

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD**

RESOLUTION NO. 2015-012

Approving Exemption from Competitive Bidding for use of the Construction Manager/General Contractor (CM/GC) Alternative Contracting Method on the Central Courthouse Replacement Project.

The Multnomah County Board of Commissioners Finds:

- a. In planning for the Central Courthouse Replacement Project (the Courthouse Project), the Department of County Assets (DCA) Facilities & Property Management Division (FPM) has analyzed several delivery and contracting methods.
- b. The County's Public Contracting Rules and ORS 279C.335 require an exemption from the competitive bidding requirements of ORS Chapter 279C in order to use an alternate contracting method and further require adoption of findings to support the exemption after notice and a public hearing.
- c. FPM recommends to the Board that the Construction Manager/General Contractor (CM/GC) method of contracting be used for the construction of the Courthouse Project based on the findings attached hereto as Exhibit 1.
- d. Notice of the hearing to consider the exemption and the attached findings was published in the Daily Journal of Commerce on January 28, 2015, which was more than 14 days before the hearing.
- e. The Board finds, based on the attached findings, that it is in the best interest of the County to utilize the CM/GC contracting method in lieu of a competitive low bid process for the Courthouse Project.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves and adopts the findings attached as Exhibit 1 in support of using a Construction Manager/General Contractor for the Courthouse Project.

2. The Board approves an exemption from the competitive bidding requirements to allow use of a Construction Manager/General Contractor contracting method for the Courthouse Project.

ADOPTED this 12th day of February, 2015.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Kenneth M. Elliott, Assistant County Attorney

SUBMITTED BY:

Sherry Swackhamer, Director
Department of County Assets

EXHIBIT 1

FINDINGS OF FACT AND CONCLUSIONS SUPPORTING AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS AND ALLOWING THE USE OF THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) COMPETITIVE SELECTION PROCESS FOR THE MULTNOMAH COUNTY CENTRAL COURTHOUSE REPLACEMENT PROJECT

I. BACKGROUND

A. The Construction Manager/General Contractor Project Delivery Method

The Construction Manager/General Contractor (CM/GC) method is a modern construction delivery method used by both public and private organizations. In the CM/GC method, the Owner hires a Design and Engineering firm to perform Building design of a project, and also hires a CM/GC contractor during the design phase to provide construction expertise to the Owner and the design firm. The Project Team is made up of Owner, Designer, and CM/GC. This Team continues throughout the duration of the project.

The CM/GC contractor negotiates a Guaranteed Maximum Price (GMP) with the owner for an agreed-upon scope of work, generally near the completion of design. During construction, the CM/GC contractor is responsible for self-performing an agreed percentage of the work and subcontracts out the remaining work elements.

In general the expected benefits of this delivery method are:

- Cost savings
- Higher quality plans and construction
- Faster completion of the project
- Greater flexibility for adapting to change
- Enhanced community mitigations and diversity participation

The CM/GC process, as an alternative to the competitive bid process, is becoming a more common approach for certain types of projects by public agencies within Oregon. The Oregon Public Contracting Coalition (PCC), a diverse group of government and non-government professionals experienced in public contracting, developed a guide for those public agencies considering the CM/GC process. Some recommendations contained in the document were incorporated into ORS Chapter 279C by the legislature. A publication called the Oregon Public Contracting Coalition Guide to CM/GC Contracting (the Guide), written by the PCC and the Construction Engineering Management Program, Department of Civil, Construction, and Environmental Engineering, at Oregon State University, February 2002, is available on-line at:

http://www.agc-oregon.org/wp-content/uploads/2011/10/CM_GC_Guide_05.pdf

The Guide suggests that the CM/GC method is most likely to benefit the Owner for projects that:

- are high risk,
- are technically complex,
- have unusual site conditions,
- have schedule constraints,
- require complex phasing schemes,
- have budget limitations,
- may realize cost savings resulting from value engineering,
- and are greater than \$2 million in cost.

The Oregon legislature enacted 2013 Oregon Laws, Chapter 522 (SB 254), which established new procedures, under ORS 279C.335, for exempting public contracts for CM/GC delivery methods from traditional bidding requirements. On July 1, 2014, the Oregon Department of Justice adopted interim rules amending the Attorney General's Model Rules in OAR Chapter 137, Division 049, to implement the new law. The findings of fact and conclusions in this Exhibit 1 have been drafted in compliance with 2013 Oregon Laws, Chapter 522, and the Model Rules in OAR Chapter 137, Division 049, as amended in 2014.

