

## A G E N D A



## Recommendation for Council Action (Purchasing)

Austin City Council

Item ID:

29959

Agenda Number

46.

Meeting Date:

January 30, 2014

Department:

Purchasing

## Subject

Authorize award, negotiation and execution of two 24-month requirements service contracts with BRAD NORTON and FREDERICK HAWKINS, or another qualified Offeror to RFP No. OPJ0106, for Hearings Officer services for various City departments, in an amount not to exceed \$120,000 each and combines, with two 24-month extension options in an amount not to exceed \$120,000 each and combined per extension option, for a total contract amount not to exceed \$360,000 each and combined.

## Amount and Source of Funding

Funding in the amount of \$40,000 is available in the Fiscal Year 2013-2014 Operating Budgets of various City departments. Funding for the remaining months of the original contract period and extension option is contingent upon available funding in future budgets.

## Fiscal Note

There is no unanticipated fiscal impact. A fiscal note is not required.

Purchasing  
Language:

Best evaluated proposals.

Prior Council  
Action:For More  
Information:

Oralia Jones, Senior Buyer/322-6594.

Boards and  
Commission  
Action:

January 27, 2014 - To be reviewed by the Electric Utility Commission.

Related Items:

MBE / WBE:

These contracts will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

## Additional Backup Information

These requirement-based services contracts will provide Hearings Officer services for Austin Energy, Austin Water Utility, the Austin Police Department, and the Municipal Court for an estimated combined annual not-to-exceed expenditure of \$60,000, including fees and expenses. The Hearings Officers will preside over hearings initiated by customer objections to actions, policies or decisions of and by the utilities and City departments participating under the contract. The Hearings Officers will provide written decisions and reports based on evidence presented and in accordance with City Code and all applicable rules and regulations.

Hearings may be conducted for the following:

- Disputes regarding electric, water, wastewater, and solid waste services
- Water Conservation Violations
- Alarm system permits
- Vicious/dangerous dog offenses
- Red light offenses caught on camera
- Parking Administrative offenses
- Any other Civil or Administrative offenses or hearing support subject to the purview of the Municipal Court
- Other services as defined by the City of Austin Utility Service Regulations

An evaluation team comprised of Austin Energy and Law Department staff with expertise in this area evaluated proposals and unanimously determined that these two contractors were best to provide the services. Evaluation criteria used to evaluate proposals included an understanding of the requirements, demonstrated applicable experience, and personnel qualifications. A proposal submitted by a current Substitute Municipal Court Judge was disqualified from consideration due to a conflict of interest because decisions resulting from hearings may be appealed to the Municipal Court.

This request allows for the development of agreements with qualified offerors selected by Council. If the City is unsuccessful in negotiating satisfactory agreements, negotiations will cease and staff will return to Council for authorization to begin negotiations with other qualified offerors.

MBE/WBE solicited: 0/0

MBE/WBE bid: 0/0

#### **PRICE ANALYSIS**

- a. Adequate competition.
- b. Two-hundred and three notices were sent. There are no known MBE/WBEs for this commodity code. Three proposals were received, with no response from MBE/WBEs.

#### **APPROVAL JUSTIFICATION**

- a. Best evaluated proposals.
- b. The Purchasing Office concurs with Austin Energy's recommended award.
- c. Advertised on the Internet.