

AN ORDINANCE AMENDING ORDINANCE #2003-62 ESTABLISHING A PROCEDURE FOR THE SOLICITATION OF PROFESSIONAL DESIGN SERVICES,

WHEREAS, Council has determined that it is desirable to set forth a procedure for the solicitation of professional design services, such services generally defined as services provided within the scope of practice of an architect, landscape architect, professional engineer or surveyor as otherwise defined by the Ohio Revised Code, and

WHEREAS, in accordance with Section 1.03 of the Charter of the Municipality of Powell, the Municipality has all powers of local self government and the benefit of Municipal home rule that may now or hereafter be lawfully possessed or exercised by Municipal Corporations under the Constitution and the laws of the State of Ohio. All such powers shall be exercised in the manner prescribed in the Charter or, to the extent that the manner is not prescribed herein, in such manner as shall be provided by Ordinance or Resolution of the Council, and

WHEREAS, the Charter being silent regarding the solicitation of professional design services, Council has determined to prescribe the criteria set forth herein.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO, AS FOLLOWS:

WITHDRAWN

Section 1: That the Municipal Manager shall periodically, at the discretion of the Municipal Manager, advertise in a newspaper of general circulation in the community for professional design service individuals or firms seeking a statement of qualifications, experience and any other information deemed relevant by the Municipal Manager to evaluate the design firm on a particular project or generally,

Section 2: From time to time as determined by the Municipal Manager, eligible design firms shall be presented to Council on an as-needed basis for any project.

Section 3: For every proposed professional design services contract, the statement of qualifications for professional design firms shall be reviewed and evaluated. A Committee convened by the City Manager or his/her designee shall review and evaluate the statement of qualifications using a pre-established project criteria.

The Committee shall issue a list of no fewer than three firms rated qualified to perform the required services. If fewer than three qualified firms are identified, written notification shall be sent to the City Manager or his/her designee.

A scope of work clarification meeting may be conducted with the firms listed. The meeting(s) shall be designed to further explore the scope and nature of the services required, the various technical approaches the firms may take toward the project, unique project requirements, and the project schedule.

The firms will be asked to supplement their statement of qualifications with a technical proposal in accordance with the final scope of services and project requirements. The City Manager or his/her designee shall convene an evaluation committee which shall review the technical proposals and interview the firms.

The Committee shall evaluate, select and rank all the firms which are interviewed based on their qualifications and technical proposals.

City staff shall open negotiations with the firm ranked first and determined to be most qualified to perform the required services. Contract negotiations shall be directed toward: ensuring that the professional design firm and the City have a mutual understanding of the essential requirements involved in providing the required services; determining that the firm will make available the necessary personnel, equipment and facilities to perform the services within the required time; agreeing upon compensation which is fair and reasonable.

Upon failure to negotiate a contract with the firm ranked most qualified, the firm shall be informed in writing of the termination of negotiations. Negotiations shall proceed with the firm ranked next most qualified. If negotiations again fail, the same procedure shall be followed with each next most qualified firm in order of ranking until a contract is negotiated.

After a contract has been negotiated with the firm deemed most qualified, an ordinance authorizing the contract will be brought before Council. If Council approves the contract as negotiated, it shall be adopted by ordinance of Council. If Council fails to approve the contract as negotiated, it shall instruct staff whether to continue to negotiate with the firm ranked first or whether to open negotiations with the next firm.

Section 4: That the procedure set forth herein shall not be required in case of:

- a. Any instance or project deemed to be an emergency by the Municipal Manager, or
- b. Any instance or project with estimated professional design fees less than Fifty Thousand dollars (\$50,000).
- c. Prior approval and finding by Council that a firm is uniquely qualified to provide services for a specific project.

WITHDRAWN

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any other decision-making bodies of the Municipality of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 5: That this Ordinance shall take effect at the earliest period allowed by law.

VOTE ON ORDINANCE 2004-19:

Y ____ N ____

Dan Wienczek Date
Mayor

Dawn Nauman Date
Clerk of Council