



# City of Pflugerville

## Legislation Details (With Text)

<b>File #:</b>	RES-0919	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>	Discuss and consider action		
<b>File created:</b>	9/2/2021	<b>In control:</b>	Engineering Dept		
<b>On agenda:</b>	9/14/2021	<b>Final action:</b>	9/14/2021		
<b>Title:</b>	Discuss and consider action to approve a resolution determining that the competitive sealed proposal (Request for Proposal) procurement method for the construction of the Surface Water Treatment Plant Expansion project, provide the best value for the City, and delegating authority to use said method in accordance with the Texas Government Code.				

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. WTP CSP\_Resolution, 2. Draft Presentation\_RES-0919

Date	Ver.	Action By	Action	Result
9/14/2021	1	City Council	Approved	Pass

Discuss and consider action to approve a resolution determining that the competitive sealed proposal (Request for Proposal) procurement method for the construction of the Surface Water Treatment Plant Expansion project, provide the best value for the City, and delegating authority to use said method in accordance with the Texas Government Code.

As the design of the Water Treatment Plant expansion project has progressed, through discussion with the City's Owner Representative (OR), design consultant and previous experience by City Staff, it was determined that the competitive sealed proposal (CSP) procurement method should be used for selecting a construction contractor instead of the traditional hard bid process which requires selection based only on the lowest responsible bidder. While price is always important, the water treatment plant expansion project is unique and the CSP process allows the City to make a best value determination based on criteria deemed appropriate for the project.

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 OR, design consultant and City Staff are proposing the use of CSP for selecting a construction contractor for the expansion project. Using CSP for construction is important so that the City can select a contractor with extensive water treatment plant construction experience given the scope of the expansion project. 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 bid documents for the Water Treatment Plant Expansion Project are planned for the May 2022

bid. The overall construction documents for the WTP Expansion has begun 60% and will be bid in summer 2022.

### **Prior City Council Action**

On March 10, 2020, City Council approved a professional services agreement with Garver in the amount of \$199,820 for owner's representative services associated with the Surface Water Treatment Plant Expansion Project. The services included an initial planning phase, in which Garver engaged with City Engineering and Operations staff to assess the suitability of the current treatment process technology, and performed a comparative analysis to determine the best path forward for the future expansion.

On October 27, 2020, City Council approved the selection of Ardurra for professional engineering services associated with the Water Treatment Plant Facility Expansion Project.

On December 16, 2020, City Council approved a Professional Services Agreement with Ardurra in the amount of \$1,947,512.00 for professional engineering services associated with the for the City of Pflugerville Water Treatment Plant Expansion Project. The services included Preliminary Design and 30% PS&E.

On August 25, 2020, City Council approved a professional services agreement with Garver in the amount of \$1,220,657.00 for owner's representative services associated with the Surface Water Treatment Plant Expansion Project. The Supplemental Agreement is for the design phase of the WTP Expansions project including consultant procurement and acting as the City's OR for preliminary engineering through 100% design and bid phase services.

On January 26, 2021, City Council approved the engagement of McCarthy & McCarthy LLP as Special Counsel for the City for the purpose of assisting staff with permits, contracts and negotiations related to obtaining additional water rights to support the future growth of Pflugerville.

On April 27, 2021, City Council approved a professional services supplemental agreement with Garver in the amount of \$311,132 for owner's representative services associated with the Surface Water Treatment Plant Expansion Project. The services included an initial planning phase, in which Garver engaged with City Engineering and Operations staff to assess the suitability of the current treatment process technology, and performed a comparative analysis to determine the best path forward for the future expansion.

On July 13, 2021, City Council approved a Professional Services Agreement with Ardurra in the amount of \$5,203,539 for professional engineering services associated with the for the City of Pflugerville Water Treatment Plant Expansion Project to include final design and bidding phase services.

### **Deadline for City Council Action**

Action is requested on September 14, 2021 in order to maintain the project schedule.

**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: \_\_\_\_\_

**Supporting documents attached:**

Resolution

Draft Presentation

**Recommended Action**

Approve a resolution determining that the competitive sealed proposal (Request for Proposal) procurement method for the construction of the Surface Water Treatment Plant Expansion project, provide the best value for the City, and delegating authority to use said method in accordance with the Texas Government Code.