

# O'FALLON COUNCIL CHAMBERS SECURITY IMPROVEMENTS

**#23-049**

The intent of this document is to solicit Statements of Qualifications from qualified Design Build firms interested in providing services for the complete design and construction services needed for reconstruction and modifications to the existing City Council Chambers providing for improved safety for elected officials and staff while also providing strategic advantages to first responders.



# CITY OF O'FALLON

May 2023

## REQUEST FOR QUALIFICATIONS #23-049 FOR DESIGN BUILD FIRMS PROVIDING DESIGN AND CONSTRUCTION SERVICES NEED FOR RENOVATIONS TO THE EXISTING COUNCIL CHAMBERS

### **INTENT**

The purpose of this document is to solicit Statements of Qualifications (SOQ's) from qualified Design-Build firms interested in providing the full design & construction for a renovation project on the O'Fallon City Council Chamber located at 100 North Main St. O'Fallon, MO 63366. The space to be renovated includes an assembly area with an approximate area of 2,711 SF along with a conference room that is approximately 239 SF (EXHIBIT G).

### **OBJECTIVES**

- Provide a new raised dais including millwork that provides strategic protection for 13 individuals on main dais and approximately 14 on a secondary dais (7 on each side of main dais). Protection items to be incorporated include, but not limited to, bullet resistant materials and raised millwork limiting intruder ability to hurdle dais.
- Provide a dais layout and construction that meets requirements of all applicable building codes, Americans with Disabilities Act requirements, and hinders access from unauthorized individuals to dais.
- Provide a cohesive aesthetic visual appearance of primary dais and secondary dais, while providing a clear distinction between the primary and secondary dais.
- Incorporate high-quality materials with finish selections that emphasize durability, maintainability, and a cohesive aesthetic visual appearance with items in room that are to remain.

### **SCOPE**

This section is intended to provide general descriptions of the anticipated scope items to provide design-build firms enough information to determine qualifications needed to perform the work:

- Project Management
- Surveying of existing conditions.
- Architectural, mechanical, electrical, plumbing, fire protection, and all other design aspects of the project. This shall include, but not be limited to, all

drawings, details, material schedules, and all other items that are required to provide a complete design.

- Preparation and submittal of all schematic, design development, and construction design documents of the facility, and all other aspects of the project.
- Attend and document all project meetings deemed necessary with the City Divisions, City Council, and all other representatives to plan and discuss details of the project throughout planning, design and construction of the facility. The Design-Builder shall be required to prepare and present information, renderings, interior layouts, designs, and any other information requested by the City or its representatives for these meetings.
- Preparation and submittal of detailed and itemized construction cost estimates with each submittal of the schematic, design development, and construction documents.
- Construction.
- Permitting.
- Carpentry work.
- Raised flooring and ramps
- Wall construction
- Custom ballistic millwork or casework (design, procurement, installation).
- Solid surface tops
- Flooring.
- Adjustments and additions of existing electrical and low voltage items.
- Adjustments of existing doors, frames and hardware.
- Phasing and scheduling construction
- Demolition
- Procurement.
- Submittals including shop drawings, product information sheets, O&M manuals.
- Attend meetings with City Stakeholders

### **BUDGET AND FUNDING INFORMATION**

A target budget of \$200,000.00 is anticipated for the full, turn-key, design-build contract. The City reserves the right to exceed the target budget if the proposed solution enhances the overall value or objectives of the project. A final negotiated contract will be presented to O'Fallon City Council for approval and encumbrance of funds for the project.

**Completed Statement of Qualifications must be received by the City of O'Fallon's Purchasing Agent, Christine Grabin, at 100 North Main, O'Fallon, Mo. 63366 no later than 12:00 p.m. prevailing central time on May 31, 2023. Sealed proposal packets should be clearly marked "RFQ 23-049 Council Chambers Security Improvements".**

## **O'FALLON ADOPTED DESIGN BUILD PROCESS**

O'Fallon Ordinance No. 6354 establishes a procedure for design build contracts and projects. This document is attached for reference as Exhibit F.

