

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO,  
CALIFORNIA, AMENDING ARTICLE 5 TO SECTION 4-502  
OF THE FRESNO MUNICIPAL CODE, RELATING TO  
METHOD OF PROCUREMENT

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subsections (d) and (e) are added to Section 4-502 of the Fresno Municipal Code to read:

SECTION 4-502. METHOD OF PROCUREMENT

The City Manager shall select one of the methods expressly set forth herein as the process to be used [recommended] for the selection of the Design-Build Entity by the Council. [No design build process or Design-Build Entity selection shall be initiated without Council approval.]

(a) Performance Specifications Method. A design-build competition based on performance specifications and criteria set forth by the city in the request for proposals.

(1) Criteria used in this form of evaluation of proposals may include, but not be limited to, items such as proposed design approach, initial and/or life-cycle costs, project features, financing, quality, capacity, schedule, and operational and functional performance of the facility. However, any criteria and methods used to evaluate proposals shall be limited to those contained in the request for design-build proposals.

1 of 5

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

(2) Subject to the right to reject any and all proposals, award by Council shall be on the basis of the criteria specified, including initial and/or life-cycle costs, and made to the Design-Build Entity whose proposal is judged as providing the best value in meeting the interest of the city and the objectives of the design-build project.

(b) Program and Preliminary Design Method. A design-build competition based on program requirements, performance specifications, and a preliminary design or combination thereof set forth by the city in the request for proposals. Limited drawings and specifications detailing the requirements of the design-build project may accompany the request for proposals.

(1) The City Manager shall establish technical criteria and methodology, including price, to evaluate proposals and shall describe the criteria and methodology of evaluation and selection in the request for design-build proposals.

(2) Subject to the right to reject any and all proposals, award by Council shall be on the basis of the technical criteria and methodology, including price, and made to the Design-Build Entity whose proposal is judged as providing the best value in meeting the interest of the city and the objectives of the design-build project.

(c) Bid Invitation Method. A design-build competition based on program requirements and a detailed scope of work, including any preliminary design drawings and specifications set forth by the city in the bid invitation. Subject to the right to reject any and all bids, award by Council shall be made to the lowest responsive and responsible bidder.

[(d) Qualifications Method. A design-build competition based on qualifications to meet program and performance requirements as set forth by the city in the request for qualifications. Limited drawings and specifications detailing the requirements of the design-build project may accompany the request for qualifications.]

(1) The City Manager shall establish technical criteria and methodology to evaluate proposals and shall describe the criteria and methodology of evaluation and selection in the request for design-build proposals.

(2) Subject to the right to reject any and all proposals, award by Council shall be on the basis of technical criteria and methodology and may include, but not limited to a guaranteed maximum price for the design-build project and made to the Design-Build Entity whose proposal is judged as providing the best value in meeting the interests of the city and objectives of the design-build project.

(3) The City Manager shall have the discretion to determine whether a design-build contract is one or two phases,

and may include additional terms, as set forth in the request for proposals.

(e) A Design-build competition based on a Design-build procurement process included or referenced in the statute or regulation of the design-build project funding source. Such funding sources shall include, but are not limited to the Federal Transit Administration, the Federal Aviation Administration, and the Federal Highway Administration.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2019  
Mayor Approval/No Return: \_\_\_\_\_, 2019  
Mayor Veto: \_\_\_\_\_, 2019  
Council Override Vote: \_\_\_\_\_, 2019

YVONNE SPENCE, MMC CRM  
City Clerk

BY: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: \_\_\_\_\_  
Brandon M. Collet Date  
Senior Deputy City Attorney