

Nielda Cavazos

From: Noe Montez [noe.montez@co.hidalgo.tx.us]
Sent: Wednesday, July 06, 2011 4:20 PM
To: 'Nielda Cavazos'

Just to follow up on our conversation related to the Pct. 1 New Constables offices.... Please be advised that Pct. 1 is requesting the following: S.O.Q's

Constables Pct. 1 new building:

Civil Eng:

1. Guzman & Munoz
2. Dannenbaum Engineering
3. Rodriguez Engineering

Construction Project Manager

1. Dannenbaum Engineering
2. G.A.S. Enterprises
3. Sam Engineering

Thanks in advance for your assistance.....

Noe Montez, CPM
Director Of Management Support
1902 Joe Stephens Ave
Weslaco, Tx 78596

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AI-27364

15.B.2.

Hidalgo County Precinct No. 1 Constable New Building (Construction Management Services)

CC REGULAR

Date: 07/12/2011
Submitted By: Nielda Cavazos, PURCHASING DEPT.
Submitted For: Nielda Cavazos
Department: PURCHASING DEPT.
Agenda Category: Purchasing Department

Sub-category: Prct. 1

Information

CAPTION

- a. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024 (A) (4) a professional construction management services;
- b. Presentation of scoring grid (for the purpose of ranking by CC) of the firms graded and evaluated through the County's approved "pool" of Construction Management Services for: Hidalgo County Precinct No.1 Constable New Building

Evaluators	SAMES	Dannenbaum Engineering	G A S Enterprises
Evaluator 1	91	93	96
Evaluator 2	85	90	93
Evaluator 3	88	97	95
Total	176	280	284
Average	88	93	94.67
Ranking	3	2	1

c. Authority for the Purchasing Department to negotiate a professional (Construction Management Services) contract with the No. 1 ranked firm of G.A.S. Enterprises for the provision of: Hidalgo County Precinct Constable Precinct No.1 new building

BACKGROUND

Scoring Grid will be provided in Court

Fiscal Impact

FISCAL YEAR: 2011

ACCT. #: 1-1336-421-00-220-042-0-720

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?:

BUDGETARY IMPACT:

Available balance as of 6-30-11 \$504,172.77; additional funding, as needed, will be in place once contract negotiations are completed and final contract is approved by CC and executed.

Memo

Attachments

Link: [email](#)

Link: [Grid](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
1	Purchasing Department (Originator)	Nielda Cavazos	06/30/2011 11:53 AM	APRV
2	Budget & Management	Merlen P. Munoz	06/30/2011 01:02 PM	APRV
3	Ivan Cantu	Ivan Cantu	06/30/2011 02:25 PM	APRV
4	Auditor's Office	Monica Badillo	07/06/2011 11:51 AM	APRV
5	Purchasing Department (Originator)	Marty Salazar	07/07/2011 05:19 PM	APRV
6	Auditor's Office	Arcilia Duran	07/08/2011 01:57 PM	APRV
7	Martha Salazar	Marty Salazar	07/08/2011 03:09 PM	APRV
Form Started By: Nielda Cavazos			Started On: 06/30/2011 11:36 AM	
Final Approval Date: 07/08/2011				

Evangelina Garcia

From: Evangelina Garcia [evangelina.garcia@co.hidalgo.tx.us]
Sent: Thursday, July 14, 2011 4:20 PM
To: 'Joel Quintanilla'; 'Eduardo Gonzalez'; 'gas107@aol.com'; 'Edo'; 'Moises Salazar'; 'Noe Montez'; 'hccp1@co.hidalgo.tx.us'; 'leticia.saenz@co.hidalgo.tx.us'; 'Richard Sunday'; 'Oscar Garza'
Cc: 'Martha Salazar'; 'Darlene Betancourt'
Subject: FW: Negotiation Meeting Schedule-Construction Management Services For "Design and Construction Of A New Constable Building Project"

Let this serve as a formal notice of the **re-schedule** of date and time of the **negotiation meeting for the Construction Management Services** in connection to the "Design and Construction Of A New Constable Building" project, as per request from Precinct No. 1 due to an unforeseen matter.

Meeting will be at **11:00 AM, Wednesday, July 20, 2011**, same place, Precinct No. 1's Conference Room, located at 1902 Joe Stevens Avenue in Weslaco.

Please call me should there be any questions and or concerns regarding this notice.

