



Financial Services Department Capital Contracting

CIP Partners Academy 2021/2022



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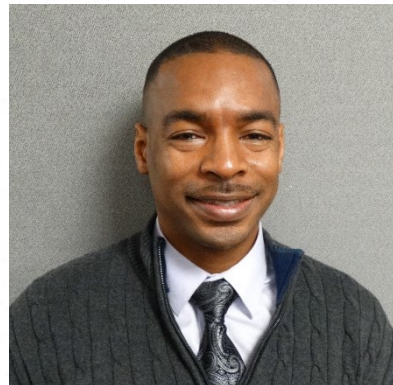
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Hello Welcome



Megan Bowles, Procurement Specialist IV,
Professional Services



Michael Williams
Procurement Supervisor,
Construction Services Division



Contracting Methods Used by the City - Professional Services

Presenter:
Megan Bowles, Procurement Specialist IV

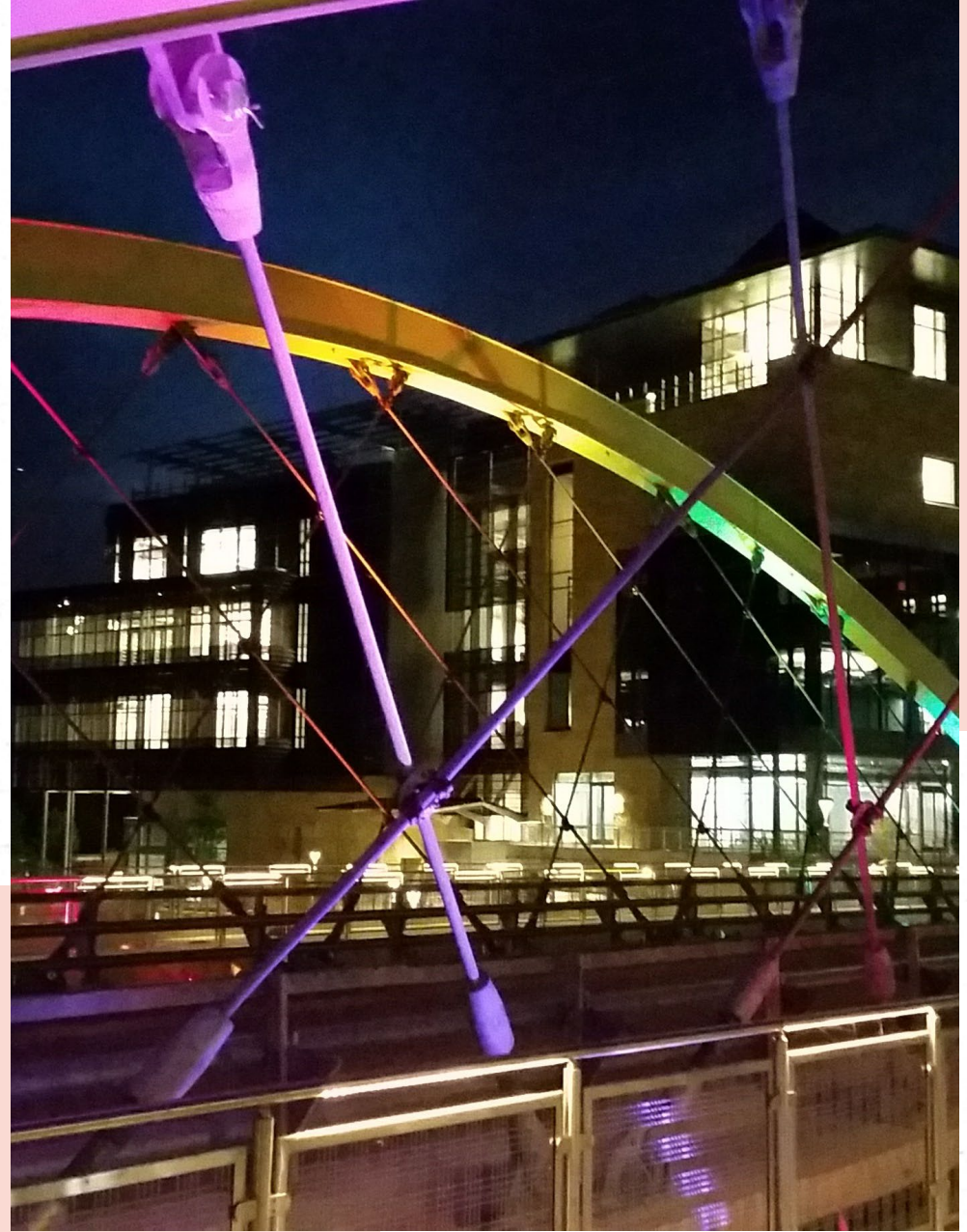
Professional Services

Qualifications-Based Selection solicitation method as prescribed by Texas Local Government Code (TGC) 2254.004:

1. Select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications;
2. Attempt to negotiate a fair and reasonable price

This method is used to procure construction-related professional services such as architectural services, engineering, surveying, mapping, and landscape architecture.

