



MEMORANDUM

TO: Mayor and Council

FROM: James Scarboro, Purchasing Officer *JS*

DATE: June 28, 2018

SUBJECT: Information from Staff regarding Item #60 on June 28th City Council Agenda

Item From Council, Item #60 on the June 28, 2018 Agenda directs the City Manager, to “solicit plans for development of the McKalla Place site, including both (1) professional sports stadium plans, and (2) plans that accomplish a number of other City goals including mixed-use development, affordable housing, parks and open space, affordable creative space and public transit”. It also directs staff “to initiate a process for soliciting ... plans.” In advance of Council action on this item, staff has been asked to describe what such a process may look like.

Although this is not a Purchasing item, as the contents of this item include procurement terminology and competitive process descriptions, staff recommends the Mayor and Council include the following factors in their consideration of this item. When used within the context of the City’s financial operations, the term “solicit” and “solicitation” generally implies a competitive process used to select a qualified respondent for a City purpose. Competitive process typically includes a public notice (solicitation document); a description of the City’s desired requirements (scope and terms); instructions to respondents (proposal contents, evaluation and award method). Solicitation processes are also typically subject to several State and City procurement regulations, including conflicts of interest, anti-lobbying, local preference, confidentiality, etc. That being said, the sponsors of this item have clarified that they do not seek to conduct a procurement process.

This clarification is key, because under a traditional “solicitation”, we must create an objective basis for comparison – for example, for like items such as commodities, via an Invitation for Bid (IFB); or for professional services, via a Request for Qualifications (RFQ). Item #60 seeks plans that address very different uses for the McKalla Place property. These plans may be so different that it may be difficult to identify meaningful bases of comparison to include in any solicitation notice.

Process to Receive Plans related to McKalla Place

With the intent of the sponsors of this item to not have a “procurement”, we would recommend a simple process that does not construe a “solicitation event”. As such, staff would, if the item is approved:

- promulgate this resolution on the City website, www.austintexas.gov/mckalla , highlighting the opportunity for any person or entity to send a plan for use of McKalla Place, that addresses the goals outlined in the resolution;
- include via website www.austintexas.gov/mckalla information previously distributed on June 1, 2018 regarding the McKalla place parcel – zoning, existing conditions, infrastructure assessment, etc. – so that anyone wishing to send a plan has the necessary information about the site;
- clearly indicate that the City would not award any contract based on any information received;

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- clearly indicate that participation in the process (providing a plan) will not benefit or deter any individuals or firms from seeking to participate in any future solicitation, if one were to occur;
- clearly indicate that all information on the plan sent will be made public, in their entirety, at www.austintexas.gov/mckalla;
- allow plans to be received through August 3, 2018

In order to keep this from being a solicitation event, staff would not proscribe any format on how one would submit their plan for use of McKalla Place, nor what type of information they would need to include.

Thank you for your consideration of this additional feedback concerning Item #60.

cc: Spencer Cronk, City Manager
Elaine Hart, Chief Financial Officer
Greg Canally, Deputy Chief Financial Officer
Rebecca Giello, Interim Director, Economic Development Department