A summary of the process is below:

STEP 1: Request for Qualifications

STEP 2: Request for Proposals from shortlisted firms

STEP 3: Contract Negotiation and Award

### **ANTICIPATED SCHEDULE**

\*all dates are subject to change

<b>ITEM</b>	<b>ANTICIPATED DATE(s)</b>
Shortlist Firms	June 9, 2023
Request for Proposal Issuance	June 23, 2023
Request for Proposals Due	August 17, 2023
Recommendation to City Council	September 14, 2023
Construction (subject to all materials being available)	October 27, 2023 thru January 11, 2024

### **CONTENT OF PROPOSAL**

1. Submit one (1) original bound copy of the submittal and one (1) electronic version of the full proposal on a thumb drive (No CD's), of **no more than 10 pages in length (single sided)**, on 8 ½" x 11" sheets of paper with the following information:
  - a. **Submit SOQ's to:**  
**Attn: Christine Grabin, Purchasing Agent**  
**100 North Main St.**  
**O'Fallon, MO 63366**
  - b. Firm/team information including: name, address, telephone number and e-mail address of your firm; type of business organization, years in business, and primary contact. Including a list of all sub-consultants and all information for each as shown above.
  - c. A brief description of the firm/team and its history, including relevant qualifications, certifications, and special expertise that can be applied to this project. The same information shall be submitted for all additional sub-consultants utilized for the project.
  - d. Project experience in working with renovations on municipal buildings (or similar); including projects involving bullet resistant improvements. Project list should identify and detail the following:



- Project name, owner
  - Location
  - Initial program estimates
  - Final cost of design and construction
  - Initial design schedule and initial construction schedules
  - Actual design time needed and actual construction time needed
  - Justifications for underruns and overruns of the schedules and construction
  - Brief narrative of the scope of services performed on the project by the firm
  - List any lawsuits against the firm and any cases against the firm
  - Provide a client reference corresponding to the projects. Provide reference current name, address, contact person, and contact's phone number.
- e. Names and roles of the prime key team personnel to be involved on the project, including the lead designer, project manager, and construction superintendent. For each, provide abbreviated resumes indicating special expertise, certifications, and relevant experience related to projects of this nature. This shall also include all members of other firms that shall be utilized on the project as a sub-consultant or sub-contractor, if utilized.
- f. Capacity shown in number of staff including job titles, and capability to dedicate personnel to the City's project. Show the current 2023 workloads and personnel dedicated to each, along with projected workload for 2023.
- g. Project approach describing in detail the procedures and methods your firm will utilize to provide the necessary services as described within the request for qualifications. This information should clearly identify your understanding of the scope of work. This shall include a discussion of any methods, technology, or programs anticipated to be utilized by the consultant that could be shared with the City and its representatives to ensure seamless submittal processes from design through the construction and closeout phases.
- h. Bonding Capacity expressed in single job limit and aggregate limit.
- i. Provide the completed E-Verify Documentation in accordance with all Federal mandates and regulations. **(Not counted towards the 10 page maximum)**
- j. Submit the Certification of Non-segregation affidavit attached **(Not counted towards the 10 page maximum)**
- k. Submit the Non-Collusion Affidavit attached **(Not counted towards the 10 page maximum)**
- l. Complete and submit the Engineers Form, Exhibit C with the most current information to be inserted into our database **(Not counted towards the 10 page maximum)**

## EVALUATION CRITERIA

The criteria which will be considered in the evaluation of the Statements of Qualifications as required by City Design-Build Ordinance shall include, but not necessarily be limited to:

- a. Experience with comparable projects
- b. Financial and bonding Capacity
- c. Managerial resources & abilities of the profession personnel
- d. Past performance for the City
- e. Capacity to meet time and budget requirements
- f. Knowledge of local or regional conditions
- g. Recent and current project workload of firm
- h. Ability of the design and construction teams to complete the work in a timely and satisfactory manner

## SELECTION PROCESS

Written Statements of Qualifications submitted will be distributed to members of a selection committee that may include: City Administrator, Deputy City Administrator, Police Department Representative, Project Manager, Capital Improvement Manager, and Engineering Director. The committee will review the Statements of Qualifications and rank them based on set criteria. The City's Project Manager will review all proposals to ensure all documentation has been submitted as requested.