Vangie Y. Garcia, Contract's Manager
2802 S. Business Hwy. 281
New Administration Building
Edinburg, Texas 78539
(956) 292-7000-Extension 4856
email: evangelina.garcia@co.hidalgo.tx.us

From: Eduardo Gonzalez [mailto:Eduardo.gonzalez@co.hidalgo.tx.us]
Sent: Thursday, July 14, 2011 3:57 PM
To: 'Evangelina Garcia'
Subject: RE: Negotiation Meeting Schedule-Construction Management Services For "Design and Construction Of A New Constable Building Project"

Vangie,

What is the possibility of rescheduling tomorrow's meeting until (Wednesday) July 20,2011. Same time, same place.

Please advise,

Eddy

From: Evangelina Garcia [mailto:evangelina.garcia@co.hidalgo.tx.us]
Sent: Thursday, July 14, 2011 9:51 AM
To: 'Joel Quintanilla'; 'Eduardo Gonzalez'; 'Edo'; 'gas107@aol.com'; 'Richard Sunday'; 'Moises Salazar'; 'leticia.saenz@co.hidalgo.tx.us'; 'Noe Montez'; 'avilacele@yahoo.com'; 'hccd1@co.hidalgo.tx.us'
Cc: 'Martha Salazar'; 'Darlene Betancourt'
Subject: Negotiation Meeting Schedule-Construction Management Services For "Design and Construction Of A New Constable Building Project"

Let this serve as a formal request to attend a negotiation meeting for the Construction Management Services in connection to the "Design and Construction Of A New Constable Building" project.

Purchasing Department has requested and reserved Precinct No. 1's Conference Room for said meeting.

Meeting will be at 11:00 AM, July 15, 2011 at Precinct No. 1's Conference Room, located at 1902 Joe Stevens Avenue in Weslaco.

Please call me should there be any questions and or concerns regarding this notice.

Thank you

*Vangie Y. Garcia, Contract's Manager
2802 S. Business Hwy. 281
New Administration Building
Edinburg, Texas 78539
(956) 292-7000-Extension 4856
email: evangelina.garcia@co.hidalgo.tx.us*

Rocio Villarreal

From: Martha Salazar [martha.salazar@co.hidalgo.tx.us]
Sent: Monday, July 18, 2011 3:36 PM
To: 'ramon garcia'; 'The Honorable Hector Tito Palacios, Commissioner, Precinct No. 2'; 'The Honorable Jose M. Flores, Commissioner, Hidalgo County Precinct No. 3'; 'Joseph Palacios'; valde.guerra@co.hidalgo.tx.us; 'Sergio Cruz'; sheriff.trevino@hidalgo.org; avilacele@yahoo.com
Cc: 'Yolanda Chapa'; 'Raul Lozano'; 'Raul Silguero'; 'Mona'; mingo.villarreal@co.hidalgo.tx.us; marcos.lopez@co.hidalgo.tx.us; monica.badillo@co.hidalgo.tx.us; Anacleto.Martinez@hidalgo.org; 'Rocio Villarreal'; 'Moises Salazar'; darlene.betancourt@co.hidalgo.tx.us
Subject: FW: Current Construction Manager Contracts for Sheriff's Sub-station and Constable in Pct. #1
Attachments: FW: C-11032B-06-14 Prodigy Construction Management LLC (26.7 KB); 2011-056-Pool of Construction Management Services (86.8 KB); Texas Local Government Code Section 271-117 and 118 Construction Manager... (45.1 KB)
Importance: High

From: Martha Salazar [mailto:martha.salazar@co.hidalgo.tx.us]
Sent: Monday, July 18, 2011 3:14 PM
To: 'joel.quintanilla@co.hidalgo.tx.us'; 'eduardo.gonzalez@co.hidalgo.tx.us'
Cc: 'Rocio Villarreal'; 'darlene.betancourt@co.hidalgo.tx.us'; 'Moises Salazar'
Subject: Current Construction Manager Contracts for Sheriff's Sub-station and Constable in Pct. #1
Importance: High

Commissioner Quintanilla:

You called and inquired about the agreements for construction manager services in connection with the design and construction for both the Sheriff's Sub-station and Constable in Precinct #1. As I understand (from your description and desire), you would prefer (due to significant potential cost savings) that the conventional construction (e.g. general contractor) be replaced with the construction manager taking charge of all the trades and services and building out both projects. The Sheriff's sub-station project has a finalized contract attached for your review and comment with Prodigy Construction Management Services, LLC. I have also included the scopes of services that are detailed in the County's original procurement packet for the development of an "approved" pool of construction management service providers. On the other hand, for the Constable's New Offices, we are in negotiations with the number-one ranked firm of GAS Enterprises. The scope of services will be modeled from the original services detailed in the RFQ for Construction Management Service Providers as per Texas Local Government Code, Chapter 271, Section .117.

