



Prepared: 01/22/2018  
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Introduced: 01/16/2018  
Revised:  
Adopted:  
Effective:

## RESOLUTION R-02-2018

### A RESOLUTION ADOPTING AN ALTERNATIVE SELECTION PROCESS AND WAIVING FORMAL COMPETITIVE BIDDING FOR CONSTRUCTION OF THE ROSE RUN PARK PROJECT IN ORDER TO UTILIZE A CONSTRUCTION MANAGER AT RISK DELIVERY METHOD WHICH PROVIDES FOR A TWO-STEP COMPETITIVE SELECTION PROCESS CONSISTING OF A REQUEST FOR QUALIFICATIONS AND A REQUEST FOR PROPOSALS

**WHEREAS**, Council has authorized the budget for the design and construction of the Rose Run Park Project ("Project) the design of which is now approximately 50 percent complete; and

**WHEREAS**, due to the nature and complexity of this project, the administration has determined that utilizing a Construction Manager At Risk (CMR) construction delivery method is the preferred method of contracting for this project as it will enable the City to exercise a higher level of control and attention to detail throughout the design and construction process; and

**WHEREAS**, since the CMR construction deliver method utilizes a two-step transparent and competitive selection process, (Request for Qualifications followed by Request for Proposal) which differs from traditional bidding methods, it is necessary to waive formal competitive bidding as provided in Section 9.04(C) of the City Charter, entitled "Waiver of Competitive Bidding" which provides that Council, by a vote of not less than five (5) members may waive the competitive bidding requirement if it, "...determines that it is in the best interest of the Village [City]"; and

**WHEREAS**, Section 123.121 of the Codified Ordinances entitled "Exemption from Competitive Bidding Requirement" provides additional support for such waiver by providing that "...construction management services shall be exempt from the requirement of competitive bidding"; and

**WHEREAS**, following the RFQ/RFP competitive selection process, Council will be presented with additional legislation authorizing the City Manager to enter into a Guaranteed Maximum Price contract with the selected CMR.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of New Albany, State of Ohio, Counties of Franklin and Licking, that:

**Section 1.** That City Council hereby finds that for the reasons set forth in the "WHEREAS" clauses herein, a waiver of the competitive bidding requirement is in the City's best interests in that it best meets the City's needs and desired outcome for this Project, and accordingly formal competitive bidding is hereby waived pursuant to Section 9.04(C) of the City Charter and Section 123.121 of the Codified Ordinances.

**Section 2.** The City Manager is hereby authorized to proceed with the RFQ/RFP process.

**Section 3.** It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

**Section 4.** Pursuant to Article VI, Section 6.07(a) of the charter of the City of New Albany, this resolution shall take effect immediately upon passage.

CERTIFIED AS ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Attest:

\_\_\_\_\_  
Sloan T. Spalding  
Mayor

\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

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Mitchell H. Banchefsky  
Law Director