The selection committee will review the submittals still being considered and rate them based on the following factors:

- Quality of Past Project Experience (30%)
  - 15 points max
- Project Approach and Technical Competence (30%)
  - 15 points max
- Demonstrated Capabilities & Capacity (30%)
  - 15 points max
- Firms Proximity to and Familiarity with the Area (10%)
  - 5 points-located in O'Fallon
  - 4 points-located in St. Charles County
  - 3 points-located in Missouri and within 100 miles of O'Fallon
  - 2 points-located in Illinois and within 100 miles of O'Fallon
  - 1 point-located in the US

The committee will review the Statements of Qualifications and rank them based upon the set criteria above. The review committee will select a minimum of 2 firms deemed to be the most highly qualified to perform the required services after considering the factors set forth previously.

The selected firms will be issued a Request for Proposal consisting of a performance criteria package, instruction to bidders, bid proposal forms, provisions for contracts, general and special conditions and the basis for evaluation of proposals. No selected firm shall replace an identified contractor, subcontractor, design consultant or subconsultant without the written approval of the City. A list of the firms selected to submit a proposal will be subject to disclosure when the list is finalized. The analysis of the qualifications, or summary of results, will remain confidential unless they are presented to City Council at a public meeting or retained by the City.

Any questions of interpretation with respect to this Request for Qualifications should be directed in writing to:

O'Fallon Project Manager  
Attn: Paul Talimonchuk  
100 North Main  
O'Fallon, Mo. 63366  
ptalimonchuk@ofallon.mo.us

Contact with other City of O'Fallon personnel or elected officials regarding this project is prohibited throughout the RFQ and selection process and may be grounds for disqualification.

#### APPENDIX

The information provided below will not be included in page count, but required to be included in submittal.

**Exhibit A-Ranking Sheet-DRAFT**  
**Exhibit B-E-verify Affidavit**  
**Exhibit C-Engineer form**  
**Exhibit D-Anti-Collusion Affidavit**  
**Exhibit E-Non-Segregation Affidavit**  
**Exhibit F-City Design Build Ordinance**  
**Exhibit G-City Provided Project Information**

Exhibit A

City of O'Fallon, MO  
Design Build Selection Criteria  
COUNCIL CHAMBERS SECURITY IMPROVEMENTS  
Reviewer's Name:  
Date:

SOQ Ranking Sheet

	Points Available	Firm 1	Firm 2	Firm 3	Firm 4	Firm 5	Firm 6	Firm 7	Firm 8
Quality of Past Project Experience	1-15								
Project Approach and Technical Competence	1-15								
Demonstrated Capabilities and Capacity	1-15								
Firm's Proximity to and Familiarity to the Area: Local Preference (5=O'Fallon, 4=St. Charles County, 3=MO w/i 100mi, 2=IL w/i 100mi, 1=US)	1-5								
TOTAL	max 50	0	0	0	0	0	0	0	0
E-Verify/Affidavit?	Y/N								
Engineering Form Submitted	Y/N								
Anti-Collussion Affidavit	Y/N								
Non-Segregation Affidavit	Y/N								

Additional Info./Notes:

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# Exhibit B



## WORKER ELIGIBILITY VERIFICATION AFFIDAVIT

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared \_\_\_\_\_,  
Affiant name

personally known to me or proved to me on the basis of satisfactory evidence to be a person whose name is subscribed to this affidavit, who being by me duly sworn, stated as follows:

- I, the Affiant, am of sound mind, capable of making this affidavit, and personally certify the facts herein stated, as required by Section 285.530, RSMo, to enter into any contract agreement with the City to perform any job, task, employment, labor, personal services, or any other activity for which compensation is provided, expected, or due, including but not limited to all activities conducted by business entities.

- I, the Affiant, am the \_\_\_\_\_ of \_\_\_\_\_, and I am duly  
title business name

authorized, directed, and/or empowered to act officially and properly on behalf of this business entity.

- I, the Affiant, hereby affirm and warrant that the aforementioned business entity is enrolled in a federal work authorization program operated by the United States Department of Homeland Security, and the aforementioned business entity shall participate in said program to verify the employment eligibility of newly hired employees working in connection with any services contracted by the City of O'Fallon. I have attached documentation to this affidavit to evidence enrollment/participation by the aforementioned business entity in a federal work authorization program, as required by Section 285.530, RSMo.

