

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

ORDER NO. 99-158

Order approving exemption from the formal bid process a contract for a Developer/General Contractor for the construction of the Hollywood Branch Library.

The Multnomah County Board of Commissioners Finds:

- a) In 1996, voters approved bonds for the construction of a new branch library in the Hollywood District in the City of Portland;
- b) In May 1999, the Board of County Commissioners adopted Resolution No. 99-78 which directed that:

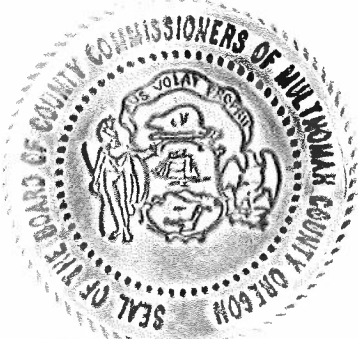
"As an element of planning for county programs and facilities, County staff will demonstrate that design options have been considered which promote the potential for affordable housing and mixed-use development to the end of creating contiguous housing and public services, e.g. health clinics and libraries."
- c) The county has acquired a site for construction of the Hollywood branch library which will accommodate a mixed use development;
- d) The county has commissioned a study of the new Hollywood branch library site that recommends that the library be constructed as a mixed use development with privately owned and financed mixed income housing above the library building;
- e) Construction of a mixed income housing development together with the library will further the objectives outlined in Resolution 99-78 and it is in the best interests of the county to construct the Hollywood branch library as part of a mixed use development with mixed income housing.
- f) Pursuant to ORS 279.015 and PCRB Rule 10.085, the local contract review board may exempt certain public contracts from traditional competitive bidding by showing that an alternative solicitation process is unlikely to encourage favoritism or diminish competition and will result in substantial cost savings to the county.
- g) It is in the best interests of the county to use an alternative solicitation process for the construction of the Hollywood Library as part of a mixed use development. A Developer/General Contractor process will allow the county to construct the library as part of a mixed use development in the most timely and cost effective manner while still preserving competition.
- h) Construction of the building as two separate projects, using the traditional bidding process for construction of the library followed by construction of the housing component of the building above the library by a private developer, will result in delay in commencement of the construction of the library while separate designs for the two building components are coordinated. Construction of the building in two separate phases, potentially by two different contractors, will require more time for completion of the building and will delay the opening of the library.

- i) The Developer/General Contractor method will allow the entire building to be designed and constructed as a single building in a coordinated manner and will allow the Developer/General Contractor to engage in value engineering beneficial to both components of the building early in the design process resulting in substantial savings to the county in design and construction costs including costs for bonding, liability insurance, and construction coordination.
- j) Use of the Developer/General Contractor method will not encourage favoritism or diminish competition because a competitive process will be used to select the Developer/General Contractor. The selection process will be conducted in accordance with Administrative Procedure PUR-1. In addition, this project will be aggressively marketed to developers with experience developing mixed income projects and mixed use developments to assure that all who are interested and have the capability to complete this project are afforded an opportunity to make a proposal.