However, none of the services listed in the County's procurement packet provide for the services for Construction Manager at Risk (which appears to be what you are recommending). I am attaching the statute for CMAR under Texas Local Government Code, Chapter 271, Section .118. To date, Commissioner's Court has not selected this method of construction but rather conventional construction (i.e. an architect to design and a bid for a general contractor to construct). At this point, the finalized contract between Hidalgo County and Prodigy cannot be amended to convert the scope of work to CMAR. In the project for the design and construction of a constable's new office building, CC would need to cease negotiations with the number one ranked vendor, GAS Enterprises, cancel the project and change the method of construction to CMAR and follow the procurement of same under Chapter 271.118.

We await your comments and direction. IF you require any further information or assistance regarding this matter, please do not hesitate to contact us.

**Yours truly,
Marty**

Martha L. Salazar, CPPB
Hidalgo County Purchasing Agent
2812 S. Bus Hwy 281
Edinburg, Tx 78539
956-292-7000 Ext 4862
956-318-2629 Fax
martha.salazar@co.hidalgo.tx.us

Sec. 271.117. CONTRACTS FOR FACILITIES: CONSTRUCTION
MANAGER-AGENT. (a) A governmental entity may use the construction manager-agent method for the construction, rehabilitation, alteration, or repair of a facility. In using that method and in entering into a contract for the services of a construction manager-agent, a governmental entity shall follow the procedures prescribed by this section.

(b) A construction manager-agent is a sole proprietorship, partnership, corporation, or other legal entity that provides consultation to the governmental entity regarding construction, rehabilitation, alteration, or repair of the facility. A governmental entity using the construction manager-agent method may, under the contract between the governmental entity and the construction manager-agent, require the construction manager-agent to provide administrative personnel, equipment necessary to perform duties under this section, and on-site management and other services specified in the contract. A construction manager-agent represents the governmental entity in a fiduciary capacity.

(c) Before or concurrently with selecting a construction manager-agent, the governmental entity shall select or designate an engineer or architect who shall prepare the construction documents for the project and who has full responsibility for complying with Chapter 1001 or 1051, Occupations Code, as applicable. If the engineer or architect is not a full-time employee of the governmental entity, the governmental entity shall select the engineer or architect on the basis of demonstrated competence and qualifications as provided by Section 2254.004, Government Code. The governmental entity's engineer or architect may not serve, alone or in combination with another person, as the construction manager-agent unless the engineer or architect is hired to serve as the construction manager-agent under a separate or concurrent procurement conducted in accordance with this subchapter. This subsection does not prohibit the governmental entity's engineer or architect from providing customary construction phase services under the engineer's or architect's original professional service agreement in accordance with applicable licensing laws.

(d) A governmental entity shall select a construction manager-agent on the basis of demonstrated competence and qualifications in the same manner as provided for the selection of engineers or architects under Section 2254.004, Government Code, except that notice must be published as provided by Section 271.112(d).

(e) A governmental entity using the construction manager-agent method shall procure, in accordance with applicable law, a general contractor, trade contractors, or subcontractors who will serve as the prime contractor for their specific portion of the work.

(f) The governmental entity or the construction manager-agent shall procure in accordance with Section 2254.004, Government Code, all of the testing of construction materials engineering, the inspection services, and the verification testing services necessary for acceptance of the facility by the governmental entity.

Added by Acts 2001, 77th Leg., ch. 1409, Sec. 5, eff. Sept. 1, 2001.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.793, eff. Sept. 1, 2003.

Sec. 271.118. CONTRACTS FOR FACILITIES: CONSTRUCTION MANAGER-AT-RISK. (a) A governmental entity may use the construction manager-at-risk method for the construction, rehabilitation, alteration, or repair of a facility. In using that method and in entering into a contract for the services of a construction manager-at-risk, a governmental entity shall follow the procedures prescribed by this section.

(a-1) In this section "facility" means an improvement to real property.

(b) A construction manager-at-risk is a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for construction, rehabilitation, alteration, or repair of a facility at the contracted price as a general contractor and provides consultation to the governmental entity regarding construction during and after the design of the facility.