- I, the Affiant, also hereby affirm and warrant that the aforementioned business entity does not and shall not knowingly employ, in connection with any services contracted by the City, any alien who does not have the legal right or authorization under federal law to work in the United States, as defined in 8 U.S.C. § 1324a(h)(3).

- I, the Affiant, am aware and recognize that, unless certain contract and affidavit conditions are satisfied pursuant to Section 285.530, RSMo, the aforementioned business entity may be held liable under Sections 285.525 through 285.550, RSMo, for subcontractors that knowingly employ or continue to employ any unauthorized alien to work within the state of Missouri.

- I, the Affiant, acknowledge that I am signing this affidavit as a free act and deed of the aforementioned business entity and not under duress.

\_\_\_\_\_  
Affiant Signature

Subscribed and sworn to before me in \_\_\_\_\_, \_\_\_\_\_, the day and year first above-written.  
city (or county) state

\_\_\_\_\_  
Notary Public

My commission expires:

*[Attach documentation of enrollment/participation in a federal work authorization program]*

FIN 03-2014

# Engineer Contact Database

City of O'Fallon  
Project Management  
100 North Main Street  
O'Fallon, MO 63366  
Fax: 636-978-4144

ID

?

Date Of Entry

?

Internal Use Only

BASIC CONTACT INFORMATION

Company Name

Address

City

State

Zip

First

Last

Title

Phone

Fax

Email

Company Website

DBE?

MoDOT LPA Certified?

Expires:

Size Local Office:

CONSULTANT CAPABILITIES (IN-HOUSE STAFF ONLY, NO OUTSOURCING)

Please 'check' boxes that your company can perform. Then, indicate # of staff that can perform these services, in the box to the right.

?

Roads

?

Bridges

?

Surveying

?

Traffic Modeling

?

Traffic Signal

?

Traffic Studies

?

Water

?

Sewer

?

Subsurface Utility

?

Stormwater

?

Creek Stabilization

?

Grant writing (Federal, etc.)

?

Planners

?

Plan Review

?

Municipal

?

Construction Inspection

?

Bridge/Structural Inspection

?

Design/Build Services

?

Landscaping Arch.

?





Parks/Rec/Master Planning





?











Playground Design

?






Commercial Pool Des.




	Permit/Mitigation	<input type="checkbox"/>	<input type="text"/>
	Flood Plain	<input type="checkbox"/>	<input type="text"/>
	Arborist	<input type="checkbox"/>	<input type="text"/>
	Natural Resources	<input type="checkbox"/>	<input type="text"/>

	Trail/Bike Design	<input type="checkbox"/>	<input type="text"/>
	Public ADA (PROWAG) / Transition Plan	<input type="checkbox"/>	<input type="text"/>
	ROW Acquisition	<input type="checkbox"/>	<input type="text"/>
	Appraisal Services	<input type="checkbox"/>	<input type="text"/>

	Architectural	<input type="checkbox"/>	<input type="text"/>
	Structural	<input type="checkbox"/>	<input type="text"/>
	Interior Design	<input type="checkbox"/>	<input type="text"/>
	Commissioning	<input type="checkbox"/>	<input type="text"/>
	Construction Management	<input type="checkbox"/>	<input type="text"/>
	Mechanical	<input type="checkbox"/>	<input type="text"/>
	Electrical	<input type="checkbox"/>	<input type="text"/>
	Electrical-Low Voltage	<input type="checkbox"/>	<input type="text"/>
	Plumbing	<input type="checkbox"/>	<input type="text"/>
	Fiber Optics Design	<input type="checkbox"/>	<input type="text"/>

	Public Safety	<input type="checkbox"/>	<input type="text"/>
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	Soil Testing	<input type="checkbox"/>	<input type="text"/>
	Pavement Testing	<input type="checkbox"/>	<input type="text"/>
	Hazardous Testing	<input type="checkbox"/>	<input type="text"/>
	Geotechnical	<input type="checkbox"/>	<input type="text"/>
	Cultural Resources	<input type="checkbox"/>	<input type="text"/>

	Equipment Only (purchase or rent):	<input type="text"/>
	Other Services (special to firm):	<input type="text"/>
	Notable Projects:	<input type="text"/>

