

**TO:** Board of Directors  
Region One Education Service Center

**SUBJECT:** Consider Procurement Method, Selection Criteria, Review and Ranking Committee, Prevailing Wage Rate and Authorization to seek Proposals/bids for Construction Projects

**DATE:** February 27, 2018

**ITEM 14:** Action

**BACKGROUND AND SIGNIFICANT ISSUES:** Texas Education Code 44.031(a) requires the board of an education service center, considering a construction project to determine, before advertising, which method provides the best value for the Center. The Board of Trustees must first consider the method of procurement and the criteria to be used in the selection of a vendor using a method specified by Section 2269; subtitle F, Title 10 of the Government Code.

The Board must also designate the selection committee that will review and rank the bids/proposals, adopt the prevailing wage rate of per diem wages paid to workers, laborers or mechanics for the project and finally authorize administration to seek bids/proposals for the project.

On May 18, 2017, the Board of Directors, during its regular meeting, approved a contract with Gignac and Associates LLP as the Architectural Firm of record for Region One ESC projects as per RFP 16-AGENCY-000005 – Architect Contract.

#### **ADMINISTRATIVE CONSIDERATIONS**

The Board of Trustees must take the following action in accordance with Governmental Code Section 2269.

1. The board must consider the method of delivery that provides the best value for this project. The methods that may be utilized according to policy CU are the following:
  - An interlocal contract. [See CH]
  - Competitive bidding. [See CUA]
  - Competitive sealed proposals. [See CUB]
  - Construction manager-agent method. [See CUC]
  - Construction manager-at-risk method. [See CUD]
  - Design-build method. [See CUE]
  - Job-order contract. [See CUF]

*Education Code 44.031(a); Gov't Code Ch. 2269*
2. Selection criteria for the project must also be considered.
3. The Board must designate the selection committee to evaluate and rank the proposals.
4. The Board, as outlined in Policy CV Legal and Government Code 2258.001, 2288.021 and 2258.022, must adopt the prevailing wage rate of per diem wages paid to workers, laborers or mechanics employed in public work project.

**RELATED GOAL:** To ensure sustainability through effective and efficient fiscal and operational management of all ESC programs.

**COST AND FUNDING SOURCES:** This project will be funded by the fund designated for construction in the ESC budget.

**EXECUTIVE DIRECTOR’S RECOMMENDATION:** Administration recommends approving Competitive Sealed Proposals as the procurement method for the construction of the Project.

Administration recommends using the “Criteria to Consider” as described in Section 2269.055 of the Texas Government Code.

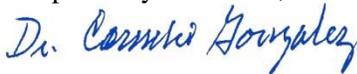
Administration also recommends designating the following nine (9) persons to comprise the evaluation and ranking committee:

- The three (3) Board of Trustees Facilities Committee members
  - Executive Director
  - Deputy Director for Business, Operations & Finance Support
  - Director for Facilities and Operations
  - Project Architect/Engineer
  - Deputy Director for Instructional Support
  - Laredo Extension Office Director
- Purchasing will act as the facilitator for the evaluation and ranking committee.*

Administration also recommends the Board adopt the prevailing wage rate as determined by the United States Department of Labor, more commonly referred to as Davis-Bacon.

Finally, Administration recommends the Board to authorize administration to seek Competitive Sealed Proposals for the construction of the new Conference Center to be located at our ESC in Edinburg.

Respectfully submitted,



Dr. Cornelio Gonzalez  
Executive Director

Staff Responsible: Dr. Cornelio Gonzalez, Executive Director  
Connie Lopez, Deputy Director for Business, Operations & Finance Support  
D. Mark Wallace, Director for Facilities and Operations  
Lori Ramos, Purchasing Coordinator

Attachments: Selection Criteria to Consider Sec. 2269.055

**Consider Procurement Method, Selection Criteria,  
Review and Ranking Committee, Prevailing Wage Rate and  
Authorization to seek Proposals/bids for Construction Projects**

**Action Taken**

\_\_\_\_\_ made a motion to approve Competitive Sealed Proposals as the procurement method for the construction of the Project.

To approve using the “Criteria to Consider” as described in Section 2269.055 of the Texas Government Code.

To approve designating the following nine (9) persons to comprise the evaluation and ranking committee:

- The three (3) Board of Trustees Facilities Committee members
- Executive Director
- Deputy Director for Business, Operations & Finance Support
- Director for Facilities and Operations
- Project Architect/Engineer
- Deputy Director for Instructional Support
- Laredo Extension Office Director

*Purchasing will act as the facilitator for the evaluation and ranking committee.*

Approve the Board adopting the prevailing wage rate as determined by the United States Department of Labor, more commonly referred to as Davis-Bacon.

Approve the Board to authorize administration to seek Competitive Sealed Proposals for construction projects in Edinburg.

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**Seconded by:** \_\_\_\_\_

**Vote:** \_\_\_\_\_