



Travis County Commissioners Court Agenda Request

Meeting Date: September 9, 2014

Prepared By/Phone Number: John Carr, 854-4772

Dept. Head: Roger A. Elkhoury, M.S., P.E., Director, FMD, 854-4579

County Executive: Leroy Wells, Acting County Executive, PBO, 854-9106

Sponsoring Court Members: County Judge Samuel T. Biscoe

AGENDA LANGUAGE:

Consider and take appropriate action regarding the proposed language in Travis County Professional Service Agreements including for Facilities Management Department projects.

BACKGROUND/SUMMARY OF REQUEST:

The Purchasing Office wants to change the language under paragraph 1.1 of the Professional Service Agreement (PSA) that has been used in the past for Facilities Management Department (FMD) projects. FMD has been in consultation with County Executives, the County Attorney's office and the Purchasing Office regarding these changes that the Purchasing Agent wants to the standard language included in standard PSAs for FMD projects.

The standard language for paragraph 1.1 of the PSA that has been used in the past for FMD managed projects including recently for the design of the Ronald Earle Building is:

- A. "The Director of the Travis County Facilities Management Department, (the "Director") shall act on behalf of the County with respect to any and all services to be performed under this Agreement. The Director shall have complete authority to interpret and define the County's policies and decision with respect to the Consultant's services. The Director has designated a primary Project representative to act on behalf of County with respect to the work to be performed under this agreement (the "County Project Manager". The County Project Manager will supervise the performance of Consultant's services under this Agreement. Consultant must cooperate fully with the County Project Manager in the performance of services under this Agreement."

The Purchasing Agent wanted the following language for paragraph 1.1:

- B. "The Travis County Purchasing Agent has designated a primary Project representative to act on behalf of County with respect to the work to be performed under this Agreement (the "County Project Manager"). The County Project Manager, in consultation with the Director of the Travis County Facilities Management Department (the "Director"), has the authority to interpret and define County's policies and decisions with respect to Consultant's services. The County Project Manager may designate representatives to transmit instructions and receive information. The County Project Manager will supervise the performance of Consultant's services under this Agreement. Consultant must cooperate fully with the County Project Manager in the performance of services under this Agreement."

After discussion between the parties, the following language has been reworded but not approved by all parties:

- C. "Travis County has designated a primary Project representative to act on behalf of County with respect to the work to be performed under this Agreement (the "County Project Manager"). The County Project Manager, in consultation with the Director of Facilities Management Department (the "Director"), has the authority to interpret and define the County's policies with respect to Consultant's services. The County Project Manager may designate representatives to transmit instructions and receive information. The County Project Manager will supervise the performance of Consultant's services under this Agreement. Consultant must cooperate fully with the County Project manager in the performance of services under this Agreement."

STAFF RECOMMENDATIONS:

Facilities Management Department recommends that the Commissioners Court approve the previously used and accepted language for paragraph 1.1 as included at paragraph A. above.

ISSUES AND OPPORTUNITIES:

This language issue needs to be resolved to clarify County roles and responsibilities for Facilities Management projects under Professional Services Agreements.

FISCAL IMPACT AND SOURCE OF FUNDING:

None.

REQUIRED AUTHORIZATIONS:

John Hille, County Attorney's Office, 854-9642