

AN ORDINANCE **98358**

AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO MAKE DECISIONS REGARDING ACCEPTABLE PROJECT TYPES AND THE APPROPRIATE ALTERNATIVE PROJECT DELIVERY METHODS; AUTHORIZING THE SUGGESTED DESIGN BUILD PROCESS FOR IMPLEMENTATION ON THE PROPOSED 2003 BOND PROGRAM PROJECTS, IF APPROVED BY VOTERS, SUCH AS THE ANIMAL CARE FACILITY, THE MEDICAL CENTER SENIOR SERVICES AND HEALTH CENTER, THE EMERGENCY OPERATIONS CENTER, AND OTHER SPECIAL PROJECTS OF A COMPLEX AND SPECIFIC NATURE; AND APPROVING THE BRANCH LIBRARY (MYSTIC PARK) AND FIRE STATION NO. 49 (NORTHWEST) PROJECT FOR ADVERTISING UTILIZING THE COMPETITIVE SEALED PROPOSAL PROCESS.

* * * * *

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

SECTION 1. The Director of Public Works is hereby authorized to select an appropriate project delivery method for City projects from among the following methods:

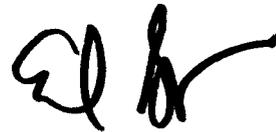
- lowest sealed bid (traditional),
- competitive sealed proposal, and
- design build method;

all as may be regulated and limited by the Texas Local Government Code.

SECTION 2. The use of the competitive sealed proposal process is hereby authorized for the bid, selection, and award of the contract for the construction of the Mystic Park Branch Library and Fire Station No. 49 (Northwest) Project.

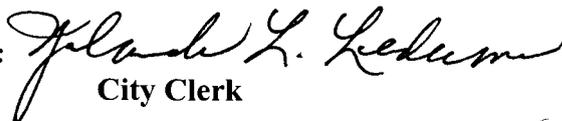
SECTION 3. This ordinance shall take effect on the 2nd day of November 2003.

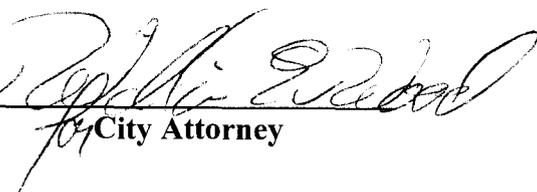
PASSED AND APPROVED this 23rd day of October, 2003.



M A Y O R
EDWARD D. GARZA

03-38

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
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
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE – ASSESSOR
FINANCE – CONTROLLER
FINANCE – GRANTS
FINANCE – PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT – NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: _____

24

DATE: _____

OCT 23 2003

MOTION: _____

By

Radle

ORDINANCE NUMBER: _____

98358

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

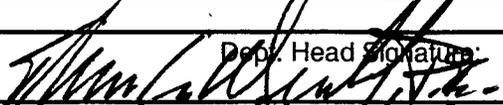
NAME	ROLL	AYE	NAY
ROGER O. FLORES JR. District 1		✓	
JOEL WILLIAMS District 2	ABSENT		
RON SEGOVIA District 3		/	
RICHARD PEREZ District 4		/	
PATTI RADLE District 5		/	
ENRIQUE M. BARRERA District 6		/	
JULIAN CASTRO District 7		/	
ART A. HALL District 8	ABSENT		
CARROLL SCHUBERT District 9		/	
CHRISTOPHER "CHIP" HAASS District 10		/	
EDWARD D. GARZA Mayor		/	

03 - 38

Revised

Approval: Finance Budget [] [] Legal Coordinator [] []	CITY OF SAN ANTONIO Request For Ordinance/Resolution	Date Considered: Consent <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Item No.: Ord. No.:
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Date: October 14, 2003	Department: Public Works	Contact Person/Phone No.: Douglas W. Yerkes, Ph.D, P.E./207-6530
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Date Council Consideration Requested: October 23, 2003	Deadline for Action: ASAP	Dep. Head Signature: 
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SUMMARY OF ORDINANCE

10/14/03

Alternative Project Delivery Methods

This ordinance authorizes the Director of Public Works to supplement existing traditional low bid project delivery processes by using alternative delivery processes for the selection, bidding, and award of facility, landscaping and construction projects. Municipalities were authorized to engage in this process by Senate Bill 510, on September 1, 2001, and incorporated into Sections 252 and 271 of the Texas Local Government Code.