This method is evaluated through qualifications and experience; price/cost is not part of the evaluation process.



Professional Service Solicitation Types

There are three types of professional service solicitations: Stand Alone Request for Qualifications Solicitation, Stand Alone Assignment Based Request for Qualifications Solicitation, and Rotation List Request for Qualifications Solicitation. All three types are evaluated procurements, conducted by City Staff, and approved by City Council.

Stand Alone

- Project Specific Scope
- One Firm is Selected

Rotation List

- Generic Scope
- Specific Scope Assignments made after Agreement Execution
- Multiple Firms are Selected

Stand Alone – Assignment Based

- Project Specific Scope
- Specific Scope Assignments made after Agreement Execution
- One Firm is Selected



PSA Stand Alone and Stand Alone Assignment-Based

Method Phases

The following are phases within PSA Stand Alone and Stand Alone Assignment-Based agreements.

- Pre-Solicitation (2-4 weeks)
- Solicitation (4-6 weeks)
- Evaluation (3-4 weeks)
- Contract Development
- Contract Execution
- Contract Management/Administration
- Close Out

Pre-Solicitation

During this phase, the Procurement Specialist and Project Manager begin working on the Scope of Services, Evaluation Criteria, and Procurement schedule.

Type of contract to be procured is discussed at this time (Stand Alone, Stand Alone Assignment-Based, or Rotation List).

A Procurement schedule is developed which includes all phases that are part of the PSA method, from Issue Date through Execution.

Solicitation documents are created and reviewed prior to the Solicitation phase.



Solicitation

The Solicitation is posted on the selected Issue Date. Important dates during this phase include the Issue Date, Pre-Response meeting date, Solicitation and Compliance Plan due date, and interview date (if applicable). All dates are provided within the Request for Qualifications documents.

The time frame for this phase will range between 4-6 weeks.



Pre-Response Meeting

Mandatory OR Non-Mandatory

- The Project Manager may elect for the Pre-Response meeting to mandatory
- Currently conducted via Microsoft Teams
- Attendance Sheet is shared via MS Teams Chat and within the presentation
- Meeting Agenda includes project description, responses and contract requirements and documents, and MBE/WBE/DBE procurement program requirements.

Evaluation/Interview

The evaluation/interview phase will vary in time based on the number of submittals but will usually range from 3-4 weeks.

The Procurement Specialist will review Statement of Qualifications (SOQs) received for responsiveness and will provide compliance plans to Small and Minority Business Resources (SMBR).

The evaluation panel will conduct their reviews based on the evaluation criteria included in the Request for Qualifications.

Evaluation Criteria and maximum points could vary by RFQ, along with Proposal Forms.

Interviews may or may not be deemed mandatory.

Evaluation Criteria (could vary by project)

- MBE/WBE/DBE Procurement Program
- Turned in All Required Documentation
- Team's Structure
- Team's Project Approach
- Experience of Key Personnel
- Prime Firm's Comparable Experience
- Major Scopes of Work – Comparable Experience
- Team's Experience with Austin Issues
- City of Austin's Experience with Prime



Contract Development

During this phase, the Procurement Specialist is working with the Leadership team and the Project Manager to prepare all contract documents.

Contract Components

- Signature Page
- General Conditions
- Supplemental Terms & Conditions
- Professional Services Agreement Exhibits
 - Exhibit A – Description of Project
 - Exhibit B – Non-discrimination and Non-retaliation certification; Appendix A and Appendix E of Title VI Assurances
 - Exhibit C – Approved Compliance Plan
 - Exhibit D – Baseline Sustainability Criteria for Non-Building Projects
- Attachment 1 – Key Personnel
- Attachment 2 – Request for Changes of Key Personnel
- Attachment 3 – Scope of Services (per Prime and Sub) **
- Attachment 4 – Quality Control Plan (QCP)
- Attachment 5 – Resource Allocation Plan (RAP)
- Attachment 6 – Maximum Not to Exceed Contract Amounts by Element

**For Rotation List: Attachment 3 – Request for Assignment/Notice to Proceed



Contract Kick-Off Meeting

The Contract Kick-Off Meeting is conducted between the City of Austin Contracting Staff and the Prime Firm after approval from City Council. The purpose of this meeting is to review contract documents, review the MBE/WBE process, and have a project overview.