#### ADDITIONAL CONTACTS (IF APPLICABLE)

Secondary Contact	<input type="text"/>
Title	<input type="text"/>
Phone	<input type="text"/>
Fax	<input type="text"/>
E-mail	<input type="text"/>
Tertiary (Third) Contact	<input type="text"/>
Title	<input type="text"/>
Phone	<input type="text"/>
Fax	<input type="text"/>
E-mail	<input type="text"/>

#### SIZES OF DESIGN CONTRACTS (IN-HOUSE STAFF ONLY, NO OUTSOURCING)

Under \$5,000	\$5,001 to \$25,00	\$25,001 to \$75,00	\$75,001 to \$200,00	Greater \$200,00
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Exhibit D

## ANTI-COLLUSION AFFIDAVIT

STATE OF \_\_\_\_\_,

COUNTY OF \_\_\_\_\_,

\_\_\_\_\_, being first duly sworn, deposes and says that he is \_\_\_\_\_ (sole owner, partner, president, secretary, etc.) of \_\_\_\_\_, the party making the foregoing bid; that such bid is not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation; that such bid is genuine and not collusive or sham; that said BIDDER has not directly or indirectly induced or solicited any other BIDDER to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any BIDDER or anyone else to put in a sham bid, or that any one shall refrain from bidding; that said BIDDER has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of said BIDDER or of any other BIDDER, or to fix any overhead, profit or cost element of such bid price, or of that of any other BIDDER, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in such bid are true, and, further, that said BIDDER has not, directly or indirectly, submitted his bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid and will not pay any fee in connection therewith to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, or to any other individual except to such person or persons as have a partnership or other financial interest with said BIDDER in his general business.

Project: \_\_\_\_\_

SIGNED: \_\_\_\_\_

Title: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2019

Seal of Notary

Notary Public \_\_\_\_\_

In completing this form the title that is not applicable should be struck out. For example, if the CONTRACTOR is a corporation and this form is to be executed by its president, the words "Sole owner, a partner, secretary, etc." should be struck out.



## CERTIFICATION OF NON-SEGREGATION

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By submission of this bid I certify that I do not maintain or provide for my employees any segregated facilities at any of my establishments, and that I do not permit my employees to perform their services at any location, under my control, where segregated facilities are maintained. I certify further that I will not maintain or provide for my employees any segregated facilities at any of my establishments, and that I will not permit my employees to perform their services at any locations, under my control, where segregated facilities are maintained. I agree that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion or national origin because of habit, local custom or otherwise. I further agree that I will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that I will retain such certifications in my files, and that I will forward this notice to such proposed VENDOR.

SIGNED:

Company: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO **6867**

ORDINANCE NO **6354**

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Sponsored by: Mayor Hennessy

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**AN ORDINANCE ADOPTING A NEW PROCEDURE FOR DESIGN-BUILD CONTRACTS AND PROJECTS**

**WHEREAS**, the Missouri General Assembly enacted House Bill No. 2376 which adopted new provisions for design-build projects; and

**WHEREAS**, such provisions are not applicable to "...any city or county governed by home rule under article VI, section 18 or 19 of the Constitution of Missouri that has adopted a design-build process via ordinance, rule, or regulation"; and

**WHEREAS**, a design-build process will offer the City another option which may result in a more effective manner of constructing certain public improvements; and

**WHEREAS**, the City Council deems it advisable to enact a design-build process for the City of O'Fallon.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:**

**SECTION ONE.** Policy No. 800, entitled "Purchasing", of the City's Financial Policies and Procedures Manual, is hereby amended by the addition of a new Section 13 which shall provide as follows:

**13. Design – Build.**

a. The following procedures are established for the solicitation and award of design-build contracts where the City has determined that design-build is the most effective means to accomplish a public improvements project.

- b. **Definitions.** For purposes of this procedure, the following definitions apply:

*Design-Build:* a project delivery method subject to a two-stage qualifications-based selection for which the design and construction services are furnished under one contract.

*Design-Build Contract:* a contract which is subject to the two-stage qualifications-based selection process between the City and a design-builder to furnish the architectural, engineering, and related design services and the labor, materials, supplies, equipment, and other construction services required for a design-build project.

