

## **RESOLUTION 22-11030**

### **A RESOLUTION AUTHORIZING THE USE OF AN ALTERNATIVE PROJECT DELIVERY CONTRACT METHOD FOR CONSTRUCTION OF THE BILLINGS LANDFILL DROP-OFF BUILDING REPAIR PROJECT**

WHEREAS, Section 18-2-502, MCA, authorizes the City to use an alternative project delivery contract method for construction.

WHEREAS, an alternative project delivery contract means a construction management contract, a general contractor construction management contract, or a design-build contract.

WHEREAS, the Director of Public Works has determined a general contractor construction management contract will achieve significant cost savings and time efficiencies to implement construction and repairs to the Billings Landfill Drop-Off Building Repair Project, W.O. 22-37, which is a public solid waste facility used on a daily basis for the benefit of the public and needed to be operational as soon as possible.

WHEREAS, a governing body that uses an alternative project delivery contract shall determine that the proposal meets at least two of the criteria described in Section 18-2-502, MCA subsections (2)(a) through (2)(c) and the provisions of subsection (3); and

WHEREAS, the City Council desires that Public Works has discretion to use an alternative project delivery contract method to construct/repair the Billings Landfill Drop-Off Building Repair Project and therefore makes the following findings, in conformance with the referenced State law.

#### **FINDINGS**

1. The City has working relationships with professional engineering/architecture and general contractor firms having significant relevant alternative project delivery management experience.
2. Procurement of alternative project delivery contracts shall be through an open competitive public process by publishing requests for qualifications and/or proposals for engineers/architects and contractors which will not encourage favoritism or bias in awarding the contracts.
3. Due to exigent circumstances to rebuild/repair the Billings Landfill Drop-Off Building Repair Project, a general contractor construction management contract provides the most efficient project schedules and arrives at the greatest cost certainty and potential savings in both project design and construction by

involving the general contractor in the preconstruction, budgeting, and scheduling services as well as the procurement of necessary construction services, equipment, supplies, and materials through competitive bidding contracts with subcontractors and suppliers. By combining the talents of the project designers and builders into a unified working team, the following cost and time benefits to the public will be realized:

- The project team can take early advantage of contractor expertise and receive valuable analysis and evaluation of the scope of repairs. Alternatives for improvement, completeness and clarity can be incorporated into the project early.
- The design and construction projects are interrelated, thus concurrent project evaluation/design and construction achieves significant cost and accelerated schedule benefits.
- Information gained about means, methods and availability of materials early in construction leads directly to accuracy and completeness of improvements. The result is more efficient project construction, less contractor risk and greater cost certainty.
- The evaluation/design/construction overlap of this alternative project delivery contract shortens the overall project schedule over traditional contracts. Completing the project sooner achieves the overall project goal of securing the benefit of an operational Solid Waste Drop-Off facility for the City at the best possible value to Solid Waste customers. The evaluation, design, and overlapping repair/build schedules of the Billings Landfill Drop-Off Building Repair Project are interrelated and present a high level of technical complexities that can necessitate the use of an alternative project delivery contract.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, as follows:

The City Council hereby adopts the above stated findings and authorizes the Public Works Department, in its discretion, to use a general contractor construction management contract to construct the Billings Landfill Drop-Off Building Repair Project, W.O. 22-37. These findings comply with the requirements of Sections 18-2-502(2) and 18-2-502(3), MCA.

1. **NOTICE OF HEARING.** On Monday, March 14, 2022, at 5:30 p.m., or as soon thereafter as the matter could be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council heard objections to the adoption of this resolution. The City Clerk published notice twice, at least five (5) days prior to the hearing, in the Yellowstone County News.
2. **EFFECTIVE DATE.** This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana,  
on the 14th day of March, 2022.



CITY OF BILLINGS

DocuSigned by:  
By: A handwritten signature of William A. Cole in blue ink. The signature is enclosed in a blue rectangular border with the text "2CA11D5423334EE..." at the bottom right of the border.

William A. Cole, Mayor

ATTEST:

DocuSigned by:  
By: A handwritten signature of Denise R. Bohlman in blue ink. The signature is enclosed in a blue rectangular border with the text "D503C2218DC34F0..." at the bottom right of the border.

Denise R. Bohlman, City Clerk