



# City of Pflugerville

## Legislation Details (With Text)

**File #:** RES-0972    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Consent Agenda  
**File created:** 2/24/2022    **In control:** Engineering Dept  
**On agenda:** 3/8/2022    **Final action:** 3/8/2022  
**Title:** Approving a resolution authorizing the competitive sealed proposal procurement method for the construction of the Trail Gap Improvements projects associated with the 2020 General Obligation Bond Program, and delegating authority to use said method in accordance with the Texas Government Code.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft CSP Resolution\_Res-0972, 2. Draft Presentation\_RES-0972

Date	Ver.	Action By	Action	Result
3/8/2022	1	City Council	Approved	Pass

Approving a resolution authorizing the competitive sealed proposal procurement method for the construction of the Trail Gap Improvements projects associated with the 2020 General Obligation Bond Program, and delegating authority to use said method in accordance with the Texas Government Code.

As the design of the Trail Improvements Project developed, the City’s General Consultant (GC), Design Consultant, and Staff determined that the Competitive Sealed Proposal (CSP) procurement method should be used for selecting a construction contractor instead of the traditional design, bid, build (Hard Bid) procurement method which requires selection based only on the lowest responsible bidder. While price is always important, the CSP process allows the City to make the best value determination based on the criteria deemed appropriate due to the nature of the implementation of the Trail Improvements.

The Texas Local Government Code SUBCHAPTER B. COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED by Sec. 252.021. COMPETITIVE REQUIREMENTS FOR PURCHASES.

(a) Before a municipality may enter into a contract that requires an expenditure of more than \$50,000 from one or more municipal funds, the municipality must:

(1) comply with the procedure prescribed by this subchapter and Subchapter C for competitive sealed bidding or competitive sealed proposals;

(b) A municipality may use the competitive sealed proposal procedure for the purchase of goods or services, including high technology items and insurance.

(c) The governing body of a municipality that is considering using a method other than competitive sealed bidding must determine before notice is given the method of purchase that provides the best value for the municipality. The governing body may delegate, as appropriate, its authority under this subsection to a designated representative. If the competitive sealed proposals

requirement applies to the contract, the municipality shall consider the criteria described by Section 252.043(b) and the discussions conducted under Section 252.042 to determine the best value for the municipality.

Sec. 252.042. REQUESTS FOR PROPOSALS FOR CERTAIN PROCUREMENTS. (a) Requests for proposals made under Section 252.021 must solicit quotations and must specify the relative importance of price and other evaluation factors; (b) Discussions in accordance with the terms of a request for proposals and with regulations adopted by the governing body of the municipality may be conducted with offerors who submit proposals and who are determined to be reasonably qualified for the award of the contract. Offerors shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the best final offers, revisions may be permitted after submissions and before the award of the contract.

Sec. 252.043. AWARD OF CONTRACT. (a) If the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

(b) In determining the best value for the municipality, the municipality may consider:

- (1) the purchase price;
- (2) the reputation of the bidder and of the bidder's goods or services;
- (3) the quality of the bidder's goods or services;
- (4) the extent to which the goods or services meet the municipality's needs;
- (5) the bidder's past relationship with the municipality;
- (6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
- (7) the total long-term cost to the municipality to acquire the bidder's goods or services; and
- (8) any relevant criteria specifically listed in the request for bids or proposals.

The City's GC, design consultant and City Staff are proposing the use of CSP for selecting a construction contractor for the Trails Improvements Project. Using CSP for construction is important so that the City can select a contractor with relevant and extensive construction experience given the scope of the improvements. The CSP procurement method will allow for consideration of price, experience and reputation of offerors, quality of goods and services, safety records and other relevant factors identified in a request for proposal, and will also allow for negotiation of both price and contract terms after proposals are submitted, thereby assuring that the City controls cost without sacrificing service or quality.

The City has used the competitive sealed proposal procurement method in the past for projects including the library, Stone Hill Park, Heatherwilde Elevated Storage Facility, Animal Shelter Expansions and Central Wastewater Treatment Plant Expansion Phases I and II.

The Design Consultant are finalizing the 90% Trail Improvements documents anticipate the bid in Spring 2022.

**Prior City Council Action**

City Council approved a professional services agreement with MWM DesignGroup Corporation in the amount of \$220,000 for professional services associated with the 2020 Parks Bond Program Projects: Trail and Trailhead improvements at the July 27, 2021 meeting.

Pflugerville City Council called a November 3, 2020 bond election for three propositions totaling \$191.3 million at the August 11, 2020 meeting.

City Council approved the selection of Vanir Construction to provide general consulting services associated with the 2020 General Obligation Bond Parks (Prop B) Projects at the January 26, 2021 meeting.

City Council approved a professional services agreement with Vanir Construction to provide general consulting services associated with the 2020 General Obligation Bond Parks (Prop B) Projects at the April 13, 2021 meeting.

**Deadline for City Council Action**

Action is requested on March 8, 2022.

**Funding Expected:** Revenue  Expenditure  N/A

**Budgeted Item:** Yes  No  N/A

**Amount:** N/A

**1295 Form Required?** Yes  No

**Legal Review Required:** N/A  Required  Date Completed: 02/24/2022

**Supporting documents attached:**

- Proposed Resolution
- Draft Presentation

**Recommended Action**

Approve a resolution authorizing the competitive sealed proposal procurement method for the construction of the Trail Gap Improvements projects associated with the 2020 General Obligation Bond Program, and delegating authority to use said method in accordance with the Texas Government Code.