*Design-Build Project:* the design, construction, alteration, addition, remodeling, or improvement of any buildings or facilities under contract with the City. Such design-build projects include, but are not limited to: roads and streets, bridges, utilities, storm drainage facilities, public buildings, recreational facilities, and public site improvements.

*Design-Builder:* any individual, firm, partnership, corporation, association, joint venture, or other legal entity that offers to provide or provides design services and general contracting services through a design-build contract in which services within the scope of the practice of professional architecture or engineering are performed respectively by a licensed architect or licensed engineer and in which services within the scope of general contracting are performed by a general contractor or other legal entity that furnishes architecture or engineering services and construction services either directly or through subcontracts or joint ventures.

*Stipend:* an amount paid to the unsuccessful but responsive, short-listed design-builders to defray the cost of participating in the second phase of the selection process described in this Policy.

c. **Step One – Approval of the City Council and Request for Qualifications**

1. If City Staff determines that any project would benefit from a design-build process, City staff shall obtain approval of the City Council in order to use the design-build process for that project. City staff shall

provide the reasons why design-build would be advantageous for the project and any other information requested by the Council. Council approval is required before the project is advertised as a design-build project even if the project was previously approved as part of the budget. Only if the City Council approves the design-build process for the project, shall a Request for Qualifications consistent with this Section be published.

2. The City shall publish a request for qualifications in the same manner that the City advertises for sealed bids. The request for qualifications shall set forth a general description of the project requiring design-build services and defining the time frame and procedures for interested qualified firms to apply for consideration. In addition, the RFQ shall set forth a description of the areas of qualification required for performance of the work, such as experience, management resources, and financial capacity.
3. The City Administrator shall designate city representatives and consultants, if appropriate, to serve as a Technical Review Committee. The Technical Review Committee shall determine the relative ability of each firm to perform the services required for each project. Determination of ability shall be based upon experience with comparable projects; financial and bonding capacity, managerial resources; the abilities of the professional personnel; past performance for the City; capacity to meet time and budget requirements; knowledge of local or regional conditions; recent, current, and project workload of the firms; and the ability of the design and construction teams to complete the work in a timely and satisfactory manner.
4. The Technical Review Team shall select not more than five firms and not less than two firms deemed to be the most highly qualified to perform the required services after considering the factors set forth in subsection 2 above. In the event that only one firm submits a response, the Team shall determine if the firm is qualified and, if so, the City may proceed to direct negotiation with that firm, republish the RFQ or select a different method for completion of the project.
5. The Request for Proposals issued in accordance with the Step Two procedure below shall be provided to those firms selected by the Technical Review Committee.

6. No selected firm shall replace an identified contractor, subcontractor, design consultant or subconsultant without the written approval of the City.
7. A list of the firms selected to submit a proposal will be subject to disclosure when the list is finalized. The analysis of the qualifications, or summary of results, will remain confidential unless they are presented to City Council at a public meeting or retained by the City.

d. ***Step Two – Request for Proposals from selected firms***

1. A performance criteria package shall be prepared by the City. The City may engage independent consultants to assist with the preparation of such documents; provided, however, that any independent consultants shall not be affiliated with those firms selected by the Technical Review Committee. The purpose of the performance criteria package is to furnish sufficient information for firms to prepare qualitative proposals and price proposals.

2. The performance criteria package may include, but not be limited to, site survey; material quality standards; programmatic space needs; conceptual design criteria; design and construction schedules; site development requirements; stipulation of responsibilities for permits and connections to utilities, storm water facilities and roads; stipulation of responsibility for meeting environmental regulations; soil borings and geo-technical information; a statement of required compliance with statutory requirements, codes and general technical specifications; budget limitations; and any other design or performance criteria relevant to the project.

3. The Request for Proposals shall consist of the performance criteria package, instructions to bidders, bid proposal forms, provisions for contracts, general and special conditions and the basis for evaluation of proposals.

4. The selected firms shall respond to the Request for Proposals as follows:

- (a) Each firm shall develop a detailed project design based on the criteria in the performance criteria package and for construction of the project in compliance with the performance criteria package. All documents and

submissions responding to the performance criteria package shall be clearly marked "Project Design and Construction".

