

**1100.2SUBJECT: PROCEDURE - PUBLIC WORKS PROCUREMENT****:1 OBJECTIVE:**

Develop, coordinate and administer the design and construction of public improvements including, but not limited to, streets, highways, curbing, sidewalks, storm and sanitary sewers, lift stations, treatment plants, drainage canals, fire stations, police facilities, recreation centers, parks, playgrounds and parking facilities.

**:2 AUTHORITY:**

This procedure amended by City Council April 12, 2010

**:3 DIRECTION:**

Public Works Director, as an appointed official, serves at the pleasure of the Mayor, and receives direction through the Chief Administrative Officer.

**:4 METHOD OF OPERATION:**

A. City staff, through the appropriate chain of command, or citizens may initiate requests for public improvements for consideration by Mayor and City Council as part of the budget and capital improvement program approvals.

B. For improvements that are initiated by the City, the initiating Department will secure all funding necessary for the design, bidding and construction of the requested improvement(s). The initiating Department will notify the Capital Improvement and Infrastructure Development (CIID) Division Manager to request project and construction management services. CIID personnel will secure the services of a qualified consultant in accordance with Policies and Procedures Manual, Section 133.2. The improvement(s) design will be coordinated with the initiating Department who shall assign a staff member to serve as the point of contact for the Department throughout the design and construction process. A project cost estimate will be prepared upon completion of the preliminary design and presented to the initiating Department to verify that sufficient funding is available for the improvement as designed. Following approval by the initiating Department, CIID personnel will proceed with final design activities. A project cost estimate will be prepared upon completion of the final design and presented to the initiating Department to verify that sufficient funding is available for the improvement(s) as designed. Following approval by the initiating Department, CIID personnel will solicit bids for construction of the improvements.

C. Bids received are evaluated and presented by the Public Works Director to City Council for award of contract. The Public Works Director shall recommend a contingency amount for approval by City Council. The contingency amount shall be used for project change orders and shall not exceed 10% of the bid price without prior approval of the Chief Administrative Officer.

D. Initial Contract documents are executed by the Mayor, following City Council approval, after contractor guarantees performance by submission of valid

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performance and payment bond and executes the contract documents.

E. The Project shall be inspected by Public Works personnel, or consultants working on behalf of Public Works, during the construction period.

F. When submitting the bid to City Council for award, the Public Works Director shall seek authorization to execute construction change orders up to the full amount of the contingency. Change orders shall be related to the original project scope and shall consist of additions, deletions or other revisions brought about by unforeseen conditions or changes in project requirements. Individual change orders in excess of \$50,000 shall be submitted to the Chief Administrative Officer for approval prior to execution. The Public Works Director shall seek City Council approval for any change orders in excess of the approved contingency amount. Change orders for work not directly associated with the original project scope must be submitted to the Chief Administrative Officer for approval prior to execution.

G. Requests for partial and final payments are verified and certified correct by CIID personnel and the Public Works Director, and presented to the Office of Business and Financial Services for payment. Upon completion of the project, the project account shall be closed out as provided in Policies and Procedures Manual Section 410.5.

H. In lieu of procuring a contractor through the bidding process described above, the Public Works Director may choose to award a construction project to a Rapid Response contractor. Rapid Response contractors shall be selected through a competitive bid process and shall be retained for the purpose of providing an expedited response to minor or emergency infrastructure projects. The Public Works Director shall seek authorization from City Council to execute Rapid Response change orders up to an approved dollar value. Any change orders in excess of the previously approved amount shall require City Council approval. The request to use a Rapid Response contractor for a particular project must be submitted to the Public Works Director for prior approval. Funding for Rapid Response change orders shall be provided by the Department requesting the work.

All Rapid Response contractors qualified to perform a particular category of work shall be provided the opportunity to bid on expedited contracts. In the event of an emergency repair requiring immediate attention, the contractor able to respond within the shortest allowable time frame shall be given the award.

I. The CIID fiscal management personnel shall be responsible for tracking the individual and cumulative dollar value of Rapid Response contract awards. CIID shall prepare quarterly reports detailing the dollar value awarded to each contractor and the cumulative amount awarded to that point in time and shall submit such reports to the Director of Public Works for review.

J. In addition, the Public Works Director may deliver a construction project using a Design-Build format. This procurement method involves selecting a Design- Builder, responsible for both the design and construction of the project as a single entity.

The Design-Build firms shall be selected through a qualifications based selection process. Upon receipt of Proposals and approval by the Consultants’ Qualification Board, the Selection Committee and the Design Criteria Professional will review and evaluate the Proposals. A minimum of three Proposers will be “short-listed” based upon the Evaluation Criteria. The Selection Committee will then schedule the “short-listed” Proposers for presentations and interviews. The “short-listed” Proposers will be ranked based upon the Evaluation Criteria after all the presentations and interviews have been completed. The recommended ranking will be presented to City Council to seek approval to begin negotiations for a contract with the highest ranked Proposer. After City Council action, the highest-ranked Proposer will be requested to negotiate design and construction phase contracts with the City. These will be submitted to City Council for approval to enter into a contract. If a contract price cannot be successfully negotiated between the City and the highest ranked Proposer at any time throughout this process, then negotiations will be formally terminated with this Proposer. City staff will then begin to negotiate with the next highest Proposer and proceed in like manner to negotiate a contract price. This process will be continued until a contract price is acceptable to the City, or the City may re-advertise.

NOTE: Project may be authorized by City Council and executed in accordance with provisions of State Statute 170 (Involuntary Assessment of Cost).

- :5 FORMS:  
Final Inspection Report, Bid Tabulation; Construction Agreement; Performance and Payment Bond; Daily Inspection Report
- :6 COMMITTEE RESPONSIBILITIES:  
None.
- :7 REFERENCE:  
City Code Section 2.60-4 to 2.60-6. This procedure adopted by City Council on June 30, 1969, Item 29; amended May 12, 1975, Item 24; reviewed and found current October 24, 1977, Item 13; amended April 10, 1980, Item 10, amended August 16, 1982, Item 29(C); amended September 15, 2003; amended September 15, 2003; amended April 12, 2010, Item A-3.
- 8 EFFECTIVE DATE: April 12, 2010

