



**Purchasing Service Agreement
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 49
AGENDA DATE: Thu 12/16/2004
PAGE: 1 of 2**

SUBJECT: Authorize negotiation and execution of a 12-month service agreement with FOX SMOLEN & ASSOCIATES INC., (WBE/FR-100%), Austin, TX, for a part time Hearings Officer in an amount not to exceed \$76,080, with three 12-month extension options in an amount not to exceed \$76,080 per extension option, for a total agreement amount not to exceed \$304,320

AMOUNT & SOURCE OF FUNDING: Funding in the amount of \$63,400 is available in Fiscal Year 2004-2005 Approved Operating Budget of Austin Energy. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Purchasing **DIRECTOR'S**
DEPARTMENT:for Police; Solid Waste **AUTHORIZATION:** Vickie Schubert
Services; Austin Water
Utility; Austin Energy;

FOR MORE INFORMATION CONTACT: Vic Chanmugam, Specialist Sr. Buyer/974-2030

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

PURCHASING: Best proposal of four proposals received.

MBE / WBE: This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation

This contract is for the services of a part time Hearings Officer to adjudicate complaints from ratepayers based on the actions, policies and/or decisions of the City's utilities-Austin Energy, Austin Water Utility, Solid Waste Services, and the Austin Police Department (APD). The City's Utility Service Regulations require ratepayers' complaints to be heard and adjudicated in a fair, impartial, and equitable manner within a reasonable time frame. The Austin Police Department (APD) also plans to utilize the Hearings Officer to hear complaints from persons who are billed by APD for false alarms originating from residences and commercial establishments.

A Request for Proposals was issued on August 16, 2004, and four proposals were received. A review panel evaluated the proposals using criteria included in the solicitation. The review panel consisted of staff from Austin Energy, Austin Water Utility, Law, Police and Solid Waste Services.

MBE/WBE solicited: 1/1

MBE/WBE proposed: 1/1



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PRICE ANALYSIS

- a. Adequate competition.
- b. Fifteen solicitation notices were sent including 1 MBE and 1 WBE. Seven proposals were issued. Four proposals were received including 1 MBE and 1 WBE. One proposal was non-responsive.

APPROVAL JUSTIFICATION

- a. Best proposal received.
- b. Austin Energy, Austin Water Utility, Austin Police and Solid Waste Services Department concur with the recommended award.
- c. Advertised in the Austin American Statesman and on the Internet.