B. Project Description – Multnomah County Central Courthouse Replacement Project

The existing Multnomah County Courthouse was built in two phases between 1909 and 1914, when the population of the Portland area was approximately 20-25% of that today. In its time, it was the largest courthouse on the west coast and served as the county seat, as well as the county jail.

Built in the most up-to-date fireproof techniques at the time, the primary structure is concrete encased steel. Floors are concrete slabs poured over terra-cotta brick inserts, and walls are predominantly terra-cotta brick with traditional plaster finish.

The current Multnomah County Courthouse is both functionally and structurally obsolete. The 100-year old courthouse is seismically deficient and not built to current seismic standards. It does not satisfy current best practices for separation of prisoners from the general public during transport to courtrooms, nor does it have a sallyport for prisoner transport. The current courthouse is at capacity, and there is no room for additional growth.

Very few architects or contractors have significant experience with design and construction of courthouses. As such, the Multnomah County Central Courthouse Replacement Project (the Courthouse Project) is a technically complex project with highly specialized design and construction needs. The combination of security and site logistic issues for a downtown project must be met with requirements and experience. The safety aspects of designing and working over and around high traffic areas require the expertise of firms qualified from past work on downtown high rise and courthouse projects.

The design firm and the CM/GC should have past experience with the governmental authorities having jurisdiction over land use and construction permitting in Portland. These relationships are key to a successful project moving forward on schedule.

The Courthouse Project is currently at the pre-procurement stage.

The schedule currently envisioned by the County for the Courthouse Project is reasonable and not overly aggressive.

The project schedule currently includes the following major milestones:

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|---|------------------------|
| • Complete CM/GC and Designer procurements | July 2015 |
| • Design Development | July 2015 to July 2016 |
| • Award Construction Contract | January-March 2016 |
| • Construction Start | December 2016 |
| • Construction Completion & Owner Occupancy | April 2020 |

A major schedule consideration related to permitting is the current workload within the permitting offices of the City of Portland and the time required for Design Assist Review (DAR) and the Design Commission approvals. These steps are currently taking approximately 10 months or more in the review process.

II. FINDINGS REGARDING COMPETITION

ORS 279C.335 (2) requires that an agency make certain findings as a part of exempting certain public contracts or classes of public contracts from competitive bidding. ORS 279C.335 (2) (a) requires an agency to find that: *“It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.”*

The County’s procedures for procurement of the CM/GC contractor will encourage competition. The procurement will be advertised in the Daily Journal of Commerce. At the same time, the County anticipates that a limited pool of contractors will compete for this contract due to the highly specialized design and construction needs of the project. Moreover, for the project to be successful, the County needs a highly qualified contractor to perform this work.

The CM/GC contractor will be selected through the County’s standard Request for Proposal (“RFP”) process that is open and competitive. The RFP specifies how a proposal should be structured and what the potential contractors should submit. The selection criteria are clearly stated in the RFP and will include:

- Proposer Qualifications
- Proposer Experience
- Organization and Key Personnel
- Project Approach
- Pre-Construction Services Fee
- CM/GC Fee
- Sustainable Practices
- Workforce Training and Diversity

After the proposals are submitted, the evaluation process will include the following steps:

- a) Proposals will be evaluated by an Evaluation Panel consisting of at least three County and non-County professionals well acquainted with the Courthouse Project.
- b) Proposals will be checked for completeness and compliance with the minimum requirements listed in the RFP. Complete and responsive proposals will then be evaluated under the criteria stated within the RFP.

- c) Members of the Evaluation Panel will independently score the proposals. The independent scores of each panel member will be combined into overall scores for each proposer.
- d) The Evaluation Panel will identify the highest scoring proposers in the competitive range. If there is a clear choice at this stage negotiation with that firm will be initiated. If there are multiple competitive proposals those firms will be invited to be interviewed.
- e) The Evaluation Panel will conduct interviews with the short-listed proposers.
- f) The Evaluation Panel will score the interviews, and these scores will be combined with the written proposal scores to yield a total score for each of the short-listed proposers. Based upon these final scores, the Evaluation Panel will rank the proposers and provide an award recommendation.
- g) Upon expiration of the mandatory award protest period, the County will seek to enter into a contract with the top ranked firm. If not successful, the County will seek to enter into a contract with the next highest ranked firm. This process will continue until the County has entered into a contract with a qualified CM/GC proposer.

