

**ORDINANCE NO. 2014- 005**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, FURTHER AMENDING ORDINANCE NO. 2009-09, AS AMENDED, KNOWN AS THE PURCHASING POLICY FOR NASSAU COUNTY, FLORIDA; ADDING A NEW SECTION 8, TO ESTABLISH GUIDELINES FOR THE AWARD OF DESIGN-BUILD CONTRACTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida has the ability to use the design-build method of construction in accordance with the Consultants' Competitive Negotiation Act, Florida Statutes Section 287.055; and

**WHEREAS**, a condition precedent to the County's use of the design-build method of construction is the adoption of an ordinance setting forth procedures for the design-build construction method in accordance with the Consultants' Competitive Negotiation Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA THAT:**

1. The Nassau County Purchasing Policy is to be amended as follows:

**SECTION 8. USE OF DESIGN-BUILD FOR COUNTY PROJECTS**

**A. Design Criteria Package.**

1. All design-build projects require a Design Criteria Package that shall include the requirements set forth in subsection (2)(j) of the Consultants' Competitive Negotiation Act.
2. The Design Criteria Package shall be prepared and sealed by a Design Criteria Professional employed by or retained by the County.

3. In the event the County elects to enter into a professional services contract for the preparation of the Design Criteria Package, the Design Criteria Professional must be selected and contracted with in accordance with the requirements of sections (4) and (5) of the Consultants' Competitive Negotiation Act.
4. A Design Criteria Professional who has been selected to prepare the Design Criteria Package shall not be eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package.
5. Where the County elects to use the qualifications-based selection process to award a Design-Build Contract, the County shall employ or retain a licensed design professional appropriate to the type of construction project to serve as the County's representative during the selection of the Design-Build Firm.

B. Design Build Contract.

1. Public announcement. The County shall publicly announce, in a uniform and consistent manner, the fact that Design Criteria Professional services and design-build services are required, except in the case where design criteria professional services are secured in-house, or in cases of valid public emergency as declared by the County. The announcement shall include a general description of the project, procedures for obtaining the request for proposals, and how, and the time within which, interested Design Criteria Professionals and Design-Build Firms may apply for consideration.
2. The County shall award Design-Build Contracts by the use of a competitive proposal selection process as prescribed by 9(c) of the Consultants' Competitive Negotiation Act and as further described herein or by the use of a qualifications-based selection process pursuant to sections (3), (4), and (5) of the Consultants' Competitive Negotiation Act for entering into a contract whereby the selected firm will subsequently establish a guaranteed maximum price and guaranteed completion date. The County Manager shall designate the use of the competitive proposal selection process or the qualifications-based selection process for each individual County design build project.
3. If the County elects the option of qualifications-based selection, during the selection of the Design-Build Firm, the County shall

employ or retain a licensed design professional appropriate to the project to serve as its representative. Procedures for the use of a competitive proposal selection process must include as a minimum the following:

- (a) The preparation of a Design Criteria Package for the design and construction of the public construction project.
  - (b) The qualification and selection of no fewer than three Design-Build Firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof.
  - (c) The criteria, procedures and standards for the evaluation of Design-Build Contract proposals or bids, based on price, technical, and design aspects of the public construction project, weighted for the project.
  - (d) The solicitation of competitive proposals, pursuant to a Design Criteria Package, from those qualified Design-Build Firms and the evaluation of the responses or bids submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.
  - (e) For consultation with the employed or retained Design Criteria Professional concerning the evaluation of the responses or bids submitted by the Design-Build Firms, the supervision or approval by the County of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the Design Criteria Package by the Design Criteria Professional.
  - (f) In the case of public emergencies, for the County to declare an emergency and authorize negotiations with the best qualified design-build firm available at that time.
4. The Board hereby delegates to the County Manager the authority to develop additional procedures for use of the competitive proposal selection process for Design-Build Contracts by the County.
5. For purposes of this section, the definitions of Design-Build Firm, Design Build-Contract, Design Criteria Package and Design Criteria Professional shall be as defined in s. 287.055(2), Florida Statutes, as amended from time to time.

2. SEVERABILITY.

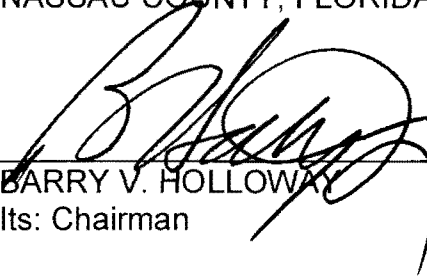
If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

3. EFFECTIVE DATE.

This ordinance shall become effective upon its being filed with the Office of the Secretary of State.

DULY ADOPTED this 24th day of February, 2014.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

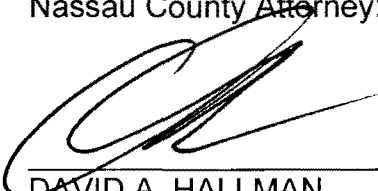
  
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BARRY V. HOLLOWAY  
Its: Chairman

ATTEST AS TO CHAIRMAN'S  
SIGNATURE:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

MES  
03-25-14

Approved as to form by the  
Nassau County Attorney:

  
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DAVID A. HALLMAN