

**SMITHVILLE BOARD OF ALDERMEN
WORK SESSION**

November 18, 2025 6:00 p.m.

City Hall Council Chambers and Via Videoconference

1. Call to Order

Mayor Boley called the meeting to order at 5:58 p.m. A quorum of the Board was present: Marv Atkins, Kelly Kobylski, Melissa Wilson, Leeah Stone, Chelsea Dana and Dan Hartman.

Staff present: Cynthia Wagner, Gina Pate, Captain Roetman, Chuck Soules, Jack Hendrix, Rick Welch, Matt Denton and Linda Drummond.

City Attorneys present: Padraic Corcoran and Jackson Auer.

2. Alternate Project Delivery Method – Public Construction Projects Discussion

Public Works Director Chuck Soules provided an overview of alternative project delivery methods for upcoming major capital projects, including the Wastewater Treatment Plant expansion, Smith's Fork Park Sports Complex design, and future Water Treatment Plant improvements. Due to the size and complexity of these projects, alternative methods may offer advantages over the City's traditional design-bid-build process.

Recent projects have experienced challenges such as schedule delays, material procurement issues, limited contractor capacity, and unforeseen site conditions that led to change orders. Examples included:

Floating Aerator and Digester Improvements (2022–2023): 79-day material delay and change orders totaling approximately 5% of the contract.

Water Treatment Plant Design: Discovery of asbestos and a \$100,000 dewatering change order that may have been anticipated with earlier contractor involvement.

144th Street and West Bypass Project: Delays related to property acquisition needs and a high volume of submittals (approximately 256), resulting in extended review times and potential additional engineering fees.

Chuck noted that early contractor involvement could improve cost certainty, reduce change orders, and help identify constructability issues earlier in the process. Alternative delivery methods may help streamline schedules and improve coordination on future large-scale projects.

City Attorney Padraic Corcoran noted that Missouri law requires political subdivisions to use a Qualifications-Based Selection (QBS) process when procuring architectural, engineering, and land surveying services. Under Section 8.285, contracts must be negotiated based on a firm's demonstrated competence and qualifications, not low price. Section 8.291 requires agencies to evaluate qualifications, identify the top three firms, select the most qualified, and then negotiate a contract. Additionally, Section 327.421 prohibits political subdivisions from hiring unlicensed design professionals. In practice, all public works contracts involving design services must follow the QBS process and all consultants must be properly licensed.

Padriac presented an overview of the three different delivery methods and the pros and cons of the delivery methods.

Legal Framework

- Architects/Engineers/Land Surveyors: §§ 8.285–8.291 RSMo
- Design-Build: § 67.5060 RSMo
- Construction Manager at Risk: § 67.5050 RSMo
- Applies to political subdivisions (cities, counties, districts).
- Focuses on qualifications, licensure, and transparency in selection.

Qualifications-Based Selection (QBS)

- Purpose: Select most qualified design professional – not low bid.
- Evaluate competence and experience; rank top 3, select one, then negotiate price.
- Must use licensed architects, engineers, or surveyors (§ 327.421).
- Ensures technical quality and public safety.

Design-Build Method (§67.5060)

- Single contract for both design and construction.
- Steps: Public Notice →
- 3-Phase Selection (Qualifications, Design, Cost).
- RFP must list stipend, evaluation criteria, bonding & insurance.
- Threshold: > \$7M (non-civil); civil works projects permitted at any value.

Design-Build – Roles & Risks

- Design-Builder assumes both design and construction risk.
- Design Criteria Consultant assists with RFP and evaluation but cannot propose.
- Faster delivery via overlapping design and construction phases.
- Owner must ensure licensed professionals perform design work.

Construction Manager at Risk (CMAR) (§ 67.5050)

- CMAR provides input during design and constructs project at a guaranteed max price (GMP).
- Steps: Public Notice → RFQ → Cost Proposal.
- CMAR cannot serve as design professional unless full-time employee.
- Thresholds: > \$2M (civil), > \$3M (non-civil).

Comparison of Methods

- QBS: Design only; Design-Build: Design + Build; CMAR: Separate contracts.
- Risk Allocation – Owner (QBS), Design-Builder (DB), CMAR (construction risk).
- Selection: QBS (qualifications), DB (3-phase), CMAR (2-step).
- Speed: QBS slowest, DB fastest, CMAR moderate.

Key Takeaways & Recommendations

- Follow QBS for all design services.
- Use Design-Build for large, time-sensitive projects (> \$7M non-civil).
- Use CMAR for complex projects needing early contractor input.
- Ensure transparency, licensed professionals, and risk clarity.
- Consult counsel for compliance with RSMo requirements.

The Board discussed the construction delivery methods, noting that the City has traditionally used design-build. With rising project costs and expanded statutory options such as Construction Manager at Risk (CMAR), the Board is considering whether other methods may now be more effective.

Staff highlighted several challenges with the current approach, including long lead times for specialized equipment, design revisions caused by unforeseen underground conditions, and delays that drive up project costs. They emphasized that involving contractors earlier—through methods like CMAR—could reduce delays, improve constructability, and help secure critical equipment sooner.

A major concern is the need to move forward quickly on the wastewater treatment plant expansion due to capacity limits and funding timelines. Examples from past projects showed how equipment shortages, inflation, COVID-era delays, and unforeseen conditions significantly extended project schedules and increased costs.

The board expressed appreciation for the detailed information and appeared supportive of staff exploring alternative project delivery methods. Staff noted they will likely bring this back for further discussion in coming months, especially as upcoming staffing changes could affect project management capacity.

3. Adjourn

Alderman Hartman moved to adjourn. Alderman Kobylski seconded the motion.

Ayes – 6, Noes – 0, motion carries. The Mayor declared the meeting adjourned at 6:35 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor