



CITY OF SAN ANTONIO  
**PUBLIC WORKS  
DEPARTMENT**

# Briefing on Responsible Bidder's Ordinance

## **Audit & Accountability Committee**

**Tuesday, December 6, 2022**

Razi Hosseini, P.E., R.P.L.S., Director/City Engineer

# Background

- On March 17, 2021 Councilmember Melissa Cabello Havrda issued a Council Consideration Request (CCR) requesting the development of a process that can be used to determine a contractor's ability to perform additional "low bid" contract work for the City to not hire contractors that:
  - Perform poorly and are not able to complete contracts in a timely manner; and,
  - Other lawful criteria at the City's disposal.
- Chapter 252 Section 252.0436 provides by ordinance that the City may establish regulations permitting City to refuse to enter into a contract or other transaction with a person indebted to the City.
- Public Works, Finance and City Attorney's Office worked together to create an ordinance and refined process on establishing criteria for purpose of determining who is Responsible Bidder and provides best value for the City.

# Ordinance

Establishing responsible bidder and best value criteria and authorizing the city to refuse to enter into a contract or other transaction with a person deemed not a responsible bidder.

# Criteria

Awarding contracts or entering into agreements with contractors:

- Not indebted to the City
- Not involved in any active frivolous claim or litigation against the City
- Does not fail to disclose a violation of criminal law
- Has not had previous contract terminated
- With a history of performing contractual obligations (i.e. quality and timely work)

# Project Evaluation Scorecards



## Contractor Scorecard

- Completed by City Project Staff

## City Staff & Consultant Scorecard

- Completed by Contractor

- Evaluation criteria tailored to meet the scale (size), project type and duration of the project.
- Evaluation will be done by:
  - Project Manager/Team
  - Contractor
- Evaluation scorecard(s) reviewed with Contractor prior to start of work.

# Contractor Scorecard

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Evaluation Criteria To Be Completed By City Project Staff

# Contract Requirements

## 20%



- Bond & Insurance
- Subcontractor Utilization Plan
- Baseline Construction Schedule
- Compliance with General Conditions
  - Timely Submission of Change of Subcontractors
  - Prevailing Wage Requirements Compliance
  - Obtaining Utility & Required Permits
  - (As Applicable) Field Office Requirements
  - (As Applicable) Soil Relocation Requirements

# Schedule

## 20%



- Timely Submission to Accurate Monthly Schedule
- Adequate Resources to Meet Project Schedule
- Complete Critical Path (Sequence of Work) and Milestones As Scheduled
- Prompt and Proper Notification of Delays (Submission of TIA)

## Budget

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### 10%



- Timely Processing of Payments
- Timely Payment to Subcontractor(s) & Supplier(s)
- Expedited Negotiations and Approval for Additional Work (Change Orders)

# Quality

## 20%



- Maintaining a Clean & Safe Work Site
- Appropriate Implementation & Maintenance of Traffic Control Plan & Devices
- Proper Installation and Maintenance of Access for Impacted Residents & Businesses
- Meeting Specification Requirements and Standards
- Management of Subcontractor(s)

# Responsiveness

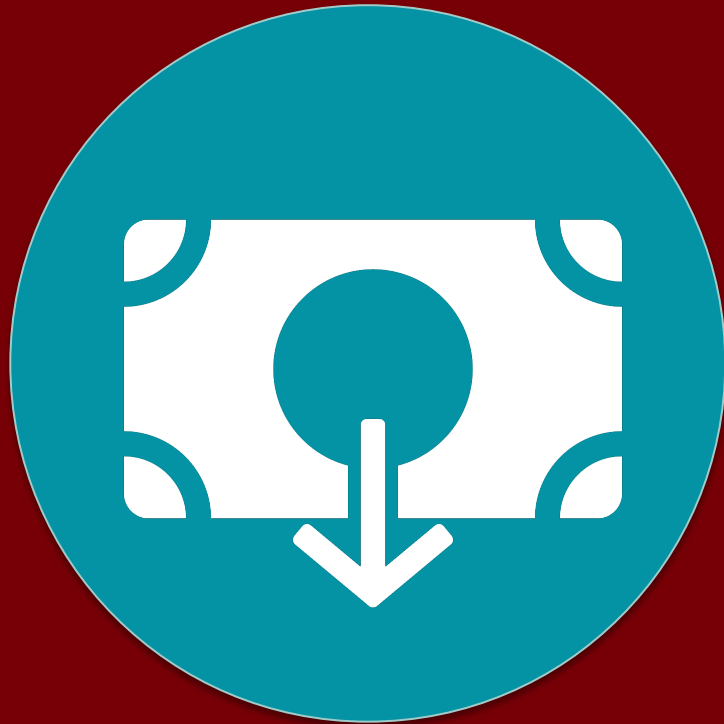
## 20%



- Appropriate and Timely Resolution to City Project Team and Public Concerns
- Timely Notification to City Team of Issues that May Have a Negative Impact to the Project
- Adequate Preparations for Inclement Weather
- Timely Response for Project Related Issues

# Project Close Out

## 10%



- Completion of Punch List
- Timely Submission of Required Project Documents
- Completion of Payment to Subcontractors
- Submission of Accurate Documentation for Retainage Release

# **City Staff & Consultant Scorecard**

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Evaluation Criteria To Be Completed by Contractor

# Responsiveness

## 40%



- Timely Contract Award & Issuance of Notice to Proceed
- Timely Resolution of Project Related Issues
- Timely Processing of Change Order(s)
- Timely Response to Requests of Information (RFIs) and Submittals

# Issue Resolution & Payments

## 20%



- Proper Escalation of Issues to City Management for Decision Making
- Assisting Contractor to Resolve Any Utility Issues
- Timely Processing of Payments
- Timely Release of Retainage

# Consultant

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## 40%



- Quality of Construction Plan(s) and Contract Document(s)
- Timely Resolution of Project Related Issues
- Timely Processing of Change Order(s)
- Timely Response to Requests for Information (RFIs) and Submittals

# Timeline

- **On-Going** - Continued Coordination with Finance and City's Attorney's Office
- **Spring 2022** – Solicited feedback from Associated General Contractors (AGC)
- **November 2022** – Briefed Small Business Economic Development Advocacy (SBEDA) Committee.
- **December 2022** – Brief Audit & Accountability Committee and finalize Responsible Bidders Ordinance with provided feedback.
- **January/February 2023** – City Council A – Session for City Council Consideration.

# **Audit & Accountability Committee**



## **Responsible Bidder's Ordinance Briefing**

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