



**Construction Contract  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 35  
AGENDA DATE: Thu 12/16/2004  
PAGE: 1 of 3**

**SUBJECT:** Authorize execution of a construction contract with RODRIGUEZ BARR INC., DBA THE BARR COMPANY, AIA, (MBE-FH 76.11%), Austin, TX, for ADA Sidewalk, Ramp and Bikeway Improvements 2004-2007 Group 2 Re-Bid in the amount of \$1,872,928.80 plus a \$187,292.88 contingency in an amount not to exceed \$2,060,221.67.

**AMOUNT & SOURCE OF FUNDING:** Funding in the amount of \$2,060,221.67 is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Public Works Department.

**FISCAL NOTE:** A fiscal note is attached.

**REQUESTING** Public Works  
**DEPARTMENT:**

**DIRECTOR'S  
AUTHORIZATION:** Sondra Creighton

**FOR MORE INFORMATION CONTACT:** Diane Rice, 974-7081; Janet Howard, 974-2939; Laura Bohl, 974-7064

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** N/A

**PURCHASING:** Lowest bid of four received.

**MBE / WBE:** 8.74% MBE and 7.77% WBE subcontractor participation.

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As part of the City's ongoing effort to comply with the directives of the Federal Americans with Disabilities Act (ADA), the Public Works Department has developed more efficient and cost effective methods for sidewalk and curb ramp construction. The City also recognizes that improved and expanded pedestrian facilities are also a frequently requested infrastructure improvement from the public at large. The projects proposed for construction under this initiative have been previously approved by one of the following methods: Council approval of proposed CMTA ¼ cent projects, Build Greater Austin projects, ADA Task Force projects, Child Safety program sidewalks, 1998 Bond funded Neighborhood sidewalks and Bicycle Plan projects.

The construction method chosen to deliver the initiatives is an Indefinite Delivery/Indefinite Quantity (IDIQ) contract. The IDIQ contract documents include engineered details, specifications, project locations currently identified and estimated total quantities of work. As each project location is further defined, a specific "work assignment" will be given to the Contractor. The Contractor will complete the scope of work for the unit prices included in the Contract. This contracting method allows for flexibility of adding projects based on priorities designated by the City.

The purpose of the Contract is to have a Contractor available to complete bike, pedestrian and accessibility projects on a unit price basis. The City has been divided into three separate areas and is awarding an IDIQ contract to each area. This IDIQ contract is considered Group 2 and includes the area of the City north of Cesar Chavez and east and including Lamar Boulevard.

The contract is for an estimated period of one year and allows for 60 calendar days for completion of each



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work assignment unless otherwise stipulated in writing.

Due to the potential for unknown subsurface conditions and utility conflicts when working in the right-of-way, a 10% contingency in funding has been included to allow for the expeditious processing of any future change orders.

Bid documents were distributed to 5 general contractors. Bids were opened on November 18, 2004. Rodriguez Barr dba The Barr Company, AIA submitted the lowest of 4 bids received:

Rodriguez Barr Inc, Austin, TX	\$1,872,928.80
Muniz Concrete & Contracting, Inc., Austin, TX	\$2,207,232.00
Dayco Construction Co., Austin, TX	\$2,273,399.50
Joe Bland Construction, L.P., Austin, TX	Non-responsive

The contractor's choice of work methodology provides for 10 areas of subcontracting opportunities: excavation, hauling, concrete forms and finishing, pavers, curb cutting, fencing & handrail, surveying, erosion control, safety fencing and utility adjustments.

Project specific subgoals stated in the solicitation were 6.36% African American; 20.13% Hispanic; 1.72% Asian American; 0.71% Native American; 6.79% WBE. Total participation estimated on base bid amount of \$1,872,928.80:

<b><u>MBE TOTAL – PRIME</u></b>	<b><u>\$1,425,458.84</u></b>	<b><u>76.11%</u></b>
Rodriguez Barr Inc. dba The Barr Company, AIA, Austin, TX	\$1,425,458.84	76.11%

<b><u>MBE TOTAL – SUBCONTRACTORS</u></b>	<b><u>\$164,060.00</u></b>	<b><u>8.74%</u></b>
<b><u>MB Subtotal</u></b>	<b><u>\$117,300.00</u></b>	<b><u>6.26%</u></b>
J. Harper Construction Co., Austin, TX (excavation)	\$117,300.00	6.26%
<b><u>NA Subtotal</u></b>	<b><u>\$14,000.00</u></b>	<b><u>0.74%</u></b>
Concrete Surface Innovations, Austin, TX (concrete formwork & finishing)	\$14,000.00	0.74%
<b><u>AA Subtotal</u></b>	<b><u>\$32,760.00</u></b>	<b><u>1.74%</u></b>
Marie's Trucking, Austin, TX (hauling)	\$32,760.00	1.74%

<b><u>WBE TOTAL – SUBCONTRACTORS</u></b>	<b><u>\$145,526.00</u></b>	<b><u>7.77%</u></b>
TX Curb Cut, Round Rock, TX (curb cutting)	\$28,596.00	1.53%
ABC Erosion Control, Leander, TX (erosion control)	\$50,070.00	2.67%
ATS Consulting Engineers, Austin, TX (surveying)	\$ 3,000.00	0.16%
Roadway Specialties Inc., Austin, TX (fencing & handrail)	\$ 63,860.00	3.41%

<b><u>NON M/WBE TOTAL – SUBCONTRACTORS</u></b>	<b><u>\$137,883.96</u></b>	<b><u>7.36%</u></b>
Legacy Paving, Austin, TX (pavers)	\$31,913.96	1.70%



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JM Utilities, Cedar Park, TX (utility adjustments)	\$87,295.00	4.66%
Soil Stabilization Specialties, Austin, TX (erosion control)	\$18,675.00	1.00%

The Contractor submitted a MBE/WBE Compliance Plan that achieved the MBE/WBE goals, and was approved by the Department of Small & Minority Business Resources. Second and third low bidder information is provided.

SECOND BIDDER – Muniz Concrete & Contracting Inc., Austin, TX - \$2,207,232.00  
84.36% MBE prime participation; 7.41% MB; 0.0% MH; 0.57% AA, 0.00% NA; 7.64% WBE, 0.02% Non M/WBE subcontractor participation.

THRID BIDDER – Dayco Construction Co., Austin, TX - \$2,273,399.00  
84.6% MBE prime participation; 1.03% MB; 8.67% MH; 2.91% AA, 0.0% NA; 2.79% WBE; 0.0% Non M/WBE subcontractor participation.



**CIP BUDGET  
FISCAL NOTE**

**DATE OF COUNCIL CONSIDERATION:**

16-Dec-04

**WHERE ON AGENDA:**

Resolution

**DEPARTMENT:**

Public Works Department

**DESCRIPTION:** Authorize execution of a construction contract with RODRIGUEZ BARR INC., DBA THE BARR COMPANY, AIA, (MBE 76.69%), Austin, TX for ADA Sidewalk, Ramp and Bikeway Improvements 2004-2007 Group 2 Re-Bid Bid in the amount of \$1,872,928.80 plus a \$187,292.88 contingency in an amount not to exceed \$2,060,221.67.

**FINANCIAL INFORMATION:**

Project Name: ADA Ramps and Sidewalks  
Project Authorization: 2004-2005 Approved Capital Budget  
Funding Source: Capital Metro Quarter Cent Funding  
Fund/Agency/Orgn: 8581-257-9150

Total Current Appropriation	\$1,900,000.00
Unencumbered Balance	\$1,900,000.00
Amount of this Action	<u>(\$1,900,000.00)</u>
Estimated Available	<u><u>\$0.00</u></u>

Ref: 8581-257-NEW

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Project Name: ADA Ramps and Sidewalks  
Project Authorization: 2004-2005 Approved Capital Budget  
Funding Source: CIP Interest & FY03 General Fund Transfer  
Fund/Agency/Orgn: 8400-257-0100

Total Current Appropriation	\$850,000.00
Unencumbered Balance	\$424,803.00
Amount of this Action	<u>(\$160,221.67)</u>
Estimated Available	<u><u>\$264,581.33</u></u>

Ref: 8400-257-NEW

Financial Approval: Rusty Cobern

Date: December 3, 2004