Staff recommends approval of this ordinance.

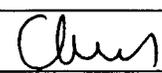
Other Depts., Boards, Committees Involved (please specify): Office of Management and Budget; City Attorney's Office; Asset Management Department; Finance Department

Contract signed by other party: Yes <input type="checkbox"/> No <input type="checkbox"/>

FISCAL DATA (If Applicable):	Budgetary Implications:
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Fund No.:	Amount Expended:	Funds/Staffing Budgeted:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Activity No.:	SID No.: N/A	Positions Currently Authorized:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Index Code:	Project No.:	Impact on future O&M:	
Object Code:		If positions added, specify class and no.:	

Comments:

Public Works Department Staff Review:	
Fiscal Operations Manager: _____	Division Head: _____
Assistant Director: _____	Executive Assistant: 

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

TO: Mayor and City Council

FROM: Thomas G. Wendorf, P.E., Director of Public Works

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer, Rebecca P. Waldman, Milo Nitschke, Andrew Martin, Louis A. Lendman, and file

SUBJECT: Alternative Project Delivery Methods

DATE: October 23, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the Director of Public Works to supplement existing traditional low bid project delivery processes by using alternative delivery processes for the selection, bidding, and award of facility, landscaping and construction projects. Municipalities were authorized to engage in this process by Senate Bill 510, on September 1, 2001, and incorporated into Sections 252 and 271 of the Texas Local Government Code.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

Currently, the City of San Antonio utilizes project delivery methods for award of construction projects based solely on competitive low bid procedures. This process employs an architect or engineer under separate contract to design, prepare construction documents, initiate the bid process, and award a separate contract for a construction project based on the low bid received. This traditional bid delivery process will continue to be used for delivery of civil engineered related projects, as required by law, and other projects where alternative delivery methods may not be advantageous to the City. The traditional low bid process, however, may not always be in the best interest of the City when awarding projects for facility and landscaping construction.

Recognizing the need for cities to have more tools to deliver capital projects to the voters, Senate Bill 510, effective on September 1, 2001, was passed. With this bill municipalities could authorize, once approved by the governing body, the utilization of alternate delivery methods for architectural projects. Project delivery methods allowed under approved legislation authorize the use of:

- 1) Competitive Sealed Proposals
- 2) Design Build

Implementing these two alternative delivery methods will provide staff the alternative to select a team comprised of architectural, engineering and construction services for a design build project or, issue a competitive sealed proposal for construction only services, utilizing considerations and factors previously unavailable to staff in the “low responsible bid” process. The evaluation will be based upon factors such as:

- Proposal price, number of days and other terms specific to each project
- Contractors / Architects / Engineers relevant experience and reputation
- Past performance with owners
- Construction project management qualifications
- Subcontractors and suppliers support and qualifications
- SBEDA compliance

A matrix is attached which shows a comparison of the current low responsible bid process and the proposed alternative delivery methods.

This ordinance will do three things. First, it will authorize the Director of Public Works to make decisions regarding acceptable project types and the appropriate alternative project delivery methods. Second, approval of the ordinance will authorize the use of the Design Build method for implementation of critical projects in the proposed 2003 bond election if approved by voters on November 4. These projects may include the Emergency Operations Center, the Animal Care Facility and the Medical Center Senior Services and Health Center. The City has successfully utilized the Design Build method through the creation of the Municipal Facility Corporation and the construction of the Development Services Center facility on South Flores.

And third, this ordinance will authorize the use of a competitive sealed proposal for the construction of the Branch Library (Mystic Park) and Fire Station No. 49 (Northwest) Project. These two buildings have already gone through the design phase and are awaiting construction. If approval is given, the required solicitations for this project will be released immediately.

