

CITY COUNCIL ORDINANCE NO. 2021-2182

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CODE OF THE CITY OF LAKE CITY, FLORIDA BY ADDING SECTION 2-184, TO PROVIDE FOR THE PROCUREMENT OF DESIGN-BUILD CONTRACTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake City, Florida, (hereinafter the “City”) has adopted a Code related to procurement to provide efficient, fiscally responsible, centralized purchasing in support of municipal services needed by the City, and to ensure competitive bidding for supplies and contractual services in order to obtain the best price for such supplies and contractual services; and

WHEREAS, it is the intent of the City Council to establish a uniform procedure in compliance with state law to permit the use of a design-build approach for the construction of capital improvement projects; and

WHEREAS, the City is authorized by § 287.055, Florida Statutes, to adopt an ordinance governing the award of design-build contracts; and

WHEREAS, the City Council finds that the addition of section 2-184, titled “Design-Build Contracts” to the City Code would be in the best interests of the City.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true and accurate and adopted and are hereby made a part of this ordinance.

Section 2. That the Code of the City of Lake City, Florida, is hereby amended by adding a section 2-184, which section shall be titled “Design-Build Contracts” and shall read as follows:

Sec. 2-184. – Design-Build Contracts.

(a) *Short title.* This section shall be known and may be cited as the "Design-Build Contract Section."

(b) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Design-build contract* means a single contract with a design-build firm for the design and construction of a public construction project.

(2) *Design-build firm* means a partnership, corporation, or other legal entity which:

a. Is certified under F.S. § 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

b. Is certified under F.S. § 471.023 to practice or to offer to practice engineering; certified under F.S. § 481.219 to practice or to offer to practice architecture; or certified under F.S. § 481.319 to practice or to offer to practice landscape architecture.

(3) *Design criteria package* means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to the city's request for proposal, or to permit the city to enter into a negotiated design-build contract. The design criteria package shall specify such performance-based criteria for the public construction project, including, but not limited to, the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements, as may be applicable to the project.

(4) *Design criteria professional* means a firm who holds a current certificate of registration under F.S. ch. 481 to practice architecture or landscape architecture or a firm who holds a

current certificate as a registered engineer under F.S. ch. 471 to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.

(c) Design criteria requirements.

(1) *Design criteria package.*

- a. All design-build projects, except as otherwise provided in F.S. § 287.055(9)(c), with the use of a qualifications-based selection process, shall utilize a design criteria package for the design and construction of the public construction project in order to define the project parameters which are to be used to evaluate and govern the proposal. This design criteria package shall consist of concise performance-oriented drawings or specifications, or both, of the project. The criteria shall include the requirements set forth in this subsection
- b. The design criteria package shall be prepared and sealed by a design criteria professional employed by or retained by the city.

(2) *Design criteria professional.*

- a. Acceptable entities who may act as the design criteria professional include, but are not limited to:
- b. Licensed professional engineers, architects and landscape architects employed by the city.
- c. A licensed engineering, architectural, or landscape architectural firm providing management services to the city so long as such firm was selected by the city pursuant to F.S. § 287.055.
- d. Engineering, architectural, and landscape architectural firms selected by the city, pursuant to F.S. § 287.055, to be the design criteria professional.

(3) A design criteria professional who has been selected to prepare the design criteria package shall not be eligible to render services under a design-build criteria package.

(4) The city manager, or designee, shall consult with the design criteria professional concerning its duties which include, but are not limited to:

- a. Preparation and sealing of the design criteria package;

- b. Evaluation of the responses or bids submitted by the design-build firms prior to selection by the city council;
- c. Supervision or approval of the city of the detailed working drawings of the projects; and
- d. Evaluation of the compliance of the project construction with the design criteria package prepared by the design criteria professional.

(d) Selection procedures.

