

## Request for Legislative Action

Res. #20802

Sponsor: Theresa Cass Galvin

Date: November 1, 2021

### Completed by County Counselor's Office

Action Requested:	Resolution	Res.Ord No.:	20802
Sponsor(s):	Theresa Galvin	Legislature Meeting Date:	11/1/2021

### Introduction

**Action Items:** ['Courtesy']

**Project/Title:**

Expressing the desire of the Legislature that Jackson County select and procure a Design-Builder for the construction of a new Jackson County Detention Center utilizing the process pursuant to section 67.5060 RSMo.

### Request Summary

WHEREAS, Jackson County is a home rule charter county, organized pursuant to article VI, section 18 of the Constitution of Missouri; and,

WHEREAS, any county operating under home rule charter pursuant to article VI, section 18 of the Constitution of Missouri may adopt a design-build construction process via ordinance, rule, or regulation; and,

WHEREAS, Jackson County, pursuant to article III, section 6.2 of the Jackson County Charter, adopted a procurement procedure for design-build services by Executive Order 94-24, dated October 6, 1994; and,

WHEREAS, the design-build procedure adopted by the County pursuant to its home rule charter is over 27 years old; and,

WHEREAS, the Legislature desires to contract with a design-builder for the construction of a new Jackson County Detention Center on a tract of land previously acquired for this purpose; and,

WHEREAS, section 67.5060 RSMo provides a three-stage process for Design-Build Contracts to include Phase I the solicitation of qualifications of the design-build team (RFQ), Phase II the solicitation of a technical proposal including conceptual design for the project (RFP), and Phase III the proposal for the construction cost; and,

WHEREAS, during the evaluation of Phase I, the county shall have discretion to disqualify any design-builder who lacks the minimum qualifications required to perform the work; and,

WHEREAS, in Phase II of the process, the design-builder shall submit its design for the detention center project to the level of detail required in the RFP, and the design proposal shall demonstrate compliance with requirements set out in the RFP; and,

WHEREAS, the county shall have discretion to disqualify any design-builder who lacks responsiveness to requirements in the RFP; and,

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WHEREAS, evaluation of Phase II includes scoring from criteria provided by the county, including but not limited to, the scope and level of detail required to permit qualified persons to submit proposals, the ability to meet the budget provided, the ability to meet the schedule provided, and the design criteria provided; and,

WHEREAS, Phase III cost proposals shall be opened only after the Phase II design proposals have been evaluated and assigned points, ranked in order, and posted; and,

WHEREAS, Phase II and Phase III points are combined for one overall score, and an award recommendation shall be made to the design-builder with the highest total number of points; and,

WHEREAS, section 67.5060 RSMo requires stipends as an inducement to qualified design-builders, the amount of which to be established in the request for proposals, no less than one-half of one percent of the total projected budget; and,

WHEREAS, once the county has performed its due diligence in providing criteria and evaluating proposals of Phase I the solicitation of qualifications and Phase II the solicitation of technical conceptual design, a stipend is only payable to pre-qualified design-builders whose proposals are responsive but not accepted; and,

WHEREAS, if the design-builder desires to retain all rights and interest in the design proposed the design-builder shall forfeit the stipend; and,

WHEREAS, if the county determines that it is not in its best interest to proceed with the detention center project pursuant to the proposal offered by the design-builder with the highest total number of points following the evaluations of Phase II and Phase III, the county shall reject all proposals; and,

WHEREAS, a stipend is payable to all pre-qualified design-builders who were responsive but rejected; which provides accountability for the county to have a warranted and justified reason for rejection; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the method of procurement to be utilized in the selection and procurement of a design-build contract for the detention center project shall follow section 67.5060 RSMo.

### Contact Information

<b>Department:</b>	County Legislature	<b>Submitted Date:</b>	10/25/2021
<b>Name:</b>	Crissy Wooderson	<b>Email:</b>	cwooderson@jacksongov.org
<b>Title:</b>	Legislative Auditor	<b>Phone:</b>	816-881-3310

### Budget Information

Amount authorized by this legislation this fiscal year:	\$ 0
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Amount previously authorized this fiscal year:			\$ 0
Total amount authorized after this legislative action:			\$
Is it transferring fund?			No
<b>Single Source Funding:</b>			
Fund:	Department:	Line Item Account:	Amount:
			<b>!Unexpected End of Formula</b>

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<b>Prior Legislation</b>	
<b>Prior Ordinances</b>	
Ordinance:	Ordinance date:
<b>Prior Resolution</b>	
Resolution:	Resolution date:

<b>Purchasing</b>	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

<b>Compliance</b>	
<b>Certificate of Compliance</b>	
Not Applicable	
<b>Minority, Women and Veteran Owned Business Program</b>	
Goals Not Applicable for following reason: Not spending money	
MBE:	.00%
WBE:	.00%
VBE:	.00%
<b>Prevailing Wage</b>	
Not Applicable	

<b>Fiscal Information</b>	
<ul style="list-style-type: none"><li>This legislative action does not impact the County financially and does not require Finance/Budget approval.</li></ul>	

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### History

Crissy Wooderson at 10/25/2021 2:05:29 PM - [Submitted | ]  
Department Director: Mary Jo Spino at 10/25/2021 2:43:28 PM - [ Approved | For the November 1, 2021 Agenda ]  
Finance (Purchasing): Barbara J. Casamento at 10/25/2021 3:00:31 PM - [ Not applicable | ]  
Compliance: Katie M. Bartle at 10/25/2021 3:14:23 PM - [ Approved | eRLA 283 ]  
Finance (Budget): Mark Lang at 10/25/2021 3:33:54 PM - [ Not applicable | ]  
Executive: Sylvya Stevenson at 10/26/2021 9:14:53 AM - [ Approved | ]  
Legal: Elizabeth Freeland at 10/27/2021 4:01:05 PM - [ Approved | ]