

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL.**

ORDINANCE

**EXPANDING THE AUTHORITY OF THE DIRECTOR OF THE
TRANSPORTATION AND CAPITAL IMPROVEMENTS
DEPARTMENT TO USE THE COMPETITIVE SEALED PROPOSAL
(CSP) ALTERNATE DELIVERY METHOD AND PROJECT DELIVERY
METHOD FOR COMPLEX HORIZONTAL (ROADWAY AND
DRAINAGE) PROJECTS THAT EXCEED \$1.5 MILLION AND MEET
CERTAIN DEPARTMENTAL CRITERIA.**

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WHEREAS, in 2011, the Texas Legislature amended Section 252.021 of the Local Government Code providing cities the option to comply with competitive bidding requirements of Chapter 252 by use of an alternative delivery method for projects involving an improvement to real property, including the Competitive Sealed Proposal (CSP) method, as described in Government Code Chapter 2269, as re-designated in 2013; and

WHEREAS, before an alternate delivery method may be used by the City, Government Code Section 2269.056 requires the City Council to determine which alternative methods will produce the best value for the City; and

WHEREAS, City Council has previously authorized use of alternate construction project delivery methods, such as the Design Build and CSP methods for City facility projects approved in the 2003 Bond Program (Ordinance 98358; October 23, 2003) and, in 2007, the Construction Manager at Risk alternative delivery method for the Terminal Expansion Project at the San Antonio Airport (Ordinance 2007-02-01-0127); and

WHEREAS, the City has not in the past utilized the CSP method for street construction projects greater than \$1.5 million; and

WHEREAS, it is anticipated that a CSP procurement method will produce the best value for the City by providing the City greater flexibility to choose contractors that can provide maximum quality on construction projects where time, flexibility or innovation is critical and that can minimize disruption to businesses and the general public; and

WHEREAS, with approval of City Council, this ordinance will expand the authority of the Director of the Transportation and Capital Improvements Department (TCI) to use the CSP alternate delivery method and project delivery method specifically for complex horizontal (roadway and drainage) projects that exceed \$1.5 million; and

WHEREAS, it is now necessary to designate the competitive sealed proposal method as an alternative delivery method that will produce the best value for the City to authorize its use in

accordance with Government Code Chapter 2269 and to identify project criteria as guidance for use of this alternate delivery method; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Director of TCI is hereby authorized to use the competitive sealed proposal alternative delivery method, as may be regulated and limited by Government Code Chapter 2269, and to make decisions regarding acceptable project types for this alternate delivery method.

SECTION 2. It has been found and declared that the Competitive Sealed Proposal method will produce the best value for the City and may be used for projects: (1) where the location of project is heavy commercial, historic, downtown, a business district, a high impact area, a heavy pedestrian/tourism area, a major corridor, entails high impact stakeholders, or a complicated utility corridor; (2) which have critical time elements or milestones; (3) which are complex in scope, thereby requiring high skill level in craftsmanship, complex design, or in complex utility corridors; (4) which have a high potential impact to the public, stakeholders or businesses; (5) that are located within a constrained work area; or (6) located in an environmentally sensitive area.

SECTION 3. This ordinance is effective immediately upon passage by eight affirmative votes; otherwise it is effective on the tenth day after passage.

PASSED and APPROVED this ____ day of _____, 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney