

## ORDINANCE C-14-11

### AN ORDINANCE TO AMEND VARIOUS SECTIONS OF PART ONE OF THE CODIFIED ORDINANCES OF GROVE CITY, OHIO TITLED ADMINISTRATIVE CODE

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WHEREAS, under Section 5.14 of the Charter, Council may establish rules for competitive bidding by Ordinance; and

WHEREAS, Section 139.05 of the Grove City Codified Ordinances establishes bidding purchases and procedures, including competitive bidding for the construction of public improvements; and

WHEREAS, "Design-Build" is a project delivery system for improvements to real property by which a person or entity is solely responsible contractually as a contractor to the City for both the design and construction of the improvement, which design and construction may include a performance-based specification established by the City rather than a specific design as an improvement goal; and

WHEREAS, a Design-Build project delivery system is a hybrid of the methods currently set forth in Section 139.05(b) of the Grove City Codified Ordinances; and

WHEREAS, the City desires to establish a specific competitive procedure for implementing the Design-Build project delivery system.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. The City of Grove City hereby establishes a competitive process for contracting for public improvements using the Design-Build project delivery system.

SECTION 2. Section 101.02 is hereby amended to include the following definitions, inserted in alphabetical order:

"Bridging Documents" means a preliminary set of documents developed by the City, or a design professional or other consultant to the City ("Bridging Designer"), that are used to form the basis of the competitive package. The Bridging Documents may include a performance-based specifications established by the City rather than a specific design as an improvement goal and may contain so much specific design as the City Administrator determines is necessary to produce a Request for Proposals for Design-Build Services.

"City Administrator" refers to the City Administrator or his/her designee

"Design-Build Contract" means a project delivery system for improvements to real property by which a person or entity is solely responsible contractually as a contractor to the City for both the design and construction of the improvement, which design and construction may include a performance-based specification established by the City rather than a specific design as an improvement goal.

"Design-Builder" means the persons or entity contracting with the City in the Design-Build contract.

SECTION 3. Section 139.05(f) is hereby added as follows:

(f) Notwithstanding any other provision hereunder, when City Council, by Resolution, determines that a Design-Build project delivery system shall be employed on a public improvement and the estimated cost of the project exceeds \$30,000, the Design-Build contract shall be let as follows:

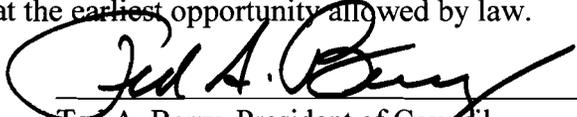
- (1) In addition to the project specific qualifications that the Design-Builder shall meet as set forth in the contract documents for a particular project, every Design-Builder, before entering a contract with the City, must demonstrate the following:
  - A. The architectural services provided under the Design-Build contract shall be provided and performed by an architect registered under Ohio Revised Code Chapter 4703 or by a firm holding a certificate of authorization granted pursuant to Ohio Revised Code Chapter 4703.
  - B. The Design-Builder shall meet the requirements of section 153.70 of the Ohio Revised Code when design-build services are provided to the City.
  - C. The Design Builder shall disclose to the City, in writing, the identity of the architect or architectural firm engaged by and contractually responsible to the Design-builder for project services.
  - D. The Design-Builder and architect shall agree that the architect will have direct supervision of the architectural work and that the architect's services will not be terminated on the project, without the immediate replacement by another architect.
- (2) When the City Administrator determines the need to engage professionals to create Bridging Documents, such engagements shall be Professional Services Contracts not subject to competitive bidding.
- (3) Once the Bridging Documents are complete and incorporated into a Request for Proposals for Design-Build Services, that Request for Proposals shall be advertised in the same manner as the City has, or may establish, for advertising competitive bids.
- (4) The Request for Proposals shall require a project price to be submitted with the Design-Builders' proposals.
- (5) The City Administrator shall evaluate and rank proposers according to the requirements set forth in the Request for Proposals.
- (6) Once ranked, the City Administrator shall negotiate with the first-ranked proposer to ensure that the Design-Build contract meets the best interests of the City.
- (7) Should Grove City fail to reach an agreement with the first-ranked proposer after ranking, it shall end negotiations with that proposer and begin negotiations with the proposer next in the order of rank. Grove City shall continue to negotiate with the proposers in their order of rank until a contract is approved by Council.
- (8) The Bridging Designer shall be eligible to submit a proposal for the Design Build project for which it developed the Bridging Documents.

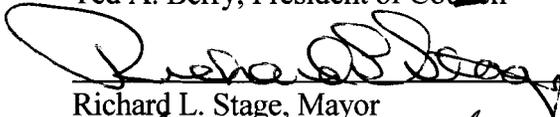
SECTION 3. This Ordinance shall take effect at the earliest opportunity allowed by law.

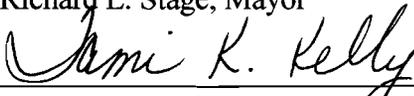
Passed: 04-18-11

Effective: 05-18-11

Attest:

  
\_\_\_\_\_  
Ted A. Berry, President of Council

  
\_\_\_\_\_  
Richard L. Stage, Mayor

  
\_\_\_\_\_  
Tami K. Kelly, MMC, Clerk of Council

  
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Stephen J. Smith, Director of Law

certify that this  
ordinance is correct as to form.