- (b) In a separately-sealed envelope, each firm shall place the cost proposal which shall provide a firm, fixed cost of design and construction and the bid security, if such is required. This envelope shall clearly be marked "Cost Proposal".

e. ***Selection***

1. Upon receipt of the Proposals from the qualified firms, the Technical Review Team shall first review the Project Design and Construction submittals and shall rank them according to responsiveness to the performance criteria package and overall aesthetic and shall assign each firm a score corresponding with the firm's ranking (the firm with the most responsive and aesthetic submittal shall receive the highest score).

2. Upon the date and time set in the Request for Proposals, the cost proposals shall be publicly opened and read aloud. The firms shall be ranked from lowest cost to highest cost and shall receive a score corresponding with the firm's ranking (the firm with the lowest cost proposal will receive the highest score).

3. Each score will account for 50% of the firm's overall score unless other percentages have been established by the Technical Review Team prior to the issuance of the Request for Proposals.

4. The responsive design-builder with the highest score shall be recommended to the City Council.

5. In finally awarding a contract, the City Council shall set forth detailed reasons supporting its decision if the Council does not select the design-builder with the highest score.

6. The City may reject all proposals and either solicit new proposals using different design criteria, budget constraints or qualifications or choose a different method for completion of the project.

7. The analysis of the proposals, or summary of results, will remain confidential unless they are presented to City Council at a public meeting to justify the selection of a contractor or retained by the

City. The remaining proposals that were rejected are subject to disclosure once the contract has been negotiated and executed.

f. ***Stipend.*** As an inducement to qualified design-builders, the City may pay, but is not required to pay, a reasonable stipend, the amount of which shall be established and stated in the Request for Proposals, to each qualified design-builder whose proposal is responsive but not selected. Upon payment of the stipend to any unsuccessful design-builder, the City shall acquire a nonexclusive right to use the design submitted by the design-builder, and the design-builder shall have no further liability for the use of the design by the City in any manner. If the design-builder desires to retain all rights and interest in the design proposed, the design-builder shall forfeit the stipend.

g. ***Additional Provisions.***

1. In lieu of requiring both Performance Proposals and Cost Proposals, the City may establish a fixed dollar budget for the design-build project in the Request for Proposals and require only Performance Proposals with the price being fixed for all firms. In this approach, the firm with the highest score after considering the Project Design and Construction submittals will be recommended.

2. The payment bond requirements of Section 107.170 RSMo shall apply to the design-build project. All persons furnishing design services shall be deemed to be covered by the payment bond the same as any person furnishing labor and materials. The required performance bond for the design-builder shall not cover any damages of the type specified to be covered by the professional liability insurance required and stated in the Request for Proposals.

3. At the time of the award and following the award, the City may negotiate minor changes for the purpose of clarifying the design criteria and work to be done, provided that the negotiated changes do not affect the ranking of the proposals.

## **SECTION TWO.**

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of codifying these provisions in the Financial Policies and Procedures Manual, if, in the discretion of the editor, an alternative designation would be more

reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**SECTION THREE.**

It is hereby declared to be the intention of the City Council that each and every part, section and subsection of the Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**SECTION FOUR.** This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

First Reading: **May 25, 2017**

Second Reading: **June 22, 2017**

**PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON,  
MISSOURI, THIS 22 DAY OF JUNE, 2017.**

  
Presiding Officer

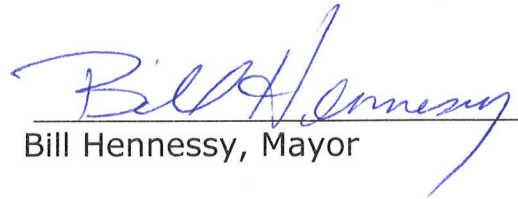
Attest:

  
Pamela L. Clement, City Clerk

**APPROVED BY THE MAYOR THIS 22 DAY OF JUNE, 2017.**





  
Bill Hennessy, Mayor

Attest:

  
Pamela L. Clement, City Clerk



Approved as to Form:

  
Stephanie Karr, City Attorney

## Exhibit G - Project Information

Code Information:

<https://www.ofallon.mo.us/building-permits>

<https://codes.iccsafe.org/codes/missouri/city-of-ofallon-mo>