Given the above procurement process, County staff finds that selecting a CM/GC contractor pursuant to the exemption is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.

III. FINDINGS REGARDING SUBSTANTIAL COST SAVINGS

ORS 279C.335 (2) requires that a public agency make certain findings as part of exempting certain public contracts or classes of public contracts from competitive bidding. ORS 279C.335 (2) (b) requires an agency to find that: *“Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in ORS 279A.050 (3) (b), to the contracting agency or the public.”*

ORS 279C.335(2)(b) further provides that: *“...the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:*

- (A) How many persons are available to bid;*
- (B) The construction budget and the projected operating costs for the completed public improvement;*
- (C) Public benefits that may result from granting the exemption;*
- (D) Whether value engineering techniques may decrease the cost of the public improvement;*
- (E) The cost and availability of specialized expertise that is necessary for the public improvement;*
- (F) Any likely increases in public safety;*
- (G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;*
- (H) Whether granting the exemption will affect the sources of funding for the public improvement;*
- (I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;*
- (J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;*
- (K) Whether the public improvement involves new construction or renovates or remodels an existing structure;*
- (L) Whether the public improvement will be occupied or unoccupied during construction;*
- (M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and*
- (N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.”*

The Courthouse Project is a technically complex project with complicated construction requirements. Technical complexities include high rise construction experience, tie-back wall construction experience, and courthouse construction expertise. Courthouses are not like other buildings due to higher floor to floor heights, and the need for large open space for courtrooms with wider than normal column spacing. In addition construction of courthouses includes special noise damping and control, holding areas and security requirements as well as court specific technology needs. Construction expertise in Portland is very important due to the permitting

requirements for the City as well as the knowledge of how the weather and seasonal variations in the Pacific Northwest affect construction methods and schedules.

The Portland region has only a few, very qualified local contractors with the experience, bonding capacity, past expertise and the skill set to work on a project of this magnitude and nature. The size of the project will attract some national contractors from other regions of the country to consider bidding on the project, if they can address the need for local expertise.

CM/GC does not include as direct an element of cost competition during the selection process as does the traditional method. There is typically not enough project design completed at the time of selection of the CM/GC for a firm bid, and, on the Courthouse Project, the CM/GC would be hired prior to any design being completed. Profit margin will be a factor in selection of the CM/GC. Pricing for the construction packages is negotiated.

On a technically complex project with an aggressive schedule, CM/GC offers several benefits that could lead to a lower overall project cost. The design incorporates input from the contractor and can be optimized for the selected contractor. The ongoing input from owner, designer, and contractor into the design can result in fewer design errors or omissions. Knowledgeable cost estimating and strong auditing from the owner and owner-hired independent experts can provide a check against inflated prices through negotiations when work packages are assigned. Additionally, the owner can reserve the right to bid a work package if a satisfactory price cannot be negotiated.

An area where CM/GC can potentially provide a major benefit on a project like the Courthouse Project is in the avoidance of costly changes. Areas of uncertainty can be identified early in the project and managed proactively through such measures as additional investigation, and appropriate schedule or cost contingencies. These factors combine to suggest that CM/GC will yield a lower total price at completion than the other methods on a complex, schedule constrained project like this one.

While it may be impossible to predict exactly how much lower the cost will be, there is some historical data: The Oregon Department of Corrections has significant experience with the CM/GC process and has identified achieved savings of 5% of the construction costs. On a project of this size (\$250 million) this would imply a cost savings of \$12,500,000 over traditional project delivery methods.

The County finds that awarding of this contract with its unique challenges and circumstances pursuant to the exemption will result in substantial cost savings to the County.

The following section presents County staff findings relative to each of the factors required to be addressed by ORS 279C.335(2)(b) (A) through (N), with captions edited for space.

A. How Many Persons are available to Bid

The Courthouse Project is a large budget, technically complex project with complex construction requirements and difficult site conditions. Technical complexities include site logistics, material handling and traffic control. Laydown areas and contractor support areas will be at a minimum since there are no open areas with access for these purposes. Additional complexities include high rise construction experience, tie-back wall construction experience, and courthouse construction expertise. Courthouses are not like other buildings due to higher floor to floor heights, and the need for larger open space for courtrooms with wider than normal column

spacing. In addition, construction of courthouses includes special noise damping and sound control, holding areas and security requirements as well as court specific technology needs.

