

RESOLUTION NO.: 22—2023-24

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

Rule 9 of the Outagamie County Board Rules, Sec. 2-52 Administrative Rule Review of the Outagamie County Code of Ordinances, establishes a procedure for the review of Administrative Rules. The County Board may approve of the rule or refer it back to administration for revision and resubmission. Such a set of rules regarding Outagamie County's Public Works Project Administration for Projects over \$1,500,000, has been submitted for review.

This resolution approves Administrative Rule 2023-04.

NOW THEREFORE, the undersigned members of the Property, Airport, Recreation and Economic Development Committee and Legislative/Audit and Human Resources Committee recommend adoption of the following resolution.

BE IT RESOLVED, that the Outagamie County Board of Supervisors does approve the attached Administrative Rule 2023-04 which amends the Outagamie County Public Works Project Administration for Projects over \$1,500,000, which by reference is made a part hereof, and

BE IT STILL FURTHER RESOLVED, that this rule shall be numbered 2023-04 and will be on file in a manual entitled "Outagamie County Administrative Rules" in the Outagamie County Clerk's Office, and

BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of this resolution to the Outagamie County Executive, who, in accordance with Sec. 59.03 Wis. Stats., shall be charged with the duty of distributing said rule to affected departments for compliance.

Dated this ____ day of May 2023.

Respectfully submitted,

PROPERTY, AIRPORT, RECREATION &
ECONOMIC DEVELOPMENT COMMITTEE
AND
LEGISLATIVE/AUDIT AND HUMAN
RESOURCES COMMITTEE

Dean Culbertson

Lee W. Hammen

Ronald Klemp

Yvonne Monfils

Jayson Winterfeldt

Cathy Spears

Curt Konetzke

Sara MacDonald

Ryan Ferguson

Joe Santonato

Duly and officially adopted by the County Board on: _____

Signed: _____

Board Chairperson

County Clerk

Approved: _____

Vetoed: _____

Signed: _____

County Executive

PUBLIC WORKS PROJECT ADMINISTRATION

FOR PROJECTS OVER \$1,500,000

Subject: Public Works Project Administration for Projects Over ~~\$500,000~~ 1,500,000

Number: AR ~~23-040221-01~~

Effective Date: ~~11/01/2021~~ TBD

Replaces: AR ~~21-0116-02~~

References: Wisconsin Statutes 59.52(29) and 66.0901

Outagamie County Code of Ordinances Chapter 50

Adopted: TBD

PROCEDURES

Public Works Projects with an estimated value in excess of ~~\$500,000~~ 1,500,000 shall be subject to Chapter 50 of the Outagamie County Code of Ordinances. Chapter 50 requires that the project be supervised by a Project Oversight Committee and that no work on such project commence until a contract is fully executed and all applicable bonds and insurance certificates are filed.

Initial Discussions

To determine need, funding source, timeline, construction management, or other means, discussions are required by:

- County Executive with affected Department Head(s), Finance Director, Facilities Engineer or Maintenance Department Head, and Purchasing Coordinator;
- Committee(s) of jurisdiction;
- Property/Airport committee,

The Project must be included in appropriate department/capital budget(s), and be incorporated in the County's Capital Improvement Program (CIP) plan for required year(s).

Appropriating Resolution

The property/airport committee and the committee(s) of jurisdiction submit a resolution including the following elements:

- Scope recommendations;
- Approval to solicit an architect/engineer (A/E) and/or Construction Manager (CM) to prepare plans and specifications;
- Approval of funding source(s).

The resolution shall be submitted to the County Board of Supervisors for approval.

The project shall be administered in accordance with established administrative rules.

Establish Project Oversight Committee

Voting members of the project oversight committee, established under Section 50.87 of the Outagamie County Code of Ordinances, include:

- County Executive, or representative;
- Property/Airport committee member;

- Finance committee member;
- Affected Department Head;
- Facilities Engineer or Maintenance Department Head;
- Finance Director, or representative;
- County Board Chairperson, or representative;
- Jurisdictional committee member.

In the event a project affects multiple departments/jurisdictional committees, Sec. 50.87 shall be interpreted to require the appointment of multiple affected department heads and jurisdictional committee members subject to the following conditions: (1) The number of Board and Administrative voting representatives on the committee shall be equal; (2) The committee membership shall not exceed 10 members. The project director – A/E or CM – is a non-voting member of the oversight committee. The county board chairperson appoints a county board member of the committee to chair the oversight committee.

Develop Request for Qualifications and/or Proposals

A Request for Qualification (RFQ) or Request for Proposal (RFP) is developed to select an architect/engineer and/or construction manager (if applicable). The RFQ/RFP will:

- Describe services to be performed;
- Describe requirements for service provider;
- Describe evaluation criteria;
- Include copies of AIA B101, Owner and Architect Agreement, AIA A201, General Conditions for Construction, and AIA A101, Owner and Contractor Agreement – all as revised by Owner.

