



Legislation Text

File #: 2813-2012, Version: 2

Columbus City Council and the Mayor's Administration, with significant assistance from the City Attorneys' Office, have undertaken efforts to modernize Chapter 329 of the Columbus City Codes, 1959, which governs responsible public procurement of goods and services, including construction services. The last major updates of the City's construction contracting code were passed in 1996 and 2002.

Council President Andrew J. Ginther and Mayor Michael B. Coleman established three clear goals for the responsible modernization of the City's construction contracting code:

1. Streamline the bidding process to make it faster, easier and more accessible.
2. Focus on uniform, transparent administration of the bidding process.
3. Bring the City's construction bidding process into the 21st century.

After extensive stakeholder discussion and outreach, City Council and the Administration developed an approach to construction contracting that meets and exceeds those goals. This process focuses on prequalifying potential bidders and licensed construction trade subcontractors once a year, rather than reviewing this information with each bid. Evaluation of bids can then focus on three key areas -- responsiveness, project-specific quality factors, and lowest price. This new process will be good for contractors, subcontractors, city bid evaluators, and, most importantly, taxpayers.

Drawing on best practices from across the country, the new Chapter 329 enacted by this ordinance includes changes to the Columbus City Codes, 1959, which will:

1. Streamline the bid application process by establishing an annual responsibility prequalification process for construction bidders and licensed construction trade subcontractors that will reduce the time and cost associated with submitting and evaluating bids and reduce costs to taxpayers.
2. Produce objective, transparent and uniform forms, applications and standards across all City departments and grant the authority for City departments to receive bid applications electronically.
3. Ensure fair treatment of contractors and subcontractors alike by requiring bid submissions to include relevant subcontractors and director approval prior to changes in subcontractors after bid award.
4. Increase opportunities for local businesses to compete for the procurement of materials and services by increasing the informal bidding threshold from \$20,000 to \$100,000 for construction contracts.
5. Focus the bid award process on evaluation of factors relevant to the bid itself -- responsiveness, project specific quality factors, and the lowest price.

The implementation of these modernizations will take place on January 1, 2014, to allow sufficient time for the City to prepare processes, materials, staffing, and training for the new responsible contracting code.

This ordinance further establishes the Local Business Working Group, to consider incentives and support for local businesses, especially in relation to Chapter 329; and authorizes and directs the executive director of the Equal Business Opportunity Office to develop an initiative to assist small businesses and M/F/VBEs in meeting and exceeding the standards of Chapter 329.

To modernize City procurement of goods and services through the enactment of new Chapter 329 of the Columbus City

Codes; and to repeal existing Chapter 329 of the Columbus City Codes.

WHEREAS, Chapter 329 of the Columbus City Codes, 1959, governing the procurement of goods and services for the City of Columbus, has not be substantially updated since 1996 and 2002; and

WHEREAS, it is the shared goal of this Council and the Mayor's Administration to modernize Chapter 329 as it relates to construction contracts; and

WHEREAS, this ordinance enacts best construction bidding practices that streamline the bidding process in a uniform, objective and transparent manner; and

WHEREAS, this Council and the Mayor's Administration are committed to further modernizing Chapter 329 sections relative to the procurement of goods, professional services, and other non-construction services; and

WHEREAS, full implementation of this code modernization on January 1, 2014, will provide the Mayor's Administration with the necessary time to prepare processes, materials, staffing, and training for the new responsible contracting code; **NOW THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the attached document (see "~~Modernizing Chapter 329~~" "**Ordinance 2813-2012 Modernizing Chapter 329 as amended to the clerk**") is hereby enacted, effective 12:00 a.m. January 1, 2014.

SECTION 2. That to prepare for the above directed enactment of Chapter 329 of the Columbus City Codes, 1959, the director of the department of finance and management is hereby authorized and directed to require the submission of prequalification applications pursuant to Sections 329.20 and 329.21, Article 3, of Chapter 329, as enacted in Section 1 herein, beginning August 1, 2013.

SECTION 3. That ordinance 2607-2012, which suspended application of the local credit, shall remain in effect until new Chapter 329 of the Columbus City Code, 1959, as enacted in Section 1 herein, becomes effective on January 1, 2014.

SECTION 4. That existing Chapter 329 of the Columbus City Codes, 1959, is hereby repealed, effective 11:59 p.m., December 31, 2013.

SECTION 5. That there is hereby established the Local Business Working Group, which shall review best practices to support and incentivize local bidders and small businesses, with a special focus on support and incentives relative to Chapter 329 of the Columbus City Codes, 1959. This working group shall be led by a representative from Columbus City Council and a representative from the Mayor's Administration, and shall consist of such external stakeholders as may be necessary to carry out the mission of the working group. The Local Business Working Group shall report its findings and recommendations to the Columbus City Council **and the Mayor's Administration** within three (3) months of the effective date of this ordinance.

SECTION 6. That the executive director of the Equal Business Opportunity Commission Office be and hereby is authorized and directed to develop and implement an initiative to assist small business owners and M/F/VBEs in meeting and exceeding the standards established in new Chapter 329 of the Columbus City Codes, 1959. Specific attention should be given to providing such entities with information regarding access to health insurance, retirement plans, employee training, licensing, and bonding. To the extent practicable, the initiative should also link such entities with direct providers of the aforementioned services. No later than August 1, 2013, and from time to time thereafter, the executive director must update Columbus City Council and the Mayor's

Administration on the progress of this initiative.

SECTION 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.