It is anticipated that these alternative delivery methods will increase SBEDA compliance, as contractors and design build teams will have an incentive to select small and minority businesses as part of their projects teams. The incentive is the “point system” in the selection criteria that will result in an overall high rating for firms that meet SBEDA participation goals in putting their project team together before proposals are submitted. This is in contrast to the method currently used in the low responsive bid process where the SBEDA goals may or may not be met, as long as a Good Faith Effort Plan is submitted.

Projects types which do not qualify for application of these alternative delivery methods are roads, streets, bridges, utilities, water supply projects, airport runways and taxiways, drainage projects or related types of projects associated with civil engineering construction or buildings or structures that are incidental to projects that are primarily civil engineering construction projects.

Staff recommends approval.

FISCAL IMPACT

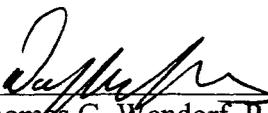
There is no direct fiscal impact as a result of this council action.

COORDINATION

This item was coordinated with the Public Works Department, the Department of Asset Management, and the City Attorney's Office.

SUPPLEMENTARY COMMENTS

This item does not require a Discretionary Contracts Disclosure Form.

 P.E.
for Thomas G. Wendorf, P.E., Director 10/15/03
Public Works Department


Melissa Byrne Vossner
Assistant City Manager

APPROVED:

Terry M. Brechtel
City Manager

Alternative Project Delivery Methods

Comparison Matrix

	Delivery Process		
	<i>Traditional Low Bid</i>	<i>Competitive Sealed Proposal</i>	<i>Design-Build</i>
Separate contract for A/E & Construction	Yes	Yes	No
Joint contract for design & construction	No	No	Yes
Price consideration for construction award	Sole Basis	Considered	Considered
Project delivery team qualifications considered	Not Applicable	Not Applicable	Yes
Contractors past performance considered	No	Yes	Yes
Contractors project management qualifications considered	No	Yes	Yes
Ability to negotiate construction cost	No	Yes	Yes
SBEDA participation	Limited to Good Faith Effort Plan	Yes (Encourages more active participation)	Yes (Encourages more active participation)

**CITY OF SAN ANTONIO
PUBLIC WORKS DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE**

TO: Mayor and City Council

FROM: Thomas G. Wendorf, P.E., Director of Public Works

THROUGH: Terry M. Brechtel, City Manager

COPIES: Melissa Byrne Vossmer, Rebecca P. Waldman, Milo Nitschke, Andrew Martin, Louis A. Lendman, and file

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DATE: October 23, 2003

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Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

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- 1) Competitive Sealed Proposals
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Implementing these two alternative delivery methods will provide staff the alternative to select a team comprised of architectural, engineering and construction services for a design build project or, issue a competitive sealed proposal for construction only services, utilizing considerations and factors previously unavailable to staff in the “low responsible bid” process. The evaluation will be based upon factors such as:

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Projects types which do not qualify for application of these alternative delivery methods are roads, streets, bridges, utilities, water supply projects, airport runways and taxiways, drainage projects or related types of projects associated with civil engineering construction or buildings or structures that are incidental to projects that are primarily civil engineering construction projects.

Staff recommends approval.

FISCAL IMPACT

There is no direct fiscal impact as a result of this council action.

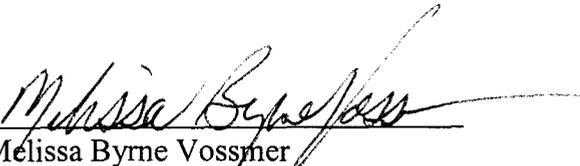
COORDINATION

This item was coordinated with the Public Works Department, the Department of Asset Management, and the City Attorney's Office.

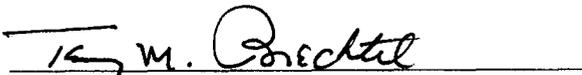
SUPPLEMENTARY COMMENTS

This item does not require a Discretionary Contracts Disclosure Form.