To get a better idea of how many firms were available locally and nationally to do this work, the Owner's Representative consulted with local construction industry representatives of Associated General Contractors (AGC). Based on this research and frank conversation within the local construction industry we believe that there are approximately ten (10) firms who would be qualified to do the project, and it is reasonable to anticipate between six to eight of those firms would bid on the project.

Using the CM/GC method of contracting to ensure that the County is selecting the contractor that will perform the work, from within the limited base of contractors qualified to do the work, will mitigate the risk of having contractors that are not qualified to do the work successfully bidding on the project.

B. Construction Budget and Projected Operating Costs

The project budget is constrained to \$250 to \$260 million. The project is funded with 50% State funds and 50% County Funds. County funds for planning are in the Facilities and Property Management Division FY2015 budget.

The CM/GC delivery method offers Multnomah County major advantages over other delivery methods in achieving delivery of the completed project within the available funding. Because the construction contractor provides constructability, cost estimating, value engineering, and review of design options throughout the design development process, the 100% final design on which construction pricing will be based will have been thoroughly reviewed from a cost basis. Design and construction will be managed to meet the unique challenges of this project. Risk will be mitigated and allocated most cost-effectively. All pricing will be solicited competitively, or negotiated, with the objective of putting Multnomah County in the best position to deliver the project within budget.

The CM/GC process puts Multnomah County in the best position to deliver this highly complex and unique project within budget. Upon completion, ongoing operating costs will be included in the Multnomah County Facilities and Property Management Division annual budgets.

C. Public Benefits

The Courthouse Project is expected to provide long-term public benefits including:

- Courthouse built to current seismic standards
- Courthouse constructed that includes a sallyport and secure method to transport prisoners to courtrooms
- Adequate, separate, and secure space for victims and their families to wait
- 21st century court technology that enhances efficient judicial operations
- Waiting areas and secure conference rooms for attorneys and their clients to meet
- Secure judicial chambers
- Separation of in-custody defendants, county and state staff, and the public

When compared to the typical low bid method of project delivery, the CM/GC method provides opportunities to expedite the schedule and improve overall project quality, thereby reducing the overall impacts to the public during construction. Early work packages can be contracted to allow for schedule critical work to proceed ahead of complete design. The CM/GC is involved in

the design and ongoing review of contract documents, which improves the quality of the plans and specifications. Early stage CM/GC involvement also offers greater opportunity to mitigate impacts to the community and optimize diverse participation through community meetings and outreach that involve all key team members during planning and design.

In the County's proposed CM/GC approach, the construction contractor will be selected at or near the same time as the engineering and design firm(s), and before design work begins. This will allow the contractor to have input into the design and constructability and assist the County and designer in structuring the project for an optimal schedule. In addition, the contractor can start work on elements of the project that can be designed early if required by long procurement lead times. The ability to authorize construction work in packages that are subsets of the overall project allows significant scheduling flexibility and creates opportunity to complete the project in the shortest duration.

The CM/GC process will benefit the public by placing the County in the best position to mitigate community impacts, optimize diverse participation, deliver required features, reduce costs, expedite construction, and improve quality.

D. Value Engineering

Value Engineering (VE) is encouraged by Multnomah County and has resulted in both initial savings as well as long-term savings for many other County projects. In the CM/GC method, the relationship of the owner, construction contractor, and designer fosters a team approach to value engineering. The contractor, for example, can suggest ideas throughout the design development process. Multiple options for high cost or high impact items, such as construction methods, optimal material choices, environmental permitting, and local design requirements can be analyzed at various times during the project to evaluate initial construction costs as well as life cycle costs and benefits. Under the traditional design/bid/build method, VE typically occurs just once during the design phase. Under the CM/GC method VE is a continuous, iterative process that provides "real time" feedback to the owner and design team to ensure best value savings for the project are optimized.

With design-bid-build, savings from VE measures suggested by the construction contractor are divided between Multnomah County and the contractor. Under CM/GC, those savings accrue 100% to the County.

