

AGENDA



Thursday, July 29, 2010

**Contract and Land Management
RECOMMENDATION FOR COUNCIL ACTION****Item No. 27**

Subject: Authorize negotiation and execution of a Design-Build Agreement with FLINTCO, INC., Austin, TX for Preliminary and Design Phase Services for the Asian American Resource Center in an amount not to exceed \$350,000.

Amount and Source of Funding: Funding in the amount of \$350,000 is available in the Fiscal Year 2009 – 2010 Amended Capital Improvements Budget of the Financial and Administrative Services Department.

Fiscal Note: A fiscal note is attached.

For More Information: David Kim Taylor 974-7132, Rosie Truelove 974-3064, Sarah Terry 974-7141; Felecia Shaw 974-6017

Purchasing Language: Best Value to the City of Austin of twelve Statements of Qualifications received.

MBE/WBE: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 33.00% MBE and 15.80% WBE subcontractor participation.

Boards and Commission Action: Recommended by the Asian American Resource Center Advisory Board. Related to Items #30 & 31.

Prior Council Action: March 11, 2010 - Council authorized use of Design-Build Alternative Project Delivery Method.

The 2006 Bond Program authorized \$5 million for the development of the Asian American Resource Center. The Design-Build Agreement will consist of design and construction of a new building and related site improvements for the center for a fixed project budget of \$4,100,000. The Asian American Resource Center 501c3 non-profit organization worked with local area firms to obtain pro-bono services for pre-construction phase services for the center including the completion of the Design Criteria Manual.

Staff is requesting Council authorization for design phase services for this project, which include schematic design, design development, construction documentation, constructability reviews, value engineering analysis, cost estimating, schedule evaluation, development of a safety program and quality assurance plan, site security and environmental controls, permitting, and Minority and Women Owned Business Enterprise (MBE/WBE) subcontractor outreach. When design is sufficiently complete, staff will request Council authority to enter into a Guaranteed Maximum Price for the construction phase services which will include on-site management, superintendence, administration, procurement of bonds and insurance, temporary utility and sanitary services, procurement of subcontractors, building construction, site work, and coordinating work of other owner contractors. Other services include project reporting, partnering and other duties and responsibilities as set out in the Design Criteria Manual, Agreement and General Conditions of the Contract.

In compliance with Local Government Code Chapter 271, Chapter H, Sec. 271.119, Council's authorization of this request allows for negotiation and execution of a design-build contract with the

highest ranked firm that offers the best value to the City of Austin, based upon the evaluation criteria advertised. Should the City be unsuccessful in negotiating a satisfactory agreement for design phase services with the selected firm, said firm will be notified in writing that negotiations will cease. Pursuant to statute, staff will then proceed to negotiate with the next firm in the order of selection ranking, returning to Council prior to contract execution. Additionally, when design development phase is sufficiently complete and agreed-upon work packages for construction phase services have been sufficiently developed, staff will return to Council with recommended contract amendment(s) for construction phase services.

Notification of issuance of a Request for Qualifications (RFQ) for the design-build services was sent to 97 firms on March 15, 2010. The RFQ was obtained by 80 firms, and 12 firms submitted qualification statements. None of the firms were certified MBE/WBE firms. Of the firms evaluated, three firms were short-listed and interviewed. Interviewing of the short-listed firms resulted in the following ranking:

TOP RANKED FIRM: FLINTCO, INC.; SECOND RANKED FIRM: HARVEY-CLEARY BUILDERS