 P.E.
65 Thomas G. Wendorf, P.E., Director 10/15/03
Public Works Department


Melissa Byrne Vossmer
Assistant City Manager

APPROVED:


Terry M. Brechtel
City Manager

Alternative Project Delivery Methods

Comparison Matrix

	Delivery Process		
	<i>Traditional Low Bid</i>	<i>Competitive Sealed Proposal</i>	<i>Design-Build</i>
Separate contract for A/E & Construction	Yes	Yes	No
Joint contract for design & construction	No	No	Yes
Price consideration for construction award	Sole Basis	Considered	Considered
Project delivery team qualifications considered	Not Applicable	Not Applicable	Yes
Contractors past performance considered	No	Yes	Yes
Contractors project management qualifications considered	No	Yes	Yes
Ability to negotiate construction cost	No	Yes	Yes
SBEDA participation	Limited to Good Faith Effort Plan	Yes (Encourages more active participation)	Yes (Encourages more active participation)

Approval:	CITY OF SAN ANTONIO	Date Considered:
Finance Budget	Request For Ordinance/Resolution	Consent [X] Individual []
[] []		Item No.: 24
Legal Coordinator		Ord. No.:
[] []		

Date:	Department:	Contact Person/Phone No.:
October 14, 2003	Public Works	Douglas W. Yerkes, Ph.D., P.E./207-6530

Date Council Consideration Requested:	Deadline for Action:	Dep. Head Signature:
October 23, 2003	ASAP	<i>[Signature]</i>

SUMMARY OF ORDINANCE

[Signature]
10/14/03

Alternative Project Delivery Methods

This ordinance authorizes the Director of Public Works to supplement existing traditional low bid project delivery processes by using alternative delivery processes for the selection, bidding, and award of facility, landscaping and construction projects. Municipalities were authorized to engage in this process by Senate Bill 510, on September 1, 2001, and incorporated into Sections 252 and 271 of the Texas Local Government Code.

Staff recommends approval of this ordinance.

Other Depts., Boards, Committees Involved (please specify):	Office of Management and Budget; City Attorney's Office; Asset Management Department; Finance Department
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Contract signed by other party:	Yes [] No []
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FISCAL DATA (If Applicable):	Budgetary Implications:
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Fund No.:	Amount Expended:	Funds/Staffing Budgeted:	Yes [] No []
Activity No.:	SID No.: N/A	Positions Currently Authorized:	Yes [] No []
Index Code:	Project No.:	Impact on future O&M:	
Object Code:		If positions added, specify class and no.:	

Comments:

Public Works Department Staff Review:	
Fiscal Operations Manager: _____	Division Head: _____
Assistant Director: _____	Executive Assistant: <u><i>[Signature]</i></u>

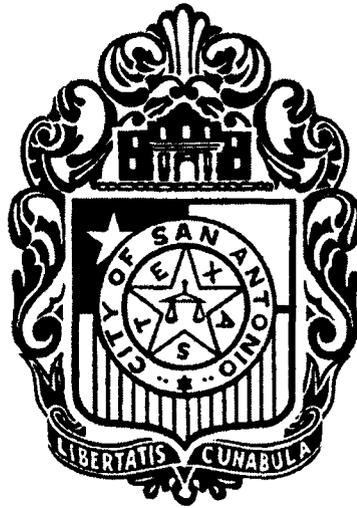
City of San Antonio

PUBLIC WORKS DEPARTMENT

**City Council
Agenda Item No. 24**

October 23, 2003

Alternative Project Delivery Methods



Departments of Public Works and
Asset Management

October 23, 2003

Agenda Item #24

Purpose

- Ordinance requests authorization for the Director of Public Works to supplement existing traditional low bid project delivery processes using alternative delivery processes for the selection, bidding and award of facility, landscaping, and construction projects.
- Municipalities were authorized to engage in this process by Senate Bill 510, on September 1, 2001, and incorporated into Sections 252 and 271 of the Texas Local Government code.