- (1) *Public announcement.* The city shall publicly advertise in a uniform and consistent manner on each occasion when design-build services are required except in cases of public emergencies as declared by the city council. The advertisement shall include a general description of the project and shall indicate how, and the time within which, interested design-build firms may apply for consideration.
- (2) *Legal qualification.* Any firm or individual desiring to provide design-build services to the city must first be determined legally qualified. To be legally qualified:
 - a. Firms must be properly certified to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent;
 - b. Firms must be properly certified to practice or to offer to practice engineering, architecture, or landscape architecture; and
 - c. The firm shall be duly qualified to perform its proposed service under any other applicable law.
- (3) *Selection committee.* A selection committee appointed by the city manager and including the city manager, or designee, shall be used to evaluate and rank the design-build firms and their responses for recommendation to the city council.
- (4) *Solicitation.* The city manager or the city manager's designee shall develop a request for proposals (RFP) to solicit proposals from interested, qualified design-build firms. Except as otherwise provided in F.S. § 287.055(9)(c), with the use of a qualifications-based selection process, the RFP shall contain as a minimum the following:
 - a. The design criteria package defined in this section.
 - b. The criteria, procedures, and standards for the evaluation of design-build contract proposals, based on

price, technical and design aspects of the public construction project, weighted for the subject.

- c. Requirements for determining qualifications of firms proposing, such as license, list of subcontractors, architect and engineer, and references.
- d. Terms and conditions of proposed agreement.
- e. Other items as required by procedures, laws, ordinances, or prevailing circumstances.

(5) *Selection.*

- a. All information required by the RFP shall be submitted in a sealed envelope. Except as otherwise provided in F.S. § 287.055(9)(c), with the use of a qualifications-based selection process, all proposed designs and price proposals shall be submitted in a separate sealed envelope submitted with the RFP which will be opened and considered by the selection committee for shortlisted firms only.
- b. The selection committee shall review all proposals (except the proposed designs and price proposals) and shall shortlist to no less than three design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof. In evaluating the proposals and preparing the shortlist, the committee shall consult with the design criteria professional concerning the evaluation of the responses submitted by the design-build firms. Once the committee has shortlisted, except as otherwise provided in F.S. § 287.055(9)(c), with the use of a qualifications-based selection process, the committee shall open the separate envelopes containing the proposed design solutions and the price submitted by the shortlisted firms. The committee shall then rank the shortlisted firms based upon the evaluation criteria and procedures set forth within the request for proposal. The committee may, if necessary, require verbal presentations from all firms in order that the qualifications and/or proposals may be clarified.
- c. After the committee has ranked the shortlisted firms based upon the award criteria set forth within the request for proposal, the ranking shall be presented to the city council which may approve, disapprove or request modifications to the recommended rankings be

brought back at a subsequent meeting. Following the ranking by the city council, the committee shall attempt to negotiate a contract within the parameters of the design criteria package or the results of the qualifications-based selection process and in accordance with city council ranking.

(6) *Contract.*

- a. The committee shall negotiate a design-build contract at a price which the committee determines is fair, competitive and reasonable. Should the committee be unable to negotiate a satisfactory contract with the first ranked firm, then the committee shall formally terminate negotiations with such firm. The committee shall then undertake negotiations with the second ranked firm and shall continue this process until a satisfactory contract is negotiated.
- b. The contract negotiated by the committee shall be subject to the approval of the city council.

(7) *Public emergencies.* If a public emergency is declared by the city council, a negotiating committee may be formed by the city manager, subject to the approval of the city council, and authorized to negotiate with the best qualified design-build firm available at that time for the design and construction of a capital project. To the extent practical, the negotiating committee shall solicit letters of interest in order to determine the best qualified design-build firm available at the time. The contract negotiated by such committee shall be subject to the approval of the city council.

Section 3. Severability. It is the declared intent of the City Council of the City of Lake City that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

Section 4. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 5. Codification. It is the intention of the City Council of the City of Lake City, Florida, that the provisions of this ordinance shall become and be made part of the Code of the City of Lake City, Florida.

Section 6. Effective Date. This ordinance shall be effective as of the date of its adoption.

PASSED upon first reading this day of 2021.

NOTICE PUBLISHED on the day of 2021.

PASSED AND ADOPTED on the second and final reading this day of
2021.

CITY OF LAKE CITY, FLORIDA

By:
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By:
Audrey E. Sikes, City Clerk

By:
Frederick L. Koberlein, Jr.,
City Attorney