

**BOARD OF PUBLIC WORKS AND SAFETY
Agenda Request Form**

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard. Please make sure that your contact information is accurate in case we need to get in touch with you. The Board of Works meets on the 1st and 3rd Monday of each month at 5:00 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	January 20, 2023	Meeting Date:	February 6, 2023
Contact Information:			
Requested by:	Mark Richards		
On Behalf of Organization or Individual: City of Franklin			
Telephone:	317-736-3631		
Email address:	mrichards@franklin.in.gov		
Mailing Address:	70 E. Monroe Street, Franklin, IN 46131		
Describe Request:			
Request consideration of Build-Operate-Transfer recommendation for Fire Station 21 under Indiana Code § 5-23. PUBLIC HEARING.			
List Supporting Documentation Provided:			
Evaluation Committee Memorandum			
Who will present the request?			
Name:	Lynn Gray and Mark Richards	Telephone:	317-736-3631

In order for an individual and/or agency to be considered for new business on the Board of Works agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 4:00 p.m. on the Wednesday before the meeting.

MEMORANDUM

To: City of Franklin, Board of Public Works & Safety

From: BOT Project Evaluation Committee Members

Re: Recommendation of Evaluation Committee for Selection of Preferred Offeror and Private Partner for BOT Project

Project Background

Per Indiana Code 5-23 *et seq.* (the “BOT Statute”), municipalities are permitted to solicit request for qualifications and proposals from private entities for the design, construction, financing, operation, and maintenance of public projects. On August 1st, 2021, the City of Franklin Common Council (“Council”) approved Resolution 22-18 of the Council adopting Indiana Code § 5-23 *et seq.* Related to the Procurement of Public Projects by the Build Operate Transfer Delivery Method (the “Resolution”) authorizing the City of Franklin (“City”) to enter into public-private agreements for the development of public projects pursuant to the BOT Statute. A similar Resolution 23-01 was approved by the City of Franklin Board of Public Works & Safety (“Board”) as the contracting authority for the City at its meeting on January 18, 2023. By these authorizing resolutions, the City is authorized to procure public projects via the Build Operate Transfer (“BOT”) delivery method, in addition to more traditional delivery methods such as Design-Bid-Build, Design-Build, or various Construction Manager methods.

The City has an established need for additional, modern space for use by the Franklin Fire Department at Station 21 located at 1701 N. Main Street, Franklin, IN, 46131. The proposed project includes the: (a) renovation and expansion of Station 21 (the “Project”). After an analysis of various available delivery methods, the City determined that the BOT delivery method was most likely to cause the Project to be completed in a cost-effective and timely manner.

Procurement Process

On November 10, 2022, after issuing statutorily required notice, the City received Proposals and Qualifications to Design, Build, Operate, and Maintain Station 21 Project Through a Public Private Agreement (the “BOT RFP/Q”). A copy of the BOT RFP/Q notice is attached to this Memorandum. Potential offerors were required to submit electronic copies of their proposal to the BOT RFP/Q at the office of the Franklin City Engineer no later than 2 p.m. on November 10, 2022. The City received proposals from the following offerors (1) Envoy Companies (“Envoy”). An initial review of the submitted proposal by the Evaluation Committee determined that the received proposal was substantially compliant with the BOT RFP/Q requirements. Redacted versions of the proposal is made available for public review in the office of the City of Franklin Clerk-Treasurer.

Upon submission of the proposal, the Evaluation Committee (including City Attorney Lynnette Gray and City Engineer Mark Richards) communicated electronically and in person, and, based upon Evaluation Committee's analysis of the submitted proposal, determined that Envoy was qualified to be selected as the preferred offeror.

Evaluation Committee Recommendation

Upon review of the proposals, and follow-up phone calls to references, the Evaluation Committee unanimously approved the selection of Envoy as the preferred offeror. The foundation for Envoy's selection was based on a variety of factors, including the following:

- Envoy's experience in developing, constructing, operating, and maintaining projects similar to the Project, including BOT projects;
- Envoy has experience in participating in public-private partnerships similar to that proposed for the Project;
- Envoy's submission to the RFP/Q was responsive and complete;
- Envoy has the financial ability and operational capacity to design, construct, operate, and maintain the Project; and
- Envoy's proposal included key personnel with significant professional experience that will benefit the development of the Project.

The recommendation of the Evaluation Committee is based on the submitted proposal, and information and recommendations offered by consultants employed by the City as well as Envoy references.

Approval Process

Pursuant to the BOT Statute, the Evaluation Committee's recommendation must be approved by the Board prior to the City executing a Public-Private Agreement ("PPA") with Envoy. Upon the requisite public notice, a public hearing, and approval by the Board of Public Works & Safety, the City may proceed with contracting with Envoy as the private partner for the development of the Project according to the BOT Statute.

To limit the potential contingency to be included within the Project, the City and Envoy have elected to review the full design which has previously been completed prior to establishing a guaranteed maximum price ("GMP") and executing the PPA. Once that review has been completed, Envoy will prepare a draft Agreement for Services for consideration by the Board, including a GMP for the BOT Project (the "PPA").

The Committee is requesting that the Board: (a) approve the Evaluation Committee's selection of Envoy as the preferred offeror; and (b) authorize legal, Fire Department, and engineering staff to negotiate terms of the PPA. Staff will submit the final PPA, including GMP, to the Board for its review and approval.

Submitted to the City of Franklin, Indiana, Board of Public Works & Safety on behalf of the Evaluation Committee this 20th day of January, 2023.

By: Lynnette Gray

Printed: Lynnette Gray

Title: City Attorney / Com. Member

By: Mark A. Richards

Printed: MARK A. RICHARDS

Title: City Engineer / Com. Member