



City Council A-Session

Item 32 - Responsible Bidder's Ordinance for Low-Bid Construction Contracts

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

Purpose of Ordinance



Continue to work with qualified contractors that consistently perform quality work.

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 for low-bid construction contracts.



Who Ordinance Applies To?

Contractors for low-bid construction contracts.

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 Team

Project Team & Consultant Scorecard

- Completed by Contractor

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

Scorecards



Contractor Scorecard

20%	Contract Requirements
20%	Schedule
10%	Budget
20%	Quality
20%	Responsiveness
10%	Project Close-Out

City Project Team & Consultant Scorecard

40%	Responsiveness
10%	Issue Resolution
10%	Payments
40%	Consultant (Quality, Responsiveness & Issue Resolution)

Scorecard Resulting in “Not a Responsible Bidder”



- Firm with a history of poor performance of its contractual obligations, including any noncompliance with project requirements.
- City project scorecards rated below 70% within the past 3 years.
- Time Out Phase:
 - 3 Years
 - Provide Operation Improvement Plan

Recommendation

Approving this ordinance establishing responsible bidder criteria and authorizing the City to refuse to enter into a contract or agreement with a firm deemed not a responsible bidder for low-bid construction contracts.

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