



Legislation Details (With Text)

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Enactment #: O-2021-002
Title: Amending Sections 14-7-1-1, 14-7-1-2, 14-7-1-3, 14-7-1-4, 14-7-1-5, 14-7-2-2, And 14-7-2-3 Of The Selection Advisory Committee Ordinance To Incorporate Design-Build Services Into The Selection Advisory Committee Process (Benton, by request)
Sponsors: Isaac Benton (By Request)
Indexes:
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Date	Ver.	Action By	Action	Result
2/8/2021	1	City Clerk	Published	
2/5/2021	1	Mayor	Signed by the Mayor	
2/5/2021	1	City Council	Sent to Mayor for Signature	
2/1/2021	1	City Council	Amended	Pass
2/1/2021	1	City Council	Passed as Amended	Pass
1/4/2021	1	City Council	Postponed	Pass
12/7/2020	1	City Council	Postponed	Pass
11/16/2020	1	City Council	Introduced	
11/16/2020	1	President	To be heard at the Council Meeting	

CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-41 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton, by request

ORDINANCE

Amending Sections 14-7-1-1, 14-7-1-2, 14-7-1-3, 14-7-1-4, 14-7-1-5, 14-7-2-2, And 14-7-2-3 Of
The Selection Advisory Committee Ordinance To Incorporate Design-Build Services Into The
Selection Advisory Committee Process (Benton, by request)

AMENDING SECTIONS 14-7-1-1, 14-7-1-2, 14-7-1-3, 14-7-1-4, 14-7-1-5, 14-7-2-2, AND 14-7-2-3 OF THE SELECTION ADVISORY COMMITTEE ORDINANCE TO INCORPORATE DESIGN-BUILD SERVICES INTO THE SELECTION ADVISORY COMMITTEE PROCESS.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. Section 14-7-1-1, DEFINITION, is amended as follows:

DEFINITIONS.

For the purpose of §§ 14-7-1-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASIC SERVICES. Those professional services of consulting engineers, architects and landscape architects identified as "Basic Services" in each specific agreement between the city and each consulting engineer, architect or landscape architect or engineering, architectural or landscape architectural firm to which a project is assigned.

DESIGN-BUILD SERVICES. Services provided by a contractor under a single design-build contract with the city, pursuant to which the contractor provides both design and construction services for a project.

SECTION 2. Section 14-7-1-2, DEFINITE TERM REQUIRED, is amended as follows:

Any agreement for the basic services provided by consulting engineers, architects and landscape architects and for design-build services shall be for a definite term which shall be stated in the agreement. The term of the agreement may only be extended for good cause and after the written approval of the Chief Administrative Officer.

SECTION 3. Section 14-7-1-3, COMPENSATION FOR BASIC SERVICES OF CONSULTING ENGINEERS, ARCHITECTS AND LANDSCAPE ARCHITECTS, is amended as follows:

Compensation for the basic services provided by consulting engineers, architects and landscape architects and for design-build services shall be negotiated. If an estimated construction cost can be determined from the project for which the basic services are provided, it may be used as the basis of negotiations unless use of the estimated construction cost is prohibited by funding authorities.

SECTION 4. Section 14-7-1-4, CHANGE IN SCOPE; AUTHORIZATION REQUIRED, is amended as follows:

(A) In the event there is a change in the scope, complexity, character, or duration of a

project involving the basic services of consulting engineers, architects or landscape architects or design-build services, the compensation for such services shall be renegotiated or negotiated as appropriate. Whenever applicable, appropriate consideration of estimated construction cost will be used as the basis of negotiations.

(C) The written authorization shall specify the additional or different services, the estimated total cost of the additional or different services, and how the additional or different services relate to the scope of services of the underlying agreement for basic services or design-build services.

SECTION 5. Section 14-7-1-5, MULTI-PHASE PROJECTS, is amended as follows:

Compensation for the basic services of consulting engineers, architects or landscape architects for projects to be constructed in stages over a period of years, including design-build projects, shall be negotiated. Whenever applicable, appropriate consideration of estimated construction cost will be used as the basis of negotiations.

SECTION 6. Section 14-7-2-2, SELECTION OF SERVICES, is amended as follows:

The selection of firms or persons to provide professional architectural, engineering, landscape architectural and other related professional services which will cost \$25,000 or more shall be accomplished in accordance with the provisions of §§ 14-7-2-1 et seq. For the purposes of §§ 14-7-2-1 et seq., **PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL AND OTHER RELATED PROFESSIONAL SERVICES** means the performance of any professional service or creative work requiring architectural, landscape architecture or engineering education, training and experience, and the application of special knowledge of the mathematical, physical and engineering sciences, design or architectural principles to such professional services or creative work as consultation, investigation, evaluation, planning, design, observation of construction, surveying, photogrammetry and construction management, and shall also include design-build services costing at least five million dollars (\$5,000,000). The design-build project delivery method shall not be used for projects costing less than five million dollars (\$5,000,000).

SECTION 7. Section 14-7-2-3, SELECTION ADVISORY COMMITTEE, is amended as follows:

(D) Design-Build Services.

(1) The Director of the Department of the City of Albuquerque which is the user

agency of the project or the designated staff alternate of the Department Director.

(2) The City Architect.

(3) Department of Municipal Development Deputy Director, or their designee.

(4) The Project Manager.

(5) An architect who is registered in the state shall be appointed as a member by the Mayor from a panel which has been appointed by the Mayor with the advice and consent of the Council in the manner prescribed herein. Such member shall serve on the Selection Advisory Committee for a period of time designated by the Mayor, which period shall not exceed six consecutive months. The Mayor shall appoint a panel of three architects chosen from a list of names presented by the Albuquerque Chapter of the American Institute of Architects. All panel members shall be residents of the city and shall not be employees or officials of the city and shall not be contracting directly or indirectly through a subcontract with the city to perform architectural services for the city. The members of the panel of architects shall be appointed for three year unstaggered terms and shall not be reappointed for one year. Any vacancy for any unexpired term shall be filled for the unexpired term by the same procedure used for the original selection and appointment of the member vacating the position. In the event that a Mayor's representative is not available, a registered architect who is a public employee and is approved by the Mayor may serve as the Mayor's representative.

(6) Selection Advisory Committee Administrator.

(E) The Selection Advisory Committee Administrator shall be a city employee designated by the Mayor as responsible for all administrative functions associated with the Selection Advisory Committee as delineated in Rules and Regulations promulgated by the Mayor. The Selection Advisory Committee Administrator shall serve as the Chairperson of the Selection Advisory Committee.

(F) The Selection Advisory Committee Administrator shall not call a meeting with less than two weeks notice to members unless the Administrator first polls all members and finds no objection to the meeting date proposed and a quorum of the members shall be present.

SECTION 8. Section 14-7-2-10 Compliance with State Laws is added as follows: The City will comply with State laws regarding Prevailing Wage, Public Works, and Apprentice Training and any directive of the State Department of Workforce Solutions related to these

laws.

SECTION 9. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 10. COMPILATION. This ordinance shall be incorporated in and compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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