Purpose

- Senate Bill 510 defines “facility” as buildings, the design and construction which are governed by accepted building codes
- Not included within this definition are buildings or structures that are incidental to projects which are primarily civil engineering construction projects
- These methods were set forth in Subchapter 271H of Texas Local Government Code which requires that the governing body approve alternative delivery methods

Background

- Currently the City of San Antonio utilizes delivery methods for award of construction projects solely on **Competitive Low Bid** procedures
- This process employs an architect or engineer under separate contract to design, prepare construction documents, initiate the bid process, and award a separate contract for construction based upon the lowest qualified bid received

Background (cont'd.)

- This traditional **competitive low bid** delivery process will continue to be used for delivery of civil engineering projects, as required by law, and for other projects where the proposed alternative delivery methods may not be advantageous to the City
- This traditional “competitive low bid” delivery process has occasionally resulted in mixed outcomes.

Alternative Delivery Methods

- Identifying the need for alternative delivery processes, Senate Bill 510 recognized several alternative delivery methods for architectural projects which can now be utilized by municipalities
- Project delivery methods allowed under approved legislation authorize the use of:
 - Competitive Sealed Proposals
 - Design Build

Competitive Sealed Proposal

- The Competitive Sealed Proposal (CSP) process differs from traditional competitive low bid procedures, in that:
 - Process selects the “most qualified” offeror based on price, quality of work, team qualifications, and other factors
 - Negotiations and value engineering with the selected “offeror” are possible prior to award of the contract
 - SBEDA points are considered in overall evaluation

Competitive Sealed Proposal

- The Competitive Sealed Proposal Process allows the following:
 - Awards to more capable qualified contractor/offerer teams
 - Selection of the most qualified proposal/offer
 - Negotiations with selected contractor prior to award
 - Selection of potentially higher caliber of contractors and subcontractors inclined to participate in process by not having to compete against lowest bid proposals offered

Competitive Sealed Proposal

- Competitive Sealed Proposal Process (CSP) may result in:
 - A limited number of responses because of proposal process requirements
 - A longer selection process required to evaluate the responses
 - Potential for higher initial costs
 - More protests/disagreements regarding award
 - Public perception of higher construction costs and favored contractors as opposed to a strictly objective “low bid” process

Design Build

- **Design Build (DB)** differs from Competitive Sealed Proposals (CSP) in that:
 - Both the Architect and Contractor are selected jointly as one team through a Request for Qualifications process where short listed candidates are often interviewed and invited to submit:
 - Further or more detailed qualification statements
 - Preliminary designs
 - Prices or fee structure for the completed project
 - Architect and Contractor teams are selected based on qualifications and the relative merit of design, construction expertise, and upon the best value for the City as recommended by staff

Design Build (cont'd.)

- Design Build processes also differ from Competitive Sealed Proposals by:
 - Requiring the Contractor/ Developer to hold the single contract for the entire Design Build team
 - Contract provides for a contracted single source of responsibility with a team consisting of both the architect for design & the contractor for construction as opposed to separate contracts with each entity
 - Establishing contractual relationships between all parties early in the project development process
 - Enabling a form of contract which allows for a Guaranteed Maximum Price (GMP)
 - Having the project carry separate contingencies for Owner added changes or enhancements, and for Contractors/Design team errors

Design Build (cont'd.)

- Considerations in selecting the Design-Build process include:
 - A/E and other consultants are on the Contractor's team providing cohesive and unified recommendations in Owner's best interest
 - Cost effective delivery system because of early collaborative relationships during design development and value engineering throughout document process
 - Early knowledge of anticipated project costs
 - Clearer definition of risks
 - Less claims and litigation

Design Build (cont'd.)