(c) Before or concurrently with selecting a construction manager-at-risk, the governmental entity shall select or designate an engineer or architect who shall prepare the construction

documents for the project and who has full responsibility for complying with Chapter 1001 or 1051, Occupations Code, as applicable. If the engineer or architect is not a full-time employee of the governmental entity, the governmental entity shall select the engineer or architect on the basis of demonstrated competence and qualifications as provided by Section 2254.004, Government Code. The governmental entity's engineer, architect, or construction manager-agent for a project may not serve, alone or in combination with another, as the construction manager-at-risk unless the engineer or architect is hired to serve as the construction manager-at-risk under a separate or concurrent procurement conducted in accordance with this subchapter.

(d) The governmental entity shall provide or contract for, independently of the construction manager-at-risk, the inspection services, the testing of construction materials engineering, and the verification testing services necessary for acceptance of the facility by the governmental entity. The governmental entity shall select those services for which it contracts in accordance with Section 2254.004, Government Code.

(e) The governmental entity shall select the construction manager-at-risk in either a one-step or two-step process. The governmental entity shall prepare a request for proposals, in the case of a one-step process, or a request for qualifications, in the case of a two-step process, that includes general information on the project site, project scope, schedule, selection criteria, estimated budget, and the time and place for receipt of proposals or qualifications, as applicable, and other information that may assist the governmental entity in its selection of a construction manager-at-risk. The governmental entity shall state the selection criteria in the request for proposals or qualifications, as applicable. The selection criteria may include the offeror's experience, past performance, safety record, proposed personnel and methodology, and other appropriate factors that demonstrate the capability of the construction manager-at-risk. If a one-step process is used, the governmental entity may request, as part of the offeror's proposal, proposed fees and prices for fulfilling the general conditions. If a two-step process is used, the governmental entity may not request fees or prices in step one. In step two, the governmental entity may request that five or fewer offerors, selected solely on the

basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and its price for fulfilling the general conditions.

(f) At each step, the governmental entity shall receive, publicly open, and read aloud the names of the offerors. At the appropriate step, the governmental entity shall also read aloud the fees and prices, if any, stated in each proposal as the proposal is opened. Not later than the 45th day after the date of opening the proposals, the governmental entity shall evaluate and rank each proposal submitted in relation to the criteria set forth in the request for proposals.

(g) The governmental entity shall select the offeror that submits the proposal that offers the best value for the governmental entity based on the published selection criteria and on its ranking evaluation. The governmental entity shall first attempt to negotiate a contract with the selected offeror. If the governmental entity is unable to negotiate a satisfactory contract with the selected offeror, the governmental entity shall, formally and in writing, end negotiations with that offeror and proceed to negotiate with the next offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked offerors end.

(h) A construction manager-at-risk shall publicly advertise, as prescribed for a governmental entity under Section 271.025, and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions. A construction manager-at-risk may seek to perform portions of the work itself if the construction manager-at-risk submits its bid or proposal for those portions of the work in the same manner as all other trade contractors or subcontractors and if the governmental entity determines that the construction manager-at-risk's bid or proposal provides the best value for the governmental entity.

(i) The construction manager-at-risk and the governmental entity or its representative shall review all trade contractor or subcontractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, engineer, architect, or governmental entity. All bids or proposals shall be made public after the award of the contract or not later than the

seventh day after the date of final selection of bids or proposals, whichever is later.

(j) If the construction manager-at-risk reviews, evaluates, and recommends to the governmental entity a bid or proposal from a trade contractor or subcontractor but the governmental entity requires another bid or proposal to be accepted, the governmental entity shall compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum cost for any additional cost and risk that the construction manager-at-risk may incur because of the governmental entity's requirement that another bid or proposal be accepted.

(k) If a selected trade contractor or subcontractor defaults in the performance of its work or fails to execute a subcontract after being selected in accordance with this section, the construction manager-at-risk may, without advertising, fulfill the contract requirements itself or select a replacement trade contractor or subcontractor to fulfill the contract requirements.

(l) If a fixed contract amount or guaranteed maximum price has not been determined at the time the contract is awarded, the penal sums of the performance and payment bonds delivered to the governmental entity must each be in an amount equal to the project budget, as specified in the request for qualifications. The construction manager shall deliver the bonds not later than the 10th day after the date the construction manager executes the contract unless the construction manager furnishes a bid bond or other financial security acceptable to the governmental entity to ensure that the construction manager will furnish the required performance and payment bonds when a guaranteed maximum price is established.

Added by Acts 2001, 77th Leg., ch. 1409, Sec. 5, eff. Sept. 1, 2001.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.794, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1213, Sec. 4, eff. September 1, 2007.

