

RESOLUTION NUMBER R- 298617

ADOPTED ON NOV 03 2003

A RESOLUTION AUTHORIZING A BALLOT PROPOSAL  
FOR THE MARCH 2, 2004 ELECTION RELATING TO  
"CONSTRUCTION MANAGER AT RISK"

WHEREAS, the complexities faced by the City of San Diego in today's construction market have highlighted the need for an additional contracting method to allow for the construction of a public works project by a single entity selected through a competitive negotiation process that is similar to that of design-build; and

WHEREAS, the proposed Construction Manager at Risk Project Delivery Method would be beneficial to the City of San Diego in situations where there is an architect already on board, or when it is desirable to hire an architect independent of the builder; and

WHEREAS, by utilization of the Construction Manager at Risk Delivery Method, the City of San Diego would be provided with flexibility, added cost accountability, and the opportunity to take advantage of additional value-engineering suggestions to provide an appropriately designed building that is functional, operationally effective, and provided at the lowest possible combination of initial and life-cycle costs; NOW THEREFORE,

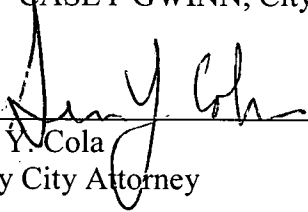
BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is hereby directed to prepare an ordinance for City Council consideration to place a proposal on the March 2, 2004 ballot, amending the San Diego City Charter to provide for the construction of public works pursuant to the "Construction Manager at Risk" delivery method, in substantially the following form:

**SEC. 94.4 CONSTRUCTION MANAGER AT RISK  
CONTRACTS**

Notwithstanding any provisions of this Charter to the contrary, the City is not prohibited from awarding contracts for the construction of public works using a combination of: (1) design review and management services; and (2) construction and construction management services procured from a single person or entity for a guaranteed maximum price pursuant to a process of competitive negotiation, provided the process of competitive negotiation is conducted as may otherwise be required by this Charter or the Municipal Code. The City Council shall establish by ordinance guidelines for the award, use, and evaluation of such construction manager at risk contracts, and may set an amount below which the City Manager may award such contracts.

APPROVED: CASEY GWINN, City Attorney

By

  
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Susan Y. Cola  
Deputy City Attorney

SYC:sc

10/30/03

Or.Dept: Rules, Finance and Intergovernmental Relations Committee

R-2004-489