E. The Cost and Availability of Specialized Expertise Necessary for the Project

This project will require a construction team with specialized expertise and equipment due to the numerous complexities listed briefly here:

- Traffic management and phasing to minimize impacts to roadway traffic on SW First Avenue, SW Jefferson, SW Madison, SW Naito Parkway and the Hawthorne bridge entry and exit ramps on the West side of the Willamette
- Site logistics and construction means and methods
- Control of the construction to limit concerns of neighboring building owners, occupants and visitors
- High rise construction techniques and envelope issues inherent in this type of construction
- Unique construction with requirements for higher volumes of space and critical acoustical issues
- Secure holding areas and courthouse technology

The CM/GC selection process is based on qualifications as well as certain preconstruction and construction fees with price as a significant factor. The County will evaluate proposers on such factors as:

- Proposer Qualifications
- Proposer Experience
- Organization and Key Personnel
- Project Approach
- Pre-Construction Services Fee
- CM/GC Fee
- Sustainable Practices

A low bid process does not provide the opportunity to obtain the most qualified contractor with the specialized expertise needed for the project. The CM/GC process allows the County to select a contractor based on qualifications in design and construction, instead of selecting the low bidder on a completed design, and, thus, to acquire the specialized expertise needed for project design, design assist constructability reviews, quality assurance, site logistics planning, and value engineering.

F. Public Safety

Safe and efficient movement of traffic must be maintained around the construction site and to and from the Hawthorne Bridge during construction. All of the local street systems are needed at various parts of the day for traffic entering and leaving downtown during normal working and peak commuting hours. Also, important users include pedestrian and bicycle traffic at various times of day. It is crucial that all work be highly coordinated with the public to avoid unnecessary traffic delays. At the same time, an extended closure of the bridge ramps or surface streets to these surface users, i.e. vehicles, bicycles and pedestrians, can be disruptive and should in most instances be avoided, if possible. Maintaining safe movement of roadway, bicycle and pedestrian traffic around the construction site and to and from the bridge will require a contractor dedicated to meeting all of those goals in addition to the primary construction tasks. The alternate Courthouse Project site has many of the same issues with site logistics and also has a unique issue with the parking entrance for the KOIN Tower being located under the newly constructed Courthouse. A system to address blast concerns will need to be designed into the project if this site is selected.

The CM/GC process may reduce safety risks by:

- screening potential contractors based on their safety record and approach;
- providing the contractor with clear upfront knowledge of the project constraints;
- cooperatively planning the work sequencing with input from the owner, designer, and contractor from a public safety perspective; and
- encouraging ongoing safety input from the entire Project Team.

The CM/GC selection process values proven safety performance and builds upon it, providing enhanced opportunity for the County to optimize public safety implementation during construction.

G. Risk Reduction to County

This project is technically complex and will require that the selected contractor plan and execute difficult operations. Once again the site logistics and material/labor coordination will be critical to the success of the project. The CM/GC method will facilitate early identification and

mitigation of risks by leveraging the expertise of the CM/GC in addition to the county and designer.

Because the CM/GC method of project delivery allows the County to select the contractor based largely on staff qualifications and demonstrated success on past projects, the County can reduce risk to the Courthouse Project by selecting a contractor with demonstrated expertise in constructing judicial and public safety facilities.

H. Impact on Project Funding Sources

Using the CM/GC method of project contracting and delivery will not impact the funding of the project.

I. Market Conditions

The CM/GC process enables the County to better manage the negative impact of inflationary market conditions in several ways:

- Facilitate the early purchase of certain project elements (such as large steel fabrications, sheet metal, copper and other commodity items) if appropriate to take advantage of market prices.
- Start construction sooner than the traditional method of contracting would allow because of the ability to start construction of early schedule tasks before other elements of the project are designed;
- Deliver the project in a shorter overall time than by the traditional method, reducing overhead costs.

J. Technical Complexity

The Courthouse Project is technically complex. Areas of technical complexity include:

- Traffic management and site logistics phasing to minimize impacts to street traffic on the Hawthorne Bridge and related roadway and sidewalk traffic (autos, bicycles, pedestrians)
- Potentially complex permitting
- Challenging site conditions
- Control of the construction to limit concerns of neighboring building owners, occupants and visitors
- High rise construction techniques and envelope issues inherent in this type of construction
- Unique construction with requirements for higher volumes of space and critical acoustical issues
- Secure holding areas and courthouse technology

With the CM/GC delivery method, the contractor is selected based significantly on qualifications. As the design is developed, the County and the project will benefit from qualified contractor input regarding complicated design, construction and permitting issues. In addition, since the contractor is made aware of complicated technical issues during the design process, the risks are better identified, understood, and managed. The contractor is involved in solving the problems proactively. The likelihood of successfully resolving technical complexities without undesirable schedule and cost impacts is enhanced. Because traditional design-bid-build delivery does not allow for designer-owner-contractor interaction during design development, it provides the County less opportunity to resolve technical issues most effectively.

