

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB6

ORDINANCE NUMBER: 2018-6

**TITLE: AN ORDINANCE REPEALING AND REENACTING SECTION 1-191,
SUBSECTION (b) OF THE BLACK HAWK MUNICIPAL CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK,
GILPIN COUNTY:

Section 1. Section 1-191, subsection (b) of the Black Hawk Municipal Code is repealed and reenacted to read as follows:

**Sec. 1-191. Public improvements by contract; requirement of public bids
for public improvement projects in excess of \$50,000.**

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(b) Pursuant to Article VIII, Section 7 of the Home Rule Charter of the City of Black Hawk, the City is further authorized, if determined necessary based on the complexity or specialized nature of a particular project, to utilize a design-build or guaranteed maximum price (also known as a "GMP" or design-assist) process based on criteria developed by the City to assure that bidding contractors possess the unique qualifications necessary for such a project based on project specific criteria developed by the City. Such a competitive selection process shall include the following process:

(1) General. Contracts for the construction, reconstruction or remodeling of general public improvements may be let through a "Design-Build" or "GMP" process as an alternative to those processes set forth in subsection (a) of this Section 1-191 if the City determines its best interests are served by the use of such an alternative competitive selection process. Subject to any requirements and limitations provided for in this section, the City Manager or the City Manager's designee shall be responsible for determining and administering the competitive "Design-Build" or "GMP" selection process and project delivery method appropriate for construction of each such improvement. For purposes of this Section 1-191(b), a "Design-Build" contractor shall be responsible for the design and construction of the general public improvement for which the process is utilized

(2) Contractor Selection/Design Build or GMP. The City may utilize a competitive selection process by means of a fair, open and free competition using

a Design-Build or GMP process. At a minimum, any competitive Design-Build or GMP selection process shall include the following:

A. A written solicitation adequate to notify potential qualified contractors, subcontractors and suppliers of the nature of the work opportunity, including a general description of the contemplated scope of the project work, the anticipated method of project delivery, and a recitation of the significant standards and legal and technical requirements applicable to the project work. Said solicitation shall be published at least once in a manner calculated to obtain the best representation of qualified bidders in the Denver metropolitan area, and in addition, the City Manager, or his designated representative, may solicit bids from responsible prospective contractors;

B. A written description of the competitive "Design-Build" or "GMP" selection procedure the City will utilize to award a contract for the project work; such description to include: a recitation of any responsiveness requirements applicable to each submission, a listing of the significant selection procedure milestones and deadlines impacting submissions, a description of the minimum qualifications required, including all applicable prequalification rules and regulations, and a discussion of any other requirements necessary to deliver a complete and responsive submission to the department's solicitation;

C. A written statement of the criteria and other factors to be used by the City in evaluating each responsive submission; such evaluation factors shall include, but shall not be limited to: proposed fees (including general conditions and markup), expenses or cost saving considerations, as appropriate to each project; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; recent, current, and projected workloads of the firm; and as applicable, the safety record, bonding capacity, and financial stability of each candidate; and concept of the project. The statement will also include a brief narrative describing the review, evaluation, selection and, as applicable, the contract negotiation process; and

D. A written notification of selection, ranking for negotiation or rejection issued to each entity making a submission in response to the City's solicitation.

E. The City of Black Hawk reserves the right to enter into negotiations with a contractor pursuant to the prequalification process, or to reject all proposals, and to waive any irregularities or informalities. Nothing in the provisions of this subsection (b) of Section 1-191 shall be deemed to commit the City of Black Hawk to award a contract.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience

and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.


Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 25th day of April, 2018.



David D. Spellman, Mayor

ATTEST:



Melissa A. Greiner, CMC, City Clerk