MBE/WBE/DBE Procurement Program

The SMBR representation will review the corresponding procurement program.

Consultant Performance Evaluation

The Procurement Specialist will review the CPE program and provide contact information.

DocuSign and Hourly Rate Process

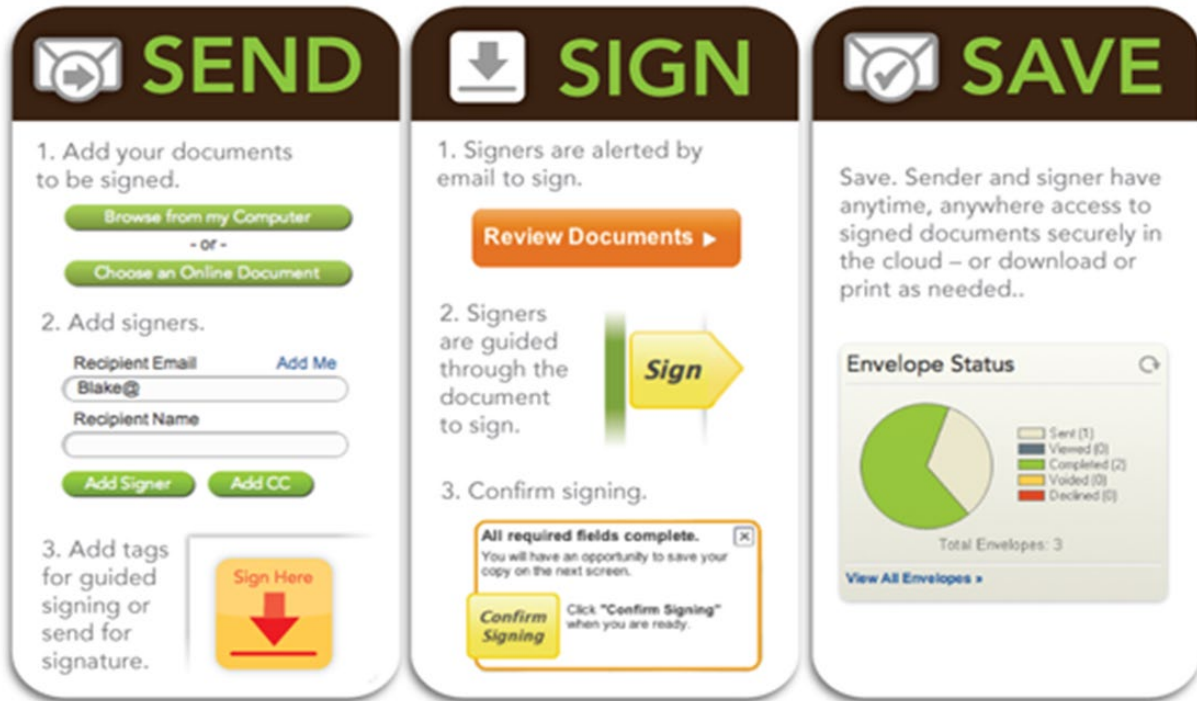
The Procurement Specialist will review use of DocuSign and how to submit rates.

Project Overview

The Project Manager will conduct a brief overview and answer questions.

Professional Service Overview

The Procurement Specialist will review contract documents and schedule.



DocuSign Process Summary

DocuSign is used to send and sign contract documents. Prior to contract execution, the vendor will provide the name and email address of the Principal(s) and Corporate Secretary authorized to sign the contract.

DocuSign Tips:

- Review Junk Mail if you do not see email in your main inbox. You can add the DocuSign domain to your safe sender list as needed.
- Do Not Forward contract execution emails.

Hourly Rates Review Program

Hourly rates are now being conducted on a biennial basis. The National Compensation Survey (NCS) conducted by the Bureau of Labor Statistics (BLS) will be used to determine the annual increase that will be applied to the raw rates at the 12-month milestone of the biennial period.

Once included in a fee proposal, hourly rates remain in effect through completion of the agreed upon scope in the proposal. Fee proposals will use the approved rates on the date of the proposal request from the City.