- However, Design-Build processes may require that:
 - A contract with an independent consultant to develop project program and facilitate the process
 - Early project scope and definitions are committed to by Owner
 - Potential limitations on number of participants be expected
 - An early understanding of options and impacts for cost and scope reductions be understood to develop projects within established budgets

Implementation

- In implementing the two alternative delivery methods, staff will be provided with the option to select a team comprised of architectural, engineering, and construction services for design-build delivery, or issue a competitive sealed proposal for construction only services
- Factors previously unavailable to staff through the “competitive low bid” process for evaluation may now be utilized and considered

Evaluation

- The evaluation will be based upon factors such as:
 - Proposal price, number of days, and other terms specific to each project
 - Contractors/Architects/Engineers relevant experience and reputation
 - Past performance with Owners
 - Construction project management qualifications
 - Subcontractors and suppliers support and qualifications
 - SBEDA compliance

Alternative Delivery Methods

Alternative Project Delivery Methods

Comparison Matrix

	Delivery Process		
	<i>Traditional Low Bid</i>	<i>Competitive Sealed Proposal</i>	<i>Design-Build</i>
Separate contract for A/E & Construction	Yes	Yes	No
Joint contract for design & construction	No	No	Yes
Price consideration for construction award	Sole Basis	Considered	Considered
Project delivery team qualifications considered	Not Applicable	Not Applicable	Yes
Contractors past performance considered	No	Yes	Yes
Contractors project management qualifications considered	No	Yes	Yes
Ability to negotiate construction cost	No	Yes	Yes
SBEDA participation	Limited to Good Faith Effort Plan	Yes (Encourages more active participation)	Yes (Encourages more active participation)

Selection

- The selection of the appropriate construction delivery method for a particular project will be based on, but not limited to:
 - Estimated project cost
 - Schedule
 - Complexity of project
 - Community interest
 - The degree of staff involvement
 - Location/Infrastructure Issues
 - Participation of other governments or organizations

Potential Projects using Design Build Process

- Recommended potential projects utilizing the Design-Build Process could Include:
 - Proposed 2003 bond election program projects such as:
 - Emergency Operations Center
 - Animal Care Facility
 - Medical Center Senior Multi-Services and Health Center
 - Others as recommended by Director of Public Works
 - The City has previously utilized the Design-Build process through creation of the Municipal Facility Corporation for construction of the Development Services center

Potential Projects using Competitive Sealed Proposal Process

- Projects utilizing the Competitive Sealed Proposal process include:
 - Library and Community Center projects
 - Mystic Park Branch Library
 - Other similar scheduled facilities
 - Public Safety (Police & Fire Stations)
 - Fire Station No. 49 (Mystic Park)
 - Other similar scheduled facilities
 - Downtown/Riverwalk Projects
 - Other special projects
- Projects where contractor performance is critical

Alternative Delivery Methods

- It is anticipated that the alternative delivery methods will increase SBEDA compliance, as contractors and design build teams will seek incentive opportunities to select small and minority businesses as part of their team
- Incentives are based upon “point systems” allocated within the selection criteria resulting in higher ratings for firms that meet the SBEDA participation levels for teams proposed

Alternative Delivery Methods

- Project types which do not qualify for application of alternative delivery processes are:
 - Roads, streets, and bridges
 - Utilities, water supply, and drainage projects
 - Airport runways and taxiways
 - Projects incidental to Civil engineering construction

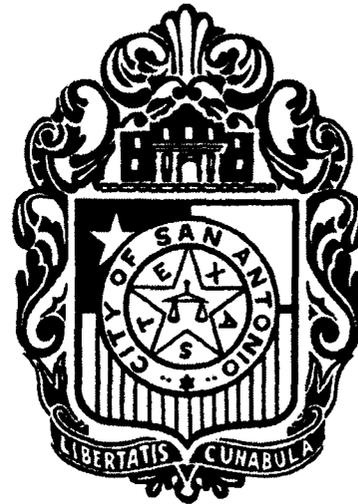
Coordination

- The request for ordinance was developed in coordination with Department of Public Works, Department of Asset Management, and the City Attorney's Office.
- The Public Works Department will continue to work with Asset Management and the City Attorney's office to develop the policy and process for the Competitive Sealed Proposal Process (CSP) and the Design-Build Process (DB) to add to the City's existing contract processes currently implemented

Recommendation

- Staff recommends approval of this ordinance.

Alternative Project Delivery Methods



Departments of Public Works and
Asset Management

October 23, 2003

Agenda Item #24