

RESOLUTION 2018 - 24

A RESOLUTION DECLARING IT IS IN THE PUBLIC INTEREST TO UTILIZE THE SERVICES OF A CONSTRUCTION MANAGER AT RISK FOR THE CONSTRUCTION OF A WASTEWATER TREATMENT PLANT AND TO ESTABLISH PROCEDURES FOR THE SOLICITATION AND AWARD OF THE CONSTRUCTION MANAGER AT RISK CONTRACT

WHEREAS, the City of Harrisburg, South Dakota (the "City"), through its City Council (the "Council") has acquired land and applied for financing for the construction of a wastewater treatment plant to serve the City of Harrisburg (the "Treatment Plant");

WHEREAS, the Council has determined it is the public interest to utilize the services of a Construction Manager at Risk (the "CMAR") to assist the City in the planning and design phase as well as the construction phase of the Treatment Plant;

WHEREAS, the Council has determined that the CMAR services will not unreasonable duplicate and are in addition to the normal scope of separate architect or engineer contracts; and

WHEREAS, the Council shall establish procedure for the solicitation and award of a CMAR contract.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HARRISBURG, SOUTH DAKOTA:

1. **City Determinations.** The Council hereby has determined that it is the public interest to utilize the services of a CMAR to assist the City in the planning and design phase as well as the construction phase of the Treatment Plant and that the CMAR services will not unreasonable duplicate and are in addition to the normal scope of separate architect or engineer contracts.
2. **Procedures for Solicitation and Award of CMAR Contract.**
 - a. **Selection Committee.** A Selection Committee shall be established with the size and membership approved by the Council. The City Administrator shall present recommendations for the size and makeup of the Selection Committee to the Council for approval.
 - b. **Request for Proposals.** The City Engineer shall prepare a Request for Proposals (the "RFP") for CMAR services. The RFP shall contain, at a minimum, the following elements.:
 - i. Identify the City of Harrisburg as the purchasing agency;
 - ii. A description of the proposed Treatment Plant;
 - iii. A description of the required qualifications of the CMAR;
 - iv. An outline of the submittal procedure, proposal and interview evaluation criteria including relative weights, and procedures for making awards;
 - v. The proposed terms and conditions for the CMAR services contract, including a description of the scope of services to be provided; and

- vi. The RFP shall indicate that a registry of all submitted proposals will be maintained containing the names of submitting firms and the name of the firm awarded the contract. The RFP shall also indicate the proposal and professional service contract of the firm awarded the work are deemed public records and will be available to the public upon request, except for proprietary and confidential information. Proposals of firms not awarded the contract are nonpublic records and will remain confidential.
- c. **Advertisement.** Notice of any request for proposals shall be advertised in accordance with the provisions of SDCL 5-18A-14.
- d. **Submitting and Evaluation of CMAR Proposals.**
- i. The RFP shall have, at a minimum, the following submittal requirements:
 - 1. Cover letter that summarizes the proposal;
 - 2. Proposed project team including availability during anticipated term of project;
 - 3. Proposed team structure;
 - 4. History of proposed team working together;
 - 5. Approach to cost, schedule, and quality control;
 - 6. Relevant company experience with projects of similar type and scale;
 - 7. Résumés of key team members including detail of applicable experience; and
 - 8. Statement of financial strength/stability, bonding capacity, and insurance coverage.
 - ii. The RFP submittals will be evaluated by the Selection Committee on the following criteria:
 - 1. Company background and applicable experience;
 - 2. Project approach and management capabilities;
 - 3. Financial and bonding capacity; and
 - 4. Other factors deemed applicable.
 - iii. The RFP shall list the relative weight given to each criteria. The Selection Committee shall invite at least two, but no more than four, CMAR firms deemed most qualified for interviews.
 - iv. Interviewed firms will be required to submit additional information including, but not limited to, general conditions and fee.
 - v. Interview responses will be evaluated by the Selection Committee on the following criteria:
 - 1. Experience, qualifications, and availability of proposed team leaders;
 - 2. Broader team structure;
 - 3. History of project team working together on similar projects;
 - 4. Technical work process;
 - 5. Proposal, interview response;
 - 6. General conditions and fee; and

7. Other factors deemed applicable.
- vi. The RFP shall list the relative weight given to each criteria. The Selection Committee will rank the firms according to the interview criteria.
- e. **Acceptance of Proposal.**
- i. After obtaining and evaluating proposals and interviews, the Selection Committee shall make a recommendation to the Council of the proposal it considers the most advantageous to the City. Upon approval of a proposal by the Council, acceptance of a proposal shall be by written notice to the CMAR submitting the accepted proposal and by simultaneously notifying in writing the other firms that their proposals were not accepted.
 - ii. Unless all proposals are rejected, the City shall enter into negotiations of a fee for services with the CMAR who submitted the highest scoring proposal. If negotiations are not successful, the Selection Committee shall make a recommendation to the Council regarding who the Selection Committee deemed the next firm to be most advantageous to the City. Upon approval by Council, the City shall enter into negotiations with the next firm.
 - iii. Upon successful negotiations with a firm, the City may enter into a contract with the selected CMAR upon approval of the final contract by Council.
- f. **Rejection of Proposals.** The Council reserves the right to reject any or all proposals submitted. The RFP shall include this clause.
3. **Effective Date.** This Resolution shall take effect on the 20th day following its publication, unless suspended by a referendum.

Adopted at City of Harrisburg, South Dakota, this 19th day of November 2018.

APPROVED:

Julie Burke Van-Luvanee
Mayor

(SEAL)

Attest: Mary McClung
City Finance Officer

Passed: Nov. 19, 2018
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