delivery method; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Director of Public Works is hereby authorized to use of the Construction Manager-At-Risk alternative delivery method and to make decisions regarding acceptable project types and the appropriate alternative delivery method for City construction projects, to include the Construction Manager-At-Risk alternative delivery method; and

SECTION 2. The use of Construction Manager-At-Risk alternative delivery method is hereby authorized for the selection and award of Contracts associated with the Terminal Expansion Project at the San Antonio International Airport; and

SECTION 3. The Small Business Economic Development Advocacy (SBEDA) Ordinance No. 2006-11-30-1335 is hereby amended to include selection process guidelines for this alternative delivery method as follows:

Section IV. of the SBEDA Ordinance is amended to provide a new Paragraph D and re-letter the existing Paragraph D to Paragraph E as follows:

D. The following Performance Standard Percentage Points (20% TOTAL) will be utilized for the award of Construction Manager-At Risk Projects:

The Respondent's demonstrated commitment to Small Business Economic Development Advocacy must be provided in a narrative statement based on the following evaluation criteria, in lieu of a Good Faith Effort Plan, describing the commitment to achieve the City's small business goals. Evaluation of the Respondent's narrative statement will be worth twenty (20) percentage points, based on the criteria as follows:

- a. The following Performance Standard Percentage Points (20% TOTAL) shall be utilized for the award of Construction Manager At Risk (CMR) projects:
 - i. Up to five percentage (5%) points based on the following criteria:
 1. Prime Contractors meeting the definition of a Local Business Enterprise (LBE) shall receive five percent (5%) of the selection points.
 2. Prime Contractors who have a local branch office shall receive three percent (3%) of the selection points. Local non-HQ branch office must be in Bexar County at least one-year.
 - a. Construction Primes must employ at least 25 Bexar County residents at their local branch office.
 - b. A&E Primes must employ at least 10 Bexar County residents at their local branch office.
 3. Non-local Prime Contractor without a local branch may receive points in proportion to the level of work performed by identified local subcontractors (example: 30% to local subcontractors = 1.5 points)

- ii. Up to five percentage (5%) points based on Respondent's previous experience implementing a similar small business program in project(s) for the last 3-5 years (Public and/or Private) as follows:
 1. Respondent has implemented a small business type program and attained the contracting goals specified by the client
 2. Respondent has implemented a successful small business program in a private sector project
 3. Respondent has a policy supporting the use of small, minority and women-owned business in their own contracting program
 4. Respondent has demonstrated experience in using small businesses in all contracting opportunities
 5. Respondent's small business program has received recognition and/or award

- iii. Up to five percentage (5%) points based on Respondent's specific plan to provide contracting opportunities to Small, Minority, Women and African-American Owned Businesses, and to comply with the City's small business policy including, but not limited to:
 1. Outreach to small business community
 2. Listing of small business directories and/or databases to solicit participation
 3. Advertising mediums to solicit bids
 4. Targeting mediums that have Small Minority, Women and African-American Owned business orientation
 5. Respondent's memberships in Small Business Outreach Organizations. Examples: Chambers, Certification Organizations, Contractor Associations, etc.
 6. Appointing Small Business Liaison(s)

- iv. Up to five percentage (5%) points for the extent of Small, Minority, Women & African-American Owned Business utilization already identified by Respondent. Respondent has been pro-active in assembling a Project Team with Small, Minority Women-Owned and African-American Owned businesses at levels corresponding to the City's Professional Services Contract Category goals identified. Respondents will be evaluated based on identified Project Team's work as follows:
 1. Respondents attaining all Small, Minority, Women-Owned and African-American-Owned contracting goals will receive 5 points.
 2. Respondents attaining 50% of all Small, Minority, Women-Owned and African-American-Owned contracting goals will receive 2.5 points.
 3. Respondents attaining 25% of all Small, Minority, Women-Owned and African-American-Owned contracting goals will receive 1.25 points.

4. Respondents attaining less than 25% of all Small, Minority, Women-Owned and African-American-Owned contracting goals will be evaluated proportional to the level of utilization identified by the respondent.
5. SBE/MBE/WBE Prime Contractors may receive points proportional to the level of participation in the contract.

E. All of the Performance Standard Criteria for Federally-Assisted Projects will be applied in conformance with Federal Regulations.

SECTION 4. This Ordinance shall be effective ten (10) days after its passage.

PASSED AND APPROVED this 1st day of February, 2007.



M A Y O R

PHIL HARDBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:



for City Attorney

Agenda Voting Results

Name: 18.

Date: 02/01/07

Time: 01:52:21 PM

Vote Type: Multiple selection

Description: An Ordinance expanding the authorization of the Director of Public Works to make decisions regarding acceptable project types and the appropriate alternative delivery method for City projects to include the Construction Manager at Risk Alternative Delivery Method as regulated and limited by the Texas Local Government Code; authorizing the Construction Manager at Risk process for implementation in connection with the Construction Manager at Risk Services - Terminal Expansion Program at the San Antonio International Airport and amending the Small Business Economic Development Advocacy Program to include this alternative delivery method. [Presented by Mark Webb, Director, Aviation; Penny Post oak Ferguson, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9	Not present			
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

MEETING OF THE CITY COUNCIL

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUDGET & PERFORMANCE ASSESSMENT
BUILDING INSPECTIONS
HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
COMMUNITY RELATIONS
PUBLIC INFORMATION
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERGOVERNMENTAL RELATIONS
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
ENVIRONMENTAL SERVICES
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)

AGENDA ITEM NUMBER:

18

DATE:

FEB 01 2007

MOTION:

Perez / Hall

ORDINANCE NUMBER:

2007-02-01-0127

RESOLUTION NUMBER:

ZONING CASE NUMBER:

TRAVEL AUTHORIZATION:

ROGER O. FLORES District 1			
SHEILA D. MENON District 2			
ROLAND GUTIERREZ District 3	absent		
RICHARD GARCIA District 4			
PAT TRADER District 5			
DELICIA HERRERA District 6			
ELENA GILABERTO District 7			
ART A. HALL District 8			
KEVIN A. WOLFE District 9	absent		
CHRISTOPHER "CHIP" HARRIS District 10			
PHIL HARRINGTON Mayor			

VIA

CONSENT AGENDA