

ORDINANCE NO. 5601

An Ordinance to Amend and Reordain Section 3-3-70 (DESIGN-BUILD AND CONSTRUCTION MANAGEMENT CONTRACTS) of Division 2 (COMPETITIVE NEGOTIATION) of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-3-70 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is amended by deleting the text shown in strikethrough and by adding the text shown in underline as follows:

Sec. 3-3-70 - Design-build and construction management contracts.

- (a) The city may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that the city (1) complies with the requirements of this section and (2) has by this ordinance implemented procedures consistent with the procedures adopted by the Secretary of Administration of the Commonwealth of Virginia for utilizing construction management or design-build contracts.
- (b) Prior to making a determination as to the use of construction management or design-build for a specific construction project, the city shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (1) advise such the city regarding the use of construction management or design-build for that project and (2) assist the city with the preparation of the request for proposal and the evaluation of such proposals.
- (c) A written determination shall be made in advance by the city that competitive sealed bidding is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize construction management or design-build. The determination shall be included in the request for qualifications and be maintained in the procurement file.
- (d) Procedures adopted by the city for construction management pursuant to this article shall include the following requirements:
 - (1) Construction management contracts may be utilized for projects where the project cost is expected to be more than \$10 million;

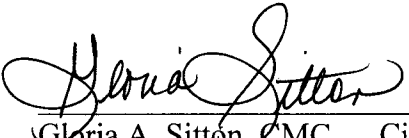
- (2) Construction management may be utilized on projects where the project cost is expected to be less than \$10 million, provided that (i) the project is a complex project and (ii) the project procurement method is approved by the city council. The written approval of the city council shall be maintained in the procurement file;
- (3) Public notice of the request for qualifications is posted on the Department of General Service of the Commonwealth of Virginia's central electronic procurement website, known as eVA, at least 30 days prior to the date set for receipt of qualification proposals;
- (4) The construction management contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;
- (5) Prior construction management or design-build experience or previous experience with the Department of General Services of the Commonwealth of Virginia's Bureau of Capital Outlay Management shall not be required as a prerequisite for award of a contract. However, in the selection of a contractor, the city may consider the experience of each contractor on comparable projects;
- (6) Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. The provisions of this subdivision shall not apply to construction management contracts involving infrastructure projects;
- (7) The procedures allow for a two-step competitive negotiation process; and
- (8) Price is a critical basis for award of the contract.
- (e) Procedures adopted by the city for design-build construction projects shall include a two-step competitive negotiation process consistent with the standards established for state public bodies by the Division of Engineering and Buildings of the Department of General Services for the Commonwealth of Virginia.

Section 2. That Section 3-3-70 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.


ALYIA GASKINS
Mayor

ATTEST:


Gloria A. Sitton, CMC City Clerk

Approved as to Form:


Cheran Cordell Ivery City Attorney

Final Passage: September 13, 2025