For more information on the Rate Review Process please reference CIP Partners Academy [‘The Rate Review Process’](#) conducted on September 15, 2021.

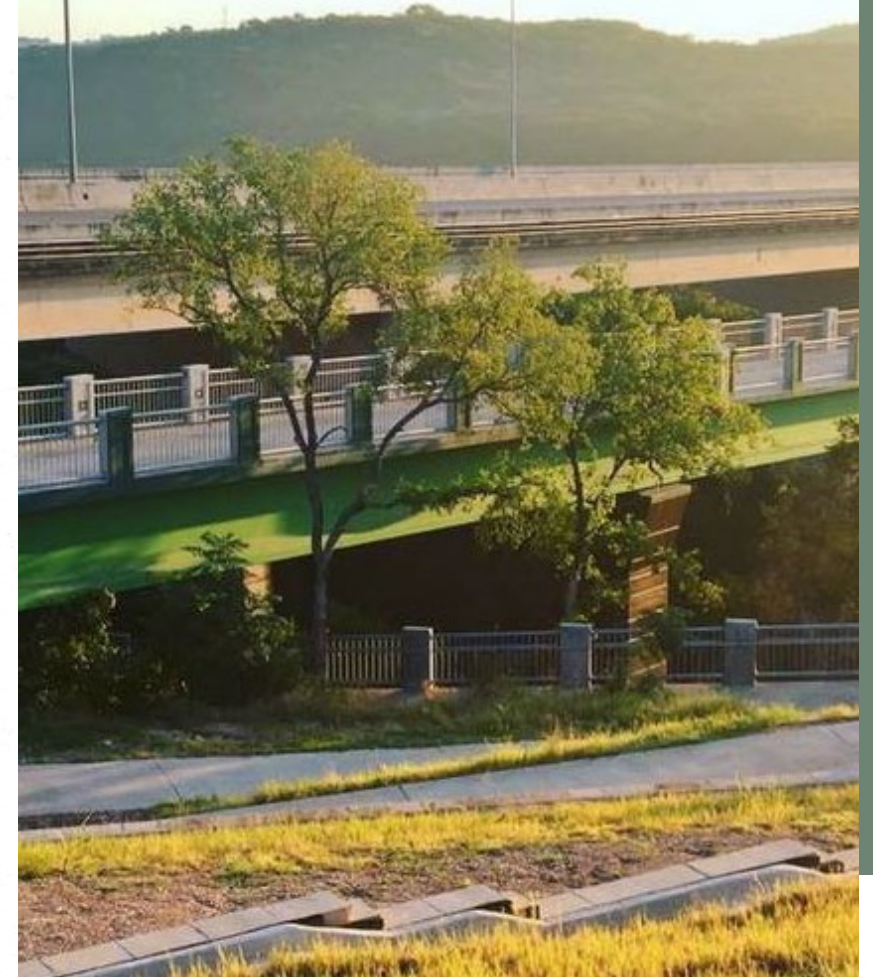


Contract Execution

After the kick-off meeting and once all contract documents have been reviewed and finalized, signatures will begin. Using DocuSign, the Procurement Specialist will send to Principal and Corporate Secretary for signature. After signatures have been received, it will then go to the authorized signor with the City of Austin.

Key Dates (To Be Discussed During Kick-Off Meeting)

- Target Date for submission of hourly rate documentation for review and approval
- Target Date for approval of loaded hourly rates
- Target Date for submittal of Fee Proposal and all supporting documentation
- Target Date for submittal of signed contract by Consultant (DocuSign)
- Contract Execution Date



Contract Execution Timeline

- Contract Kick-Off Meeting approximately one week after Council approval
- Rates reviewed and approved within 3-4 weeks post contract kick-off meeting
- Fee Proposal and supporting documents provided within approximately 4 weeks post contract kick-off meeting
- Target date for submittal of signed contract by Consultant approximately 5-6 weeks post contract kick-off meeting
- Contract execution date approximately 7-8 weeks post contract kick-off meeting

