ORDINANCE NO. 2014-01

AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING CHAPTER XIII, PUBLIC WORKS PROJECTS, CONTRACTS AND PROCEDURES, OF THE ALBANY MUNICIPAL CODE TO ESTABLISH AN ALTERNATE METHOD OF PUBLIC FACILITY DESIGN AND CONSTRUCTION

WHEREAS, Section 4.03 of the City Charter of the City of Albany concerning public contract work, including the erection and improvement of public buildings and works, sets forth the authority of the City Council to establish by ordinance requirements for formal competitive bidding, and to establish other procedures as necessary for undertaking the completion of any public projects; and

WHEREAS, Section 4.04 of the Albany City Charter provides that all public improvements may be done under and pursuant to State law or by procedure ordinance adopted by the City Council or electors; and

WHEREAS, Section 1100.7 of the California Public Contract Code provides that the Code will be the basis of contracts with contractors unless, in the case of Charter cities, the city charter or ordinance contains provisions that are in conflict with the Code; and

WHEREAS, The City of Albany ("City") desires to undertake the construction of a new Public Works Service Center to replace a current inadequate leased facility; and

WHEREAS, the City desires to use the Design-Build alternate method of project delivery in order to reduce staff and consultant time required to manage the construction, reduce potential claims and litigation, remove the City from conflicts that may occur between the design team and the contractor, and create price certainty with a fixed price or Guaranteed Maximum Price contract; and

WHEREAS, it is necessary for the City Council to establish by ordinance the authority to use the Design-Build method of project delivery for the Public Works Service Center and other future public works projects that may require the efficiencies of the Design-Build method;

NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1, Amendment:

Chapter XIII, of the Albany Municipal Code, is hereby amended to add a new Section 21 titled "Design Build Alternate Method" and will contain the following text:
13-21 DESIGN BUILD ALTERNATE METHOD

Notwithstanding the requirements of this Chapter XIII regarding public bidding for public works projects and contracts, the City Council may approve the use of an alternate public works construction project procurement procedure instead of the bidding procedure set forth in Section 4.03 of the City Charter and this Chapter XIII of the Municipal Code as follows:

a. The alternate procedure may include the Design-Build method of construction whereby the City enters into a single contract with a developer or contractor for the design and construction of the facility.

b. The contractor or developer may be procured by a selection process based on the criteria of experience, qualifications and best value.

c. This procedure/method may be used, but is not limited to use, when it is anticipated that the method will reduce project cost, expedite project completion, enable use of public/private partnership forms of project finance, and/or create certainty for total project expense.

d. Design Build public works projects and contracts may be negotiated and awarded on such procedures, terms and conditions as the City Council deems appropriate in the exercise of its authority as a Charter City, and may be set forth by the City Council by resolution.

Section 2, Public Contract Code

The provisions of this ordinance authorizing the use of the Design-Build construction procurement method shall be the prevailing regulations for public works design and construction procurement where there are conflicts between the provisions of this ordinance and the contract provisions of the Public Contract Code, pursuant to Section 1100.7 of the California Public Contract Code.

Section 3, Severability:

If any section, subsection, sentence, clause or phrase of this ordinance is held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4, Publication and Effective Date:

This ordinance shall be posted at three public places within the City of Albany and shall become effective thirty days after the date of its posting.

[Signature]
MAYOR
ORDINANCE NO. 2014-01

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,
this 3rd day of February, 2014, by the following votes:

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile, and Mayor Thomsen

NOES: none

ABSENT: none


Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.