K. New construction, renovation or remodel?

The project will replace the existing Multnomah County Courthouse with a newly constructed Central Courthouse on a new site.

L. Occupied or unoccupied during construction?

The existing Courthouse will remain open and in operation until the Courthouse Project is complete and ready for occupancy. The County will attempt to minimize the disruption to roadway (cars, trucks, and buses), sidewalk (bicycles and pedestrians). The CM/GC will be required to produce an acceptable work plan to address these items and be required to maintain this work plan throughout the construction schedule.

M. Is the Construction Phased?

The construction is not expected to be phased.

N. Project Staff Qualifications

The County has Department Staff and the County Attorney's Office, as well as consultants and outside legal counsel retained under contract, that have the necessary expertise and substantial experience in alternative contracting methods (including the CM/GC method) and will use the County Staff, County Attorneys, consultants and outside legal counsel to assist in developing the proposed CM/GC contracting method and to help negotiate, administer and enforce the terms of the pending public improvement contract.

IV. Conclusion

In accordance with ORS 279C Multnomah County finds that:

Regarding Competition:

Given the above procurement process, County staff finds that selecting a CM/GC contractor pursuant to the exemption is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.

Regarding Substantial Cost Savings:

The County staff finds more specifically for ORS 279C.335(2)(b) Items A-N identified in Section III as follows:

- A. The Courthouse Project is a technically complex project, and, therefore, there is a limited contractor base qualified to plan and carry out the project;
- B. The CM/GC delivery method offers Multnomah County major advantages over other delivery methods in achieving delivery of the completed project within the available funding.
- C. The CM/GC process will benefit the public by placing the County in the best position to mitigate community impacts, optimize diverse participation, deliver required features, expedite construction, and improve quality.
- D. The CM/GC process facilitates and encourages value engineering. Because the value engineering happens during the design phase prior to pricing the work, the benefits accrue 100% to the County.

- E. The CM/GC process allows the County to select a contractor based on qualifications to acquire the specialized expertise required to successfully construct the technically complex and difficult to construct Courthouse Project;
- F. The CM/GC selection process values proven safety performance and builds upon it, providing enhanced opportunity for the County to optimize public safety implementation during construction.
- G. The CM/GC method of project delivery allows the County to select the contractor based on staff qualifications and demonstrated success on past projects. The County can reduce risk to the Courthouse Project by selecting a contractor with demonstrated expertise in constructing judicial and public safety facilities.
- H. Using the CM/GC method of project contracting and delivery will not impact the funding of the project.
- I. The CM/GC process enables the County to better manage the negative impact of inflationary market conditions.
- J. As design is developed, the County will benefit from qualified contractor input regarding complicated design, construction and permitting issues. In addition, since the contractor is made aware of complicated technical issues during the design process, the risks are better identified, understood, and managed by the appropriate party to deal with each specific risk.
- K. The project will replace the existing Courthouse with a newly constructed Central Courthouse on a new site.
- L. The County will attempt to minimize the disruption to roadway (cars, trucks and buses) and sidewalk (bicycles and pedestrians) traffic. As stated previously the CM/GC will prepare a plan and provide all services or equipment necessary to minimize any risk to the public or the transportation pathways that are affected by the construction of the Courthouse Project.
- M. The Construction is not expected to be phased.
- N. The County will use a combination of in-house staff, attorneys, and hired consultants to secure the expertise required by ORS 279C to successfully prosecute the CM/GC contract.

Based on the findings stated in the beginning of Section III at pages 5-6; and the findings for Items A – N above, the County is confident that awarding of this contract with its unique challenges and circumstances pursuant to the exemption will result in substantial cost savings to the County.

County Staff recommends that the CM/GC delivery method be implemented for the Courthouse Project. CM/GC puts Multnomah County in the best position to meet budget, deliver the project at least cost, minimize public impacts, achieve needed quality, acquire the special expertise required to successfully construct this unique project, and to deliver the project safely.