Sec. 271.119. DESIGN-BUILD CONTRACTS FOR FACILITIES. (a) A governmental entity may use the design-build method for the construction, rehabilitation, alteration, or repair of a facility.

In using that method and in entering into a contract for the services of a design-build firm, the contracting governmental entity and the design-build firm shall follow the procedures provided by this section.

(b) The governmental entity shall select or designate an engineer or architect independent of the design-build firm to act as its representative for the duration of the work on the facility. If the governmental entity's engineer or architect is not a full-time employee of the governmental entity, the governmental entity shall select the engineer or architect on the basis of demonstrated competence and qualifications as provided by Section 2254.004, Government Code.

(c) The governmental entity shall prepare a request for qualifications that includes general information on the project site, project scope, budget, special systems, selection criteria, and other information that may assist potential design-build firms in submitting proposals for the project. The governmental entity shall also prepare a design criteria package that includes more detailed information on the project. If the preparation of the design criteria package requires engineering or architectural services that constitute the practice of engineering within the meaning of Chapter 1001, Occupations Code, or the practice of architecture within the meaning of Chapter 1051, Occupations Code, those services shall be provided in accordance with the applicable law.

(d) The governmental entity shall evaluate statements of qualifications and select a design-build firm in two phases:

(1) In phase one, the governmental entity shall prepare a request for qualifications and evaluate each offeror's experience, technical competence, and capability to perform, the past performance of the offeror's team and members of the team, and other appropriate factors submitted by the team or firm in response to the request for qualifications, except that cost-related or price-related evaluation factors are not permitted. Each offeror must certify to the governmental entity that each engineer or architect that is a member of its team was selected based on demonstrated competence and qualifications in the manner provided by Section 2254.004, Government Code. The governmental entity shall qualify a

maximum of five offerors to submit additional information and, if the governmental entity chooses, to interview for final selection.

(2) In phase two, the governmental entity shall evaluate the information submitted by the offerors on the basis of the selection criteria stated in the request for qualifications and the results of an interview. The governmental entity may request additional information regarding demonstrated competence and qualifications, considerations of the safety and long-term durability of the project, the feasibility of implementing the project as proposed, the ability of the offeror to meet schedules, costing methodology, or other factors as appropriate. The governmental entity may not require offerors to submit detailed engineering or architectural designs as part of the proposal. The governmental entity shall rank each proposal submitted on the basis of the criteria set forth in the request for qualifications. The governmental entity shall select the design-build firm that submits the proposal offering the best value for the governmental entity on the basis of the published selection criteria and on its ranking evaluations. The governmental entity shall first attempt to negotiate a contract with the selected offeror. If the governmental entity is unable to negotiate a satisfactory contract with the selected offeror, the governmental entity shall, formally and in writing, end negotiations with that offeror and proceed to negotiate with the next offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked offerors end.

(e) Following selection of a design-build firm under Subsection (d), that firm's engineers or architects shall complete the design, submitting all design elements for review and determination of scope compliance to the governmental entity or the governmental entity's engineer or architect before or concurrently with construction.

(f) An engineer shall have responsibility for compliance with the engineering design requirements and all other applicable requirements of Chapter 1001, Occupations Code. An architect shall have responsibility for compliance with the requirements of Chapter 1051, Occupations Code.

(g) The governmental entity shall provide or contract for, independently of the design-build firm, the inspection services, the testing of construction materials engineering, and the verification

testing services necessary for acceptance of the facility by the governmental entity. The governmental entity shall select those services for which it contracts in accordance with Section 2254.004, Government Code.

(h) The design-build firm shall supply a signed and sealed set of construction documents for the project to the governmental entity at the conclusion of construction.

(i) A payment or performance bond is not required for, and may not provide coverage for, the portion of a design-build contract under this section that includes design services only. If a fixed contract amount or guaranteed maximum price has not been determined at the time a design-build contract is awarded, the penal sums of the performance and payment bonds delivered to the governmental entity must each be in an amount equal to the project budget, as specified in the design criteria package. The design-build firm shall deliver the bonds not later than the 10th day after the date the design-build firm executes the contract unless the design-build firm furnishes a bid bond or other financial security acceptable to the governmental entity to ensure that the design-build firm will furnish the required performance and payment bonds when a guaranteed maximum price is established.

Added by Acts 2001, 77th Leg., ch. 1409, Sec. 5, eff. Sept. 1, 2001.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.795, eff. Sept. 1, 2003.