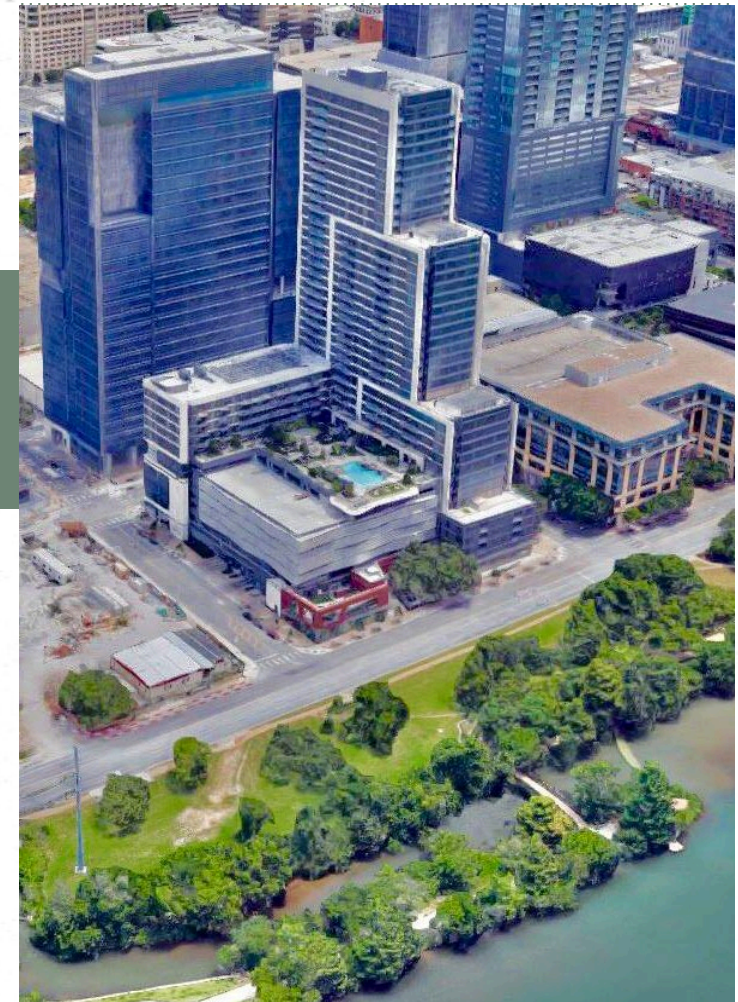


Contract Management and Administration

After Contract Execution a signed copy of the agreement will be provided to the Prime firm and Project Manager by the Procurement Specialist.

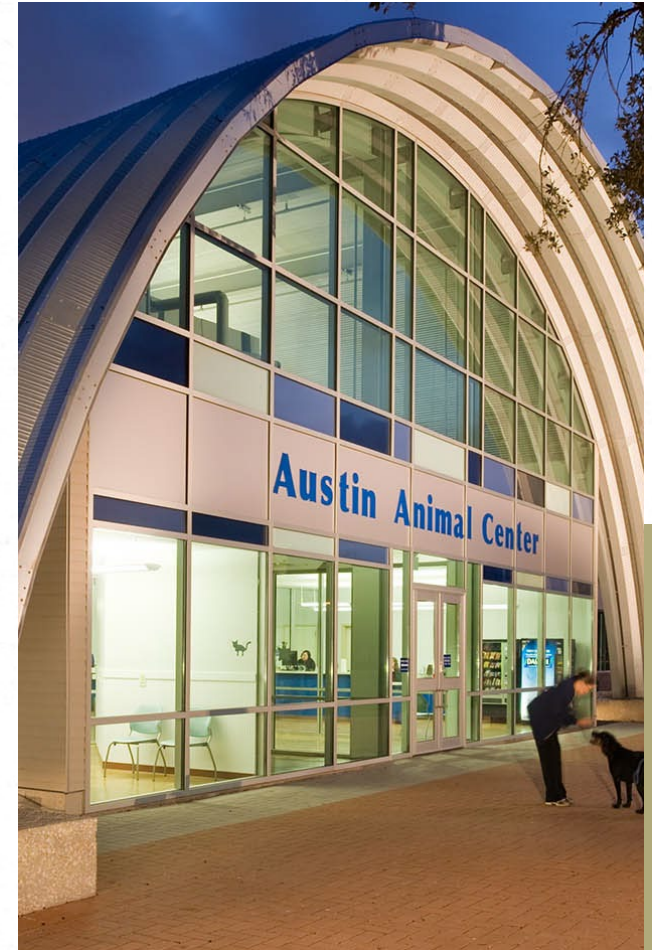
Monitoring and Management of Contract:

- Supplemental Amendments
- Rate Review
- Request for Change of Key Personnel
- Company Name Changes
- Request for Change of Compliance Plan



Close Out

When the time comes to close out the project the Procurement Specialist will work with the Project Manager to complete the close out documentation, de-encumber funds, and receive and review the Consultant Performance Evaluation.



