

## **ORDINANCE NO. 040190**

### **Amending Chapter 2, Code of Ordinances, by enacting a new Section 2-1583, Small construction contracts.**

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by enacting a new Section 2-1583, Small construction contracts, to read as follows:.

#### **Sec. 2-1583 Small Construction Contracts.**

(a) For construction contracts in which the estimated cost does not exceed \$300,000.00, the city manager is authorized to:

- (1) follow the solicitation procedures in section 2-1582; or
- (2) award construction contracts to the lowest and best bidder who is solicited from a city prequalified firm list when it is in the best interests of the city. The city manager is authorized to solicit some or all of the firms on the prequalification list. Section 2-1582 is not applicable to contracts bid pursuant to section 2-1583.

(b) The city manager is authorized to prequalify firms to bid on city construction contracts in which the estimated cost does not exceed \$300,000.00. The city manager is authorized to have multiple prequalification lists by type of construction work. After prequalifying firms, the city may enter into master services agreements with the firms.

(c) At the beginning of each city fiscal year, the monetary amount specified in this section shall automatically be adjusted and shall be announced by the city manager to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for all urban consumers to eliminate the effects of inflation on purchasing power. Such monetary amount, as adjusted, shall be rounded upwards to the nearest \$1,000.00.

(d) The city manager is authorized to adopt rules and regulations to implement this section.

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## ORDINANCE NO. 040191

**Amending Chapter 2, Code of Ordinances, by repealing Section 2-1584, Architect, engineering and land surveying services selection, and enacting in lieu thereof a new section of like number that provides for the selection procedures for architects, engineers and land surveyors.**

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 2-1584, Architect and engineering selection committee, and enacting in lieu thereof a new section of like number, to read as follows:

**Sec. 2-1584. Architectural, engineering, and land surveying services selection.**

(a) *Selection Policy.* The selection by the city of any individual, firm, partnership, company, corporation, association or other legal entity to perform architectural, engineering or land surveying services under a contract with the city relating to the design or construction of buildings, bridges, streets, sewers, viaducts, water mains, subways or any structure or public improvement of any nature whatsoever to be erected upon lands belonging to the city shall be based on an evaluation of a statement of qualifications submitted by the firms seeking to provide architectural, engineering and land surveying services. The qualification based requirement of this section is met in a design-build contract if qualification of architectural and engineering services to be provided in the contract is one of the basis of selection of the design-build contractor.

(b) *Contracts over \$500,000.00.* -If the estimated cost of an architectural, engineering or land surveying services contract exceeds \$500,000.00, an architect and engineering selection committee shall be formed to select a firm. Failure to secure the approval of the committee of a selection shall in no case invalidate any public improvement proceeding.

(1) **Committee Composition.** The committee shall be comprised of: one member designated by the city manager and four members designated by the director of the contracting department. The chairperson of the city council committee cognizant of public improvements may elect to be a member of the committee or may designate a council member to serve on the committee. If the chairperson so elects, the chairperson or chairperson's designee shall serve in lieu of one of the contracting department's designees.

(2) **Quorum.** Three members shall constitute a quorum.

(c) *Contracts \$500,000.00 or under.* If the estimated cost of an architectural, engineering or land surveying services contract does not exceed \$500,000.00, the qualification based selection shall be made by the director of the contracting department. The director of the contracting department is authorized but not required to procure architectural, engineering or land surveying services utilizing the prequalification lists provided for in subsection (d).

(d) *Contracts \$100,000.00 or under.* The city is authorized to establish prequalification

lists of architects, engineers and land surveyors based on qualifications if the estimated cost of the services does not exceed \$100,000.00. After the prequalification lists are developed, the city manager or the city manager's designee is authorized to enter into master services contracts with the qualified firms and award task orders from these master services agreements if the city can negotiate a satisfactory contract with the firms from the prequalified lists. The prequalification lists may be utilized when the city manager or the city manager's designee determines it is in the best interests of the city.

(e) *Selection.* For contracts to be awarded pursuant to subsections (b) and (c), the city shall select the firm considered best qualified and capable of performing the desired work and negotiate a contract for the project with the firm selected. If the city is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm shall be terminated. The city shall then undertake negotiations with another of the qualified firms selected. If there is no agreement with the second firm, negotiations with such firm shall be terminated. The city shall then undertake negotiations with the third qualified firm. If the city is unable to negotiate a contract with any of the selected firms, the city shall reevaluate the necessary architectural, engineering or land surveying services, including the scope and reasonable fee requirements, and again compile a list of qualified firms.

(f) *Additional Design Work.* Regardless of the initial dollar amount of any architect, engineering or land surveying contract, the city may elect to utilize the same architect, engineer or land surveyor on a subsequent design phase or for additional design work without a new qualification based selection process. If the city and the architect, engineer or land surveyor cannot agree on reasonable compensation for a subsequent phase, the city shall utilize the appropriate qualification selection process under this section.

(g) *Exceptions to this section.*

- (1) If the city manager deems that there exists an imminent threat to public health, welfare, safety or essential operations of the city, the city manager is authorized to enter into emergency contracts without following the requirements of this section.
- (2) If the city manager determines it is in the best interest of the city to utilize an architect, engineer or land surveyor who has unique or specialized experience for a specific project, the city manager is authorized to enter into a contract without following the selection requirements of this section. If the estimated cost of such a contract for architectural, engineering or land surveying services contract exceeds \$500,000.00, the city manager shall report the contract to the chairperson of the city council committee cognizant of public improvements.

(h) *Rules and Regulations.* The city manager is authorized to adopt rules and regulations to facilitate the qualification based selection of architects, engineers and land surveyors.

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