

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-41 ENACTMENT NO. O-2021-002

SPONSORED BY: Isaac Benton, by request

1 **ORDINANCE**

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

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

8 **SECTION 1. Section 14-7-1-1, DEFINITION, is amended as follows:**
9 **DEFINITIONS.**

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

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

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

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

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

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

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

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

12 **(A) In the event there is a change in the scope, complexity, character, or**
13 **duration of a project involving the basic services of consulting engineers,**
14 **architects or landscape architects or design-build services, the compensation**
15 **for such services shall be renegotiated or negotiated as appropriate.**
16 **Whenever applicable, appropriate consideration of estimated construction**
17 **cost will be used as the basis of negotiations.**

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

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

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

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

31 **The selection of firms or persons to provide professional architectural,**
32 **engineering, landscape architectural and other related professional services**
33 **which will cost \$25,000 or more shall be accomplished in accordance with the**

1 provisions of §§ 14-7-2-1 et seq. For the purposes of §§ 14-7-2-1 et seq.,
2 PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE
3 ARCHITECTURAL AND OTHER RELATED PROFESSIONAL SERVICES means
4 the performance of any professional service or creative work requiring
5 architectural, landscape architecture or engineering education, training and
6 experience, and the application of special knowledge of the mathematical,
7 physical and engineering sciences, design or architectural principles to such
8 professional services or creative work as consultation, investigation,
9 evaluation, planning, design, observation of construction, surveying,
10 photogrammetry and construction management, and shall also include
11 design-build services costing at least five million dollars (\$5,000,000). The
12 design-build project delivery method shall not be used for projects costing
13 less than five million dollars (\$5,000,000).

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

16 (D) Design-Build Services.

17 (1) The Director of the Department of the City of Albuquerque which
18 is the user agency of the project or the designated staff alternate of the
19 Department Director.

20 (2) The City Architect.

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

23 (4) The Project Manager.

24 (5) An architect who is registered in the state shall be appointed as a
25 member by the Mayor from a panel which has been appointed by the Mayor
26 with the advice and consent of the Council in the manner prescribed herein.
27 Such member shall serve on the Selection Advisory Committee for a period of
28 time designated by the Mayor, which period shall not exceed six consecutive
29 months. The Mayor shall appoint a panel of three architects chosen from a list
30 of names presented by the Albuquerque Chapter of the American Institute of
31 Architects. All panel members shall be residents of the city and shall not be
32 employees or officials of the city and shall not be contracting directly or
33 indirectly through a subcontract with the city to perform architectural services

1 for the city. The members of the panel of architects shall be appointed for
2 three year unstagged terms and shall not be reappointed for one year. Any
3 vacancy for any unexpired term shall be filled for the unexpired term by the
4 same procedure used for the original selection and appointment of the
5 member vacating the position. In the event that a Mayor's representative is not
6 available, a registered architect who is a public employee and is approved by
7 the Mayor may serve as the Mayor's representative.

8 (6) Selection Advisory Committee Administrator.

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

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

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

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

30 SECTION 10. COMPILATION. This ordinance shall be incorporated in and
31 compiled as part of the Revised Ordinances of Albuquerque, New Mexico,
32 1994.

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

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1 PASSED AND ADOPTED THIS 1st DAY OF February, 2021
2 BY A VOTE OF: 8 FOR 0 AGAINST.

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4 Excused: Harris

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Cynthia D. Borrego, President

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City Council

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APPROVED THIS 5 DAY OF February, 2021

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Bill No. O-20-41

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Timothy M. Keller, Mayor

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City of Albuquerque

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ATTEST

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Ethan Watson, City Clerk

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