Professional Service Agreement – Rotation List

- Similar phases to Stand Alone agreements
- During the Pre-Solicitation phase a Rotation List Advisory Committee internal meeting is held to determine specific components of the Rotation List (Scope, Authorization Amounts (Total/Per Firm), # of Firms)
- Slight differences in the Proposal Forms (Forms 4 and 5)
- Contract Components: Attachment 3 is the Request for Assignment/Notice to Proceed





Capital Contracting Construction IFB /IDIQ Overview

Michael Williams
Procurement Supervisor
Capital Contracting | FSD Purchasing

IFB / IDIQ Program Overview:

The IFB Process is the most common method used by CCO to procure construction services.

For both IFB and IDIQ procurements, contracts will be awarded to the lowest responsive bidder based on MBE / WBE requirements, the "Bidder's" past experience and also their safety record may be considered.

The City uses IDIQ solicitations when the exact scope of work and quantities of work cannot be defined in advance. This method is procured as a unit price invitation for bid solicitation with bid items, specifications, and estimated quantities.

The IDIQ offers speed of delivery, flexibility, and responsiveness to urgent needs. Additionally, IDIQ contracts are awarded to the lowest responsible bidder for multiple terms up to five years, with the option to renew each term and the contractor's option to receive a unit price increase.

Some examples of current IDIQs include sidewalk, water and wastewater line repair, and street and bridge maintenance work.



IFB / IDIQ Bidding Process:

- Plans and project specifications are advertised (2-6 weeks)
- Pre-Bid Conference is held typically within 1-2 weeks after publishing (via MS Teams or In-Person)
 - Prime/Sub Networking for pre-bids when practical
- Lowest responsive, responsible bidder is determined
 - City's MBE/WBE Program
 - Bidder's Experience - see below Statement of Bidder's Experience - Section 00400
- Bidder's Safety Experience - Section 00410
- Council considers and approves contract award
- Contract development and execution phase begins

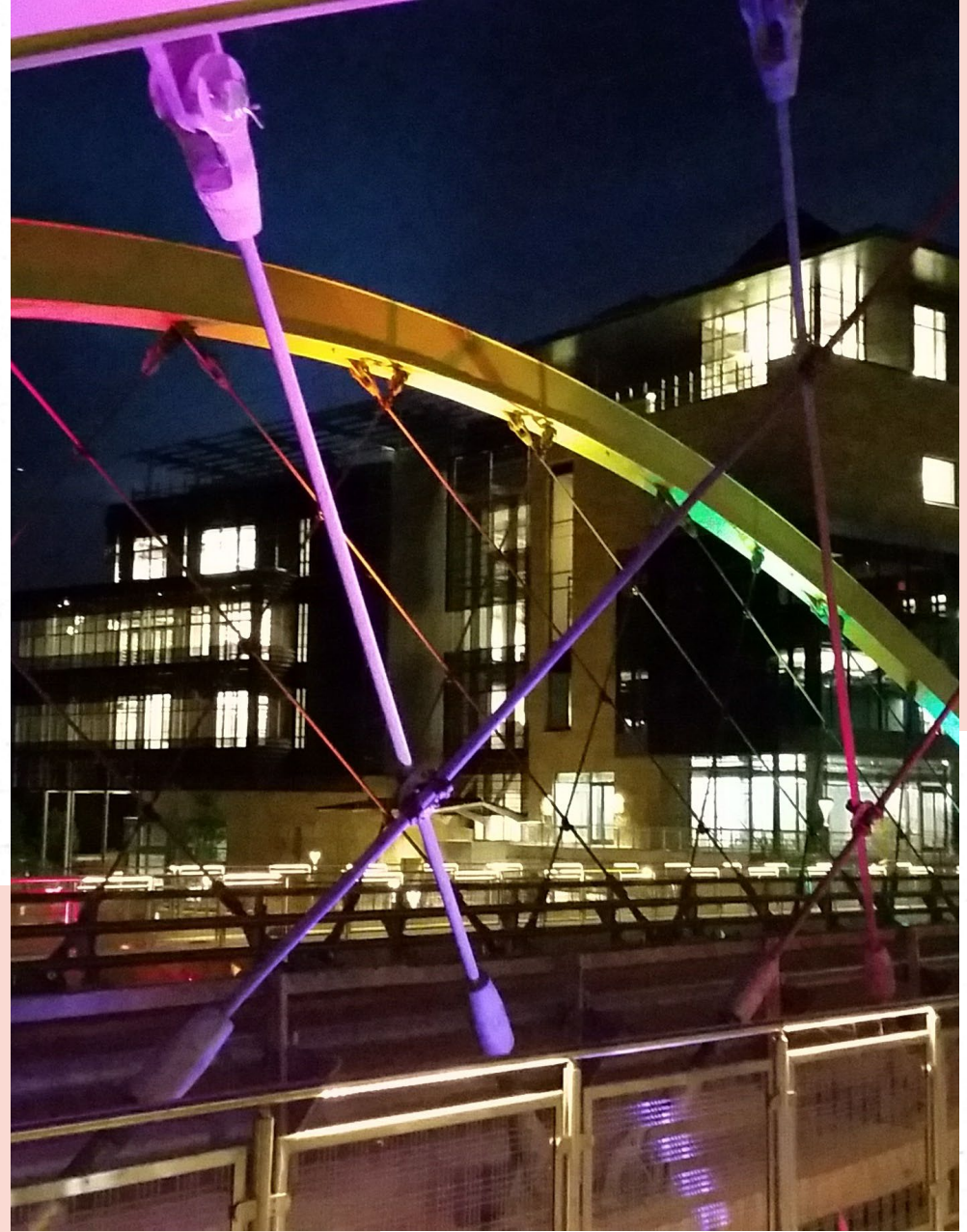
Bidding Process: (4-5 months) with a goal of 130 days from issuance to execution.



