

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADDING SECTION 2.52.020 TO CHAPTER 2.52 OF TITLE 2 OF THE GARDEN GROVE MUNICIPAL CODE AUTHORIZING DESIGN-BUILD PROCEDURES TO AWARD CONTRACTS FOR CERTAIN PUBLIC WORKS PROJECTS.

City Attorney Summary

This Ordinance would add Section 2.52.020 to the Municipal Code to authorize the use of the design-build public works contract procurement method for certain types of projects. The design-build procurement method allows the City to award a contract for the design and construction of a qualifying project to a single entity, rather than having to issue separate requests for proposals for project design and bids for construction.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Section 2.52.020 is hereby added to Chapter 2.52 of Title 2 of the Garden Grove Municipal Code to read as follows:

2.52.020 Design-Build Procurement Method for Qualifying Projects.

- A. The purpose and intent of this section is to provide an alternative method for the award of contracts for qualifying projects as provided for in Public Contract Code sections 22160 et seq. It is the intent of this section to incorporate by reference all applicable definitions and procedures as set forth in Public Contract Code section 22160 et seq.
- B. Definitions.

"Best-Value" means a value determined by evaluation of objective criteria that may include, but not be limited to price, features, functions, life-cycle costs, experience, and past performance. A best value determination may involve the selection of the lowest cost proposal meeting the interests of the City and meeting the objectives of the project, selection of the best proposal for a stipulated sum established by the City, or a tradeoff between price and other specified factors.

"Design-Build" means a project delivery process in which both the design and construction of a project are procured from a single entity.

"Design-Build Entity" means a corporation, limited liability company, partnership, joint venture, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.

"Qualifying Project" means the construction of a building or buildings and improvements directly related to the construction of a building or buildings, and park and recreational facilities, excluding other infrastructure such as streets and highways, water, and sewer distribution facilities.

- C. The Finance Director may use the Design-Build contract procurement method for Qualifying Projects in excess of one million dollars (\$1,000,000) subject to the procedures and requirements of Public Contract Code sections 22160 et seq. The Design-Build contract shall be awarded to the Design-Build Entity providing the lowest bid or Best Value.

SECTION 2: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 3: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.