

RESOLUTION NO.: 122—2014-15

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 Rule 9 of the Outagamie County Board Rules, Sec. 2-52 Administrative Rule Review of
2 the Outagamie County Code of Ordinances, establishes a procedure for the review of
3 Administrative Rules. The County Board may approve of the rule or refer it back to the
4 administration for revision and re-submission. Such a set of rules regarding Outagamie
5 County's Public Works Project Administration For Projects Over \$250,000, has been
6 submitted for review.

7
8 This resolution approves amendments made due to auditor recommendations and to
9 reflect current practice. These changes will result in improved efficiencies and will refer to
10 correct ordinance numbers. This resolution approves Administrative Rule 15-02.

11
12 NOW THEREFORE, the undersigned members of the Legislative/Audit and Human Resources
13 Committee recommend adoption of the following resolution.

14 BE IT RESOLVED, that the Outagamie County Board of Supervisors does approve the attached
15 Administrative Rule 15-02 amending the Outagamie County Public Works Project Administration For
16 Projects Over \$250,000, which by reference is made a part hereof, and

17 BE IT STILL FURTHER RESOLVED, this rule shall be numbered AR 15-02 and will be on file
18 in a manual entitled "Outagamie County Administrative Rules" in the County Clerk's office, and

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

22 Dated this ____ day of March 2015

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26 Respectfully Submitted,

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28 LEGISLATIVE/AUDIT &
29 HUMAN RESOURCES COMMITTEE
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Travis Thyssen

Shane Griesbach

James Pleuss

Matthew Strenn

Marcia Trentlage

Duly and officially adopted by the County Board on: _____

Signed: _____
Board Chairperson

County Clerk

Approved: _____

Vetoed: _____

Signed: _____
County Executive

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

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, Standard Agreement between Owner and Architect, and AIA A201, General Conditions for Construction – both as revised by Owner.

The RFQ/RFP will be prepared by the Facilities Engineer or Maintenance Department Head, the affected Department Head(s) and the Purchasing Coordinator.

Issue RFQ/RFP

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

Receive Proposals

Responses to the RFQ/RFP will be opened and recorded by the Purchasing 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

- Purchasing Coordinator provides all bid documentation with the exception of the technical specifications as referenced above (i.e. bond requirements, prevailing wage rate determinations, etc);
- Purchasing Coordinator submits advertisement to newspaper(s) and posts Bid on the County's website;
- A/E, Purchasing Coordinator and Facilities Engineer participate in the bid opening with County Clerk;
- A/E reviews bids and bid alternatives; if applicable;
- A/E recommends general contractor, if applicable.

Oversight Committee Review

- A/E, Facilities Engineer or Maintenance Department Head makes general contractor recommendation to the project oversight committee;
- A/E 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 Purchasing Coordinator finalize the list of items to be purchased directly by the Owner;
- Contract sum is established by deducting from the bid price, the total amount of items to be purchased by the Owner, and the associated taxes;
- Purchasing Coordinator prepares the contract document (AIA B101 Standard Form of Agreement Between Owner & Contractor 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 final certificate for payment (by General Contractor);
- 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;
- 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;
- A/E reviews all Owner's equipment manuals, warranties, spare parts, attic stock and all other project close-out documentation as required by the contract documents;
- A/E establishes the post-construction, eleven month walk-through date with the Owner and General Contractor, and documents in writing.

Post Construction

- A/E, Owner and General contractor meet on the established eleven month walkthrough date to review all items to establish all potential warranty claims, prior to the end of the one year warranty period;
- A/E coordinates any warranty claims on behalf of the Owner.

Delegation

Any tasks referenced in this Administrative Rule performed by Outagamie County may be delegated to an outside source(s) if the circumstance warrants, subject to the County's purchasing procedures.

PUBLIC WORKS PROJECT ADMINISTRATION

FOR PROJECTS OVER \$250,000

Subject: Public Works Project Administration For Projects Over \$250,000
 Number: AR06-01-xxxx
 Effective Date: August 23, 2006xxxx
 Replaces: AR98-02AR06-01
 References: Wisconsin Statutes 59.52(29) and 66.0901
Outagamie County Code of Ordinances Chapter 8-50
Outagamie County Administrative Rule AR98-03 Public Works
Project Administration For Projects of \$250,000 or Less Adopted: August 8, 2006xxxx

PROCEDURES

~~Public work projects with an estimated value greater than \$25,000 must be let by contract to the lowest responsible bidder under the requirements of Sections 59.52 (29)(a) and 66.0901, Wisconsin Statutes.~~

Public Works Projects with an estimated value in excess of \$250,000 shall be subject to Chapter 8-50 of the Outagamie County Code of Ordinances. Chapter 8-50 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.