IFB Process

A bid is a formal, binding document used to obtain pricing from vendors for a specific period of time. It contains complete specifications of the goods or services requested by the organization. A bid also includes payment terms, delivery requirements, and other conditions that define the scope of the purchase. Bids are used to establish contracts for the organization for services.

In practice, An Invitation To Bid is binding to both the service provider and the customer. There are usually strict controls imposed that include the number of bidders, who is asked to bid, when the bid is opened and the basis for the award.



Solicitation Content

Include instruction and information concerning submission requirements:

- Time and date set for receipt of bids
- Address to which bids are to be delivered
- Maximum time for bid acceptance
- Any additional special information



State Statute

The Invitation for bid process is used to procure construction services (general contractor). The Invitation for Bid solicitation method is prescribed by State Statute 252.043(d) which states “. . . the contract must be awarded to the lowest responsible bidder . . . and the “Bidder’s past experience and safety record may be considered.”

IFB Defined

Inviting and obtaining bids from competing sources in response to an advertised competitive specification through the issuance of an Invitation for Bid (IFB) by which an award is made to the lowest and best bidder meeting the specifications and does not include discussions or negotiations with bidders.

Bidding Process and Review of Bidder Experience

Issuing The Solicitation

- Solicitation issued through Austin Finance Online to include bidding and contract documents, plans, specifications, and MBE/WBE goals
- Solicitations are open for 3-8 weeks, including 2 consecutive advertisements in the Austin-American Statesman
- Pre-Bid meeting to review solicitation requirements and answer bidder's questions
- Questions answered and addenda or clarification documents issued if needed

Submitting a Bid

- Bidders may submit bids online through Austin Finance Online eResponse, or in-person
- Items required with bid:
 - Completed bid form with unit or lump sum pricing
 - Bid bond
 - MBE/WBE Compliance Plan
- Bids opened and read aloud (virtual)



Considerations for New IDIQ Solicitations



IDIQ Review Committee required for new solicitations to discuss whether the methodology is appropriate, authorization amounts per term as low as possible to promote bidding competition but large enough to accomplish the work

Maximum duration including all extension options is 5 years (initial 2-year term with three 1-year extension options, or initial 1-year term with four 1-year extension options)

- Since IDIQs are procured as an invitation for bid, the original contract amount can't be exceeded by more than 25%
- We can return to Council to increase the total contract amount by up to 25% of the original contract amount, but we cannot extend the contract time or add extension options
- We should not significantly change the scope of an IDIQ, but can add unit priced items during the work assignment process by change order
- Can execute an extension option early to access additional funds but will lose overall contract time



Bid Process Review



Bid Review

- Items required after bid opening from the 3 lowest bidders:
 - Certificate of non-suspension or debarment
 - Title VI Assurances
 - Section 00400 Statement of Bidders Experience
 - Section 00410 Safety Experience

