

INTRODUCED BY: Trustees Slama, Fortune, Graves, Whitmore and Eisenhauer

AN ORDINANCE AMENDING THE PURCHASING POLICY, CHAPTER 131, OF THE VILLAGE OF TWIN OAKS MUNICIPAL CODE PERTAINING TO ALTERNATIVE CONSTRUCTION DELIVERY METHODS.

WHEREAS, the Village desires to authorize and adopt provisions governing the use of alternative construction delivery methods to provide opportunity for greater efficiencies between the designer and the builder to create significant savings for the Village in project delivery time and cost.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TWIN OAKS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 131 of the Twin Oaks, Missouri, Village Code is hereby amended by adding a new Section 131.110 to read as follows:

Section 131.110: Alternative Construction Delivery Methods

A. Definitions: For the purposes of this Section 131.110, certain terms and words are hereby defined as follows:

Alternative Construction Delivery Method: Any project delivery method, other than a design-bid-build process, utilized to construct, reconstruct, improve, enlarge, alter, paint and decorate or make major repairs to any fixed work, the performance of which requires the payment of prevailing wage pursuant to state or federal law, including design-build or any other alternative procurement method authorized by law.

Design-build contract: A contract in which the design professional and construction services are contracted by a single entity known as the design-builder, design-build contractor or a variant thereof, and which single entity is responsible for all of the work on the project.

Design Professional Contract: A contract for architectural, engineering or land surveying services relating to the design or construction of buildings, bridges, streets, sewers, viaducts, water mains or any structure or public improvement of any nature whatsoever to be erected upon lands belonging to the village, excluding those contracts in which the design professional services are provided pursuant to a design-build contract.

Qualification Based Selection Process: A solicitation process that includes consideration of the qualifications of anyone responding to a solicitation as the determinative criteria for selection.

Request for proposals: A written invitation by the Village for persons to submit an offer subject to subsequent negotiations with the Village and subject to subsequent additions, deletions, modifications to the request for proposal specifications or any subsequent contract.

Statement of qualifications: A statement submitted by a prospective contractor detailing a prospective contractor's experience, financial capacity, key personnel, and other information pertinent to a particular project.

B. Prerequisite Criteria: In selecting an alternative construction delivery method and awarding a contract, the Village shall consider the following factors:

1. The needs of the Village;
2. Time requirements for the project and potential time saving strategies;
3. The complexity of the project;
4. Estimated project costs;
5. Cost savings to the Village;
6. Private investment and financial contributions that could be leveraged to complete the project;
7. The likelihood that the use of an alternative procurement method will diminish competition for Village contracts; and
8. Any other factor found to be in the Village's best interest.

C. Factors in Determining to Whom to Award a Contract: The Village shall consider the following factors:

1. The cost submitted or proposed by the contractor;
2. The reputation of the contractor;
3. The quality of the contractor's goods or services;
4. Previous relevant experience and technical capabilities of the contractor;
5. The extent to which the contractor's goods or services meet the village's needs;
6. The contractor's past relationship with the village;
7. Any private investment or contribution, financial or otherwise, proposed by the contractor to complete the project; and
8. Any other relevant factor specifically listed in the solicitation of bids or request for proposals.

If the contract is awarded by a party other than the Village pursuant to a cooperative agreement between that party and the Village, the party awarding the contract shall consider, at a minimum, the same factors listed in this subsection.

D. Design professional contracts.

1. A selection shall be made based on the qualification based selection process. A qualification based selection shall be made based upon the statement of qualifications that was required to be submitted and any supplement thereto as requested by the Village.
2. The process for making the qualification based selection shall be used when it is determined that the estimated dollar value of the design professional contract is over \$50,000 or when the Board of Trustees otherwise determines it will use this process, provided however that the failure to utilize the applicable process shall not invalidate any public improvement procurement or any contract.
3. The Village may convene a selection committee, which committee shall rank the firms from most to least qualified and then submit this list as a recommendation to the Board of Trustees for consideration. The committee shall be comprised of at least three and no more than five persons which may include the Village Chairman, Village Administrator and the architect and/or engineer acting as the Village's consultant on the project.
4. The Board of Trustees or its designee shall thereafter negotiate a contract for the project with the firm selected as most qualified. If the Village is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm shall be terminated. The Village shall then undertake negotiations with another of the qualified firms selected. If there is no agreement with the second firm, negotiations with such firm shall be terminated. The Village shall then undertake negotiations with the third qualified firm. If the Village is unable to negotiate a contract with any of the selected firms, the Village shall reevaluate the necessary architectural, engineering or land surveying services, including the scope and reasonable fee requirements, and again conduct a qualification based selection process. Notwithstanding the foregoing, nothing herein shall obligate the Village to undertake any negotiations if the Village shall have determined to terminate the solicitation for any or no reason.

E. Design-Build Contracts.

1. A selection shall be made based on the qualification based selection process. A qualification based selection shall be made based upon the statement of qualifications that was required to be submitted.
2. The process for making the qualification based selection shall be used when the Board determines that the estimated dollar value of the design-build contract is over \$50,000 or when the Board of Trustees otherwise determines it will use this process, provided however that the failure to utilize the applicable process shall not invalidate any public improvement procurement or any contract.
3. The Village may convene a selection committee, which committee shall rank the firms from most to least qualified and then submit this list as a recommendation to the Board of Trustees for consideration. The committee shall be comprised of at least three and no more than five persons which may include the Village Chairman,


Village Administrator and the architect and/or engineer acting as the Village's consultant on the project.

4. The Board of Trustees or its designee shall thereafter negotiate a contract for the project with the firm selected as most qualified. If the Village is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm shall be terminated. The Village shall then undertake negotiations with another of the qualified firms selected. If there is no agreement with the second firm, negotiations with such firm shall be terminated. The Village shall then undertake negotiations with the third qualified firm. If the Village is unable to negotiate a contract with any of the selected firms, the Village shall reevaluate the scope of the project and again conduct a qualification based selection process. Notwithstanding the foregoing, nothing herein shall obligate the village to undertake any negotiations if the village shall have determined to terminate the solicitation for any or no reason.

- F. Nothing herein shall require the Village to seek qualifications for Design Professional Contracts. The Board of Trustees may contract for design professional services with a single design professional based on prior work history with the Village or other similar reasons as provided in Section 131.060.E.

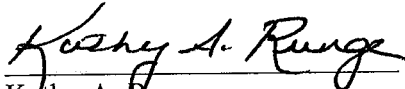
Section 2. This Ordinance having been read by title or in full two times prior to passage, shall be in full force and effect from and after its passage and after being duly signed by the Chairman of the Board of Trustees and attested by the Village Clerk.

PASSED and APPROVED this 2nd day of March, 2016.



Ray Slama, Chairman
Board of Trustees

ATTEST:



Kathy A. Runge
Administrator/Clerk

First Reading: _____

Second Reading: _____