The RFQ/RFP will be prepared by the affected Department Head(s) and the Procurement Coordinator with review and consultation by the Facilities Engineer or Maintenance Department Head.

Issue RFQ/RFP

The Procurement Coordinator will facilitate the issuance of the RFQ/RFP.

Receive Proposals

Responses to the RFQ/RFP will be opened and recorded by the Procurement Coordinator. Copies of the responses will be distributed to the Facilities Engineer or Maintenance Department Head and appropriate Department Head(s).

Responses are reviewed and evaluated based on stated evaluation criteria. Inquiries are made to references contained in the response/proposal, and a final A/E or CM recommendation is prepared.

Oversight Committee Review

The project oversight committee is advised of the recommended A/E or CM and provided with rationale for such recommendation. The oversight committee acts on accepting the project architect and/or construction manager.

Negotiate Contract

- Resolving details regarding use of Agreement AIA B101 (as revised by Owner);
- Resolving any impact resulting from use of General Conditions AIA A201 (as revised by Owner);

- Determining scope of any additional services to be provided by the architect or construction manager;
- Resolving final fee.

Authorize A/E or CM to Proceed with Project Design

AIA B101 (as revised by Owner) is approved as to form by Corporation Counsel and signed by the County Executive.

Schematic Design Phase

- A/E reviews program as furnished by Owner;
- A/E provides evaluation of program, schedule, and budget;
- A/E reviews alternates to design and construction;
- A/E provides schematic design documents for approval by Owner;
- A/E provides preliminary construction cost estimate based on schematic design.

Oversight Committee Review

- Review schematic design with the project oversight committee;
- Obtain oversight committee approval of the schematic design.

Design Development Phase

- A/E prepares design development documents which describe the character of the project as to architectural, structural, mechanical, electrical, voice-data systems, and materials to be used;
- A/E advises Owner as to any budget estimate changes from the original estimate.

Oversight Committee Review

- Review design development documents with the project oversight committee;
- Obtain oversight committee approval of the design development documents;
- Owner approves A/E proceeding to next phase.

Construction Document Phase I

Based on approved design development documents, A/E prepares the construction documents (CDs) setting forth the detail requirements for the construction of the project.

Oversight Committee Review

- Review Construction Documents with project oversight committee;
- Obtain oversight committee approval of construction documents.

Construction Document Phase II

- A/E finalizes CDs based on outcome of project oversight committee review, in preparation for bidding;
- A/E technical bid specifications.
- A/E advises Owner of any changes to previous construction cost estimates;
- A/E submits, on behalf of Owner, various State plan approvals and any other documents required by governmental authorities;
- Regarding Owner direct purchases, the architect reviews to establish the general categories of material and equipment which will be appropriate for the Owner to purchase for the project;

Bidding Phase

- Procurement Coordinator provides all bid documentation with the exception of the technical specifications as referenced above
- Procurement Coordinator submits the applicable legal notice and posts RFB on the County's website;
- The bids are opened in the County Clerk's office, with each bid electronically sent to the Procurement Coordinator;
- A/E reviews bids and bid alternatives; if applicable;
- A/E recommends general contractor, if applicable.

Oversight Committee Review

- Affected Department Head makes general contractor recommendation to the project oversight committee;
- Affected Department Head makes recommendation regarding bid alternatives to be selected, based on bid results and available budget;
- Project Oversight Committee approves general contractor and bid alternates to be included in the project.

Contract Phase

- General contractor, A/E and the Procurement Coordinator finalize the list of items to be purchased directly by the Owner (if applicable);
- Procurement Coordinator prepares the contract document (AIA A101 Owner Contractor Agreement and AIA A201 General Conditions of Contract, both as revised by Owner);
- Contract is approved as to form by Corporation Counsel and signed by the County Executive, County Board Chair and the County Clerk;
- Fully executed contract is on-file with County Clerk.

Construction Phase

- A/E provides Basic Services, as defined in the Agreement, from contract award until project close out;
- A/E makes regular site visits, as defined by the contract, to review general contractor progress;
- A/E attends regular General Contractor progress meetings and project oversight committee meetings (upon request);
- A/E reviews and approves General Contractor pay applications, forwarding them to Owner for payment;
- A/E reviews all General Contractor change order requests to determine equitable costs to the project;
- A/E processes all change orders, after approval by the authorized Owner's representative and/or the project oversight committee;
- A/E coordinates all punch list inspections with the General Contractor and the Owner, and is responsible for assuring timely corrective action by the General Contractor;