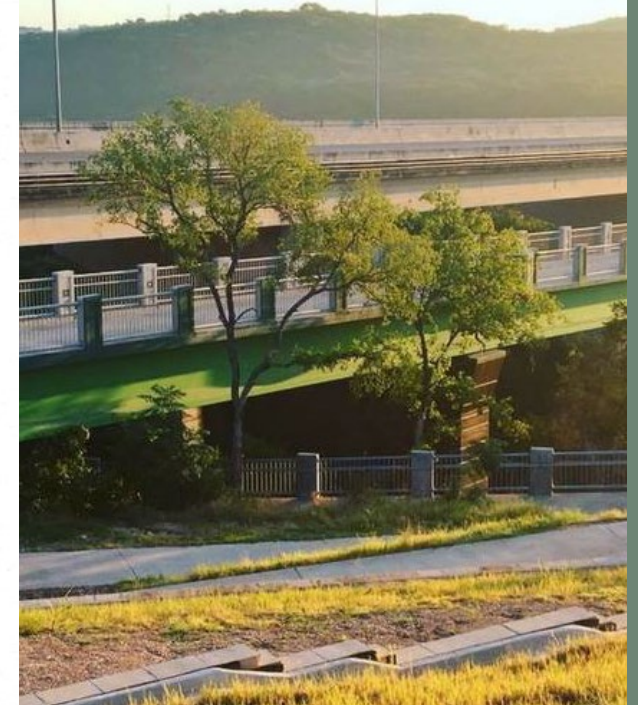


SMBR review of MBE/WBE compliance plan

- Three lowest bidders reviewed for responsiveness and compliance with the MBE/WBE requirements
- After bid opening, Capital Contracting provides the MBE/WBE Compliance Plans of the three lowest bidders to SMBR for review.
- Bidder's compliance plan must show that they either meet the solicitation goals or have made good faith efforts
- If not, SMBR sends a memo to Capital Contracting finding the bidder non-compliant
- Capital Contracting sends a non-responsive letter based on SMBRs determination and moves to the next low bidder

Contractor Performance Evaluation

- Capital Contracting maintains performance evaluations for work that contractors have completed for the City over the past five years.
- Capital Contracting sends the low bidder average score to the project manager while bids are being reviewed.
- Poor performance on previous City projects as documented in past performance evaluations may result in rejection of a bid.



Statement of Bidder's Experience Section 00400:

- Used in construction Invitation for Bid solicitations, obtained from the 3 lowest bidders to determine the "lowest responsible bidder" per Texas Local Government Code 252
- Allows the City to review the Bidder's past experience, key personnel, available equipment, workforce, and workload to determine if the Bidder is responsible
- Included in most construction Invitation for Bid solicitations and developed by City Project Manager and/or Consulting Engineer/Architect, required for solicitations >\$2M, facility/building construction, optional for solicitations <\$2M



Construction Training Program Section 00840

Section 00840 is included in the solicitation providing the construction training program requirements for the project.

Requirements vary by solicitation size and type.

Contractor provides training plan before project notice to proceed

Construction Performance Measures

- Solicitation to Contract Execution, schedule for 130 days or less
- Change orders, encumber and process within 2 business days of receipt, perform compliance review within 7 business days of receipt and will provide findings report if necessary
- IDIQ Work Assignments and change orders, process within 4 business days of receipt



Upcoming IFB /IDIQ Solicitations

For more information on the City of Austin's IFB /IDIQ program, you may review our program website:

[Construction Services Division | AustinTexas.gov](https://www.austintexas.gov/ConstructionServices)



Upcoming Projects can be reviewed and downloaded below:

[Upcoming Projects | AustinTexas.gov](https://www.austintexas.gov/UpcomingProjects)



Capital Contracting Contact Information

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Invitation For Bid and Indefinite Quantity / Indefinite Delivery

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Questions?

Join Us!

We have some exciting opportunities coming up!

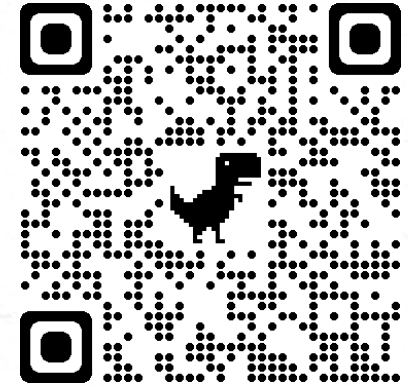


CIP Partners Academy

Join us for our next CIP Partners Academy class on May 18, 2022

- Session 1 - 10 am, Rotation List Contracting
- Session 2 - 11 am, Design – Build Contracting

Register at www.austintexas.gov/departments/cip-partners-academy



Joining us for today's Session 2 - The Construction Training Program? Stick around! If not, we'll see you May 18th!

Thank You

