

A G E N D A



Recommendation for Council Action (CLMD)

Austin City Council		Item ID:	54157	Agenda Number	3.
Meeting Date:	February 4, 2016				
Department:	Capital Contracting Office				
Subject					
Authorize Ratification of Work Order Assignment Number 009 to the Group # 16 ADA Sidewalk & Ramp Improvements Contract and Work Order Assignment Number 012 to the Group # 17 ADA Sidewalk & Ramp Improvements Contract with MUNIZ CONCRETE AND CONTRACTING, INC., to provide for additional streetscape improvements, including an electronic marquee sign and electronic kiosks in an amount not to exceed \$721,120.					
Amount and Source of Funding					
Funding is available in the Fiscal Year 2015-2016 Capital Budget of the Public Works and Austin Convention Center Departments.					
Fiscal Note					
There is no unanticipated fiscal impact. A fiscal note is not required					
Purchasing Language:					
Prior Council Action:	March 5, 2015 – Council authorized award and execution of ADA Sidewalks and Ramp Improvements 2015 Group # 17 City Wide (IDIQ) contract with Muniz Concrete and Contracting Inc. March 5, 2015 – Council authorized award and execution of ADA Sidewalks and Ramp Improvements 2015 Group # 16 City Wide (IDIQ) contract with Muniz Concrete and Contracting Inc.				
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Boards and Commission Action:					
Related Items:					
MBE / WBE:	This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 88.95% MBE and 1.64% WBE participation for Group # 16; and 86.38% MBE and 5.29%				

	WBE participation for Group # 17.
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Additional Backup Information	
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The City directed Muniz Concrete & Contracting, Inc., the contractor under the referenced contract, to include a scope of non-specified streetscape improvements, including the electronic marquee sign and kiosks, in the amount of \$721,120 in work order assignments in the area of the pedestrian sidewalks adjacent to the Austin Convention Center.

Indefinite Delivery/Indefinite Quantity contracts provide for an indefinite quantity of services for a fixed time, usually an initial term with extension options. They are used when the City cannot determine, above a specified maximum, the precise quantities of supplies or services that will be required during the contract period. The City issues work assignments in accordance with the contract for individual service requirements. The Indefinite Delivery/Indefinite Quantity contract method allows for the City to have flexibility to add projects as needs and priorities arise or change. As each project location is further defined, a specific work assignment is provided to the contractor who will complete the scope of work for the unit prices included in the contract.

The Group # 16 and # 17 ADA Sidewalk & Ramp Improvements contracts provide for the construction of sidewalks, ramps, driveways, retaining walls, handrails, striping, shoulder widening, bus stop Americans with Disabilities Act upgrades, sidewalk repairs, and associated construction. The scope of the each project is limited to the specified items of sidewalk and streetscape work and items reasonably associated with the contract's scope of work or reasonably necessary to complete the intent of the project.

Once a project is identified the process is to create a purchase order in the financial system and then issue a notice to proceed allowing the contractor to begin work. In the case of the kiosk and marquee, the notice to proceed was issued prior to the creation of the purchase order. At the time the purchase order was requested, it was discovered that the marquee and kiosk were not a scope of work included in the contract. The electronic marquee sign and kiosks should have been bid separately, but on direction from the City, the Contractor had already sourced the items and they were ready for delivery when the situation was discovered.

Under Section 271.153 of the Texas Local Government Code, a contractor is entitled to payment for change orders that it is directed to perform by a local governmental entity. The ratification of this action would approve the payment of the non-specified items in the scope of the contract.

These Work Order Assignments have been approved by the City's Change Control Committee. The Change Control Committee was established to comply with Council Resolution No. 20120126-048, which required the establishment of consistent criteria and process to evaluate contractual changes for all contracts administered by the Capital Contracting Office. The Change Control Committee is comprised of management-level subject matter experts.