~~The bidding requirements of Section 66.0901, Wisconsin Statutes, for public work projects in excess of \$25,000 are not mandatory for the repair or reconstruction of public facilities when damage or threatened damage thereto creates an emergency as declared in writing by the County Executive in which the public health or welfare is endangered (see Section 8.01(2)(c), Outagamie County Code of Ordinances).~~

~~The bidding requirements of Section 66.0901, Wisconsin Statutes, for public work projects in excess of \$25,000 are not mandatory if the County Board of Supervisors, by 3/4s vote of all members entitled to a seat, provide that the public work or any part thereof may be done directly by the county pursuant to Section 59.52(29)(a)3 (b)4.~~

Initial Discussions

~~To determine need, funding source, timeline, and method of construction, such as design-bid-build, construction management, or other means, discussions are required by:~~

- ~~— County Executive with affected department Department HeadHead(s), Finance Director, Facilities Engineer or Maintenance Department Head, and Purchasing Coordinator;~~

- ~~•~~
- ~~— Committee(s) of jurisdiction;~~
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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 B141B101, Standard Agreement between Owner and Architect, and AIA A201, General Conditions for Construction – both as revised by Owner.

The RFQ/RFP will be prepared by the Facilities Engineer or Maintenance Department Head, the affected Department Head(s) and the Purchasing Coordinator.

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~~The RFP will be prepared by the Facilities Engineer, the affected department head(s), and the Purchasing Coordinator, with review by the County Executive.~~

~~Legislative Review of RFP~~

~~Section 3.20(2)(e) of the Outagamie County Code of Ordinances provides for RFP review by the committee(s) of jurisdiction.~~

~~Issue RFQ/RFP~~

~~The Purchasing Coordinator will facilitate the issuance of the RFQ/RFP. Following actions will take place in issuing the RFP:~~

- ~~• Purchasing Coordinator adds submittal details, including the number of required response copies;~~
- ~~• Notices are made to professional journals, when deemed appropriate to the project;~~
- ~~• The RFP is released through the Purchasing Coordinator after review by the Facilities Engineer, affected department head(s), the Corporation Counsel and the County Executive.~~

~~Receive Proposals~~

~~Responses to the RFQ/RFP are will be opened and recorded by the Purchasing Coordinator. Copies of the responses are will be distributed to the Facilities Engineer or Maintenance Department Head and appropriate department Department headHead(s), and the County Executive.~~

~~Responses RFP responses/proposals 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.~~

~~Legislative Review 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 B141 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~~

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Authorize Architect to Proceed with Project Design--

- ~~Notice to proceed letter written by Purchasing Coordinator, with review by Facilities Engineer and Corporation Counsel;~~
 - ~~Notice to proceed letter sent to A/E, instructing them to prepare contract, consistent with all final negotiated issues and submit to Owner.~~
- 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.

Legislative Review 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.

Legislative Review 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.

Legislative 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 drafts advertisement for bid and gives to the Purchasing Coordinator;

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- A/E prepares bid submittal forms, with language which requires the bid to be prepared, complete with all applicable sales and use taxes included, technical bid specifications.
- A/E reviews Form of Agreement and General Conditions to be used between Owner and Contractor: AIA A101, Standard Form of Agreement Between Owner and Contractor and AIA A201, General Conditions — both as revised by Owner — with Corporation Counsel, Facilities Engineer, and Purchasing Coordinator;
- 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;
- A/E adds specific language to the project manual to indicate the Owner's intention to do direct purchasing. The general categories are stated; specific language is added to require inclusion of sales tax in bid submittal.

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Bidding/Negotiation Phase

- Purchasing Coordinator provides all bid documentation with the exception of the technical specifications as referenced above (i.e. bond requirements, prevailing wage rate determinations, etc);
- A/E establishes bid opening date with Purchasing Coordinator;
- Purchasing Coordinator and A/E determine bid advertisement run dates;
- A/E finalizes advertisement language with the Purchasing Coordinator;
 - Purchasing Coordinator submits advertisement to newspaper(s) and posts Bid on the County's website;
 - A/E, Purchasing Coordinator and Facilities Engineer participate in the bid opening with County Clerk;
 - A/E reviews bids and bid alternatives; if applicable;
- A/E submits advertisement to construction trade job notice agents, such as Dodge Reports and Wisconsin Builders Exchange;
- A/E contacts preferred contractors to verify bidding interest;
- A/E, Purchasing Coordinator and Facilities Engineer participate in bid opening with County Clerk;
 - A/E reviews bids and bid alternatives, if applicable;
 - A/E recommends general contractor, if applicable.
- Oversight Committee Review
 - A/E, Facilities Engineer or Maintenance Department Head makes general contractor recommendation to the project oversight committee;
 - A/E 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;

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Contract Phase

- General contractor, A/E and the Purchasing Coordinator finalize the list of items to be purchased directly by the Owner;
- Contract sum is established by deducting from the bid price, the total amount of items to be purchased by the Owner, and the associated taxes;
- Purchasing Coordinator prepares the contract document (AIA B101 Standard Form of Agreement Between Owner & Contractor 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.

Legislative Review

- A/E makes general contractor recommendation to the project oversight committee;
- A/E 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;
- A/E verifies contract sum, in writing, with the general contractor;
- A/E is authorized to draft and issue a Notice to Award letter to the recommended general contractor. NOTE: The Notice to Award letter is drafted with a contract sum equal to the base bid and any alternates selected. The A/E advises the general contractor to obtain the required insurance certificates, bonds in the amount of 100% of the above stated contract sum, and to prepare the Agreement Form. This is done to expedite the bond procurement process. The final contract sum will be less the value of selected direct purchase items and the associated taxes, if the direct purchase policy is invoked.
- General contractor, A/E and the Purchasing Coordinator finalize the list of items to be purchased directly by the Owner;
- Contract sum is established by deducting from the bid price, the total amount of items to be purchased by the Owner, and the associated taxes;
- General contractor prepares the contract document using the above established contract sum, and using the Form of Agreement as required by the Project Manual, and submits to A/E for review, together with all required bonds and insurance certificates, within the time frame as specified on the Bid Submittal Form;
- A/E approves contract package and forwards to Corporation Counsel for review and approval;
- A/E issues Notice to Proceed (with work) letter to General Contractor after fully executed contract is on file with the County Clerk;

Construction Phase

- A/E provides Basic Services, as defined in the Agreement, from contract award until final certificate for payment (by General Contractor);
- A/E makes regular site visits, as defined by the contract, to review general contractor progress;

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- A/E attends regular General Contractor progress meetings and project oversight committee meetings;
- 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;
- With input from both the Owner and General Contractor, the A/E establishes the substantial completion date, and documents that date in writing;
- 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;
- A/E reviews all Owner's equipment manuals, warranties, spare parts, attic stock and all other project close-out documentation as required by the contract documents;
- A/E establishes the post-construction, eleven month walk-through date with the Owner and General Contractor, and documents in writing.

Post Construction

- A/E, Owner and General contractor meet on the established eleven month walkthrough date to review all items to establish all potential warranty claims, prior to the end of the one year warranty period;
- A/E coordinates any warranty claims on behalf of the Owner.

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Post Construction

~~A/E, Owner and General contractor meet on the established eleven month walk through date to review all items to establish all potential warranty claims, prior to the end of the one year warranty period;~~

~~A/E coordinates any warranty claims on behalf of the Owner~~

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Delegation

~~Any tasks referenced in this Administrative Rule performed by Outagamie County may be delegated to an outside source(s) if the circumstance warrants, subject to the County's purchasing procedures.~~ ~~59.52(29)(a) All public work, including any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000 shall be let by contract to the lowest responsible bidder.~~

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~~59.52(29)(a)(2) A contract, the estimated cost of which exceeds \$25,000, shall be let and entered into under s. 66.0901, except that the board may by a three fourths vote of all the members entitled to a seat provide that any class of public work or any part thereof may be done directly by the county without submitting the same for bids. This subsection does not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers. This subsection does not apply to highway contracts which the county highway committee or the county highway commissioner is authorized by law to let or make.~~

~~59.52(29)(b) The provisions of par. (a) are not mandatory for the repair or reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the board, in which the public health or welfare of the county is endangered. Whenever the board by majority vote at a regular or special meeting determines that an emergency no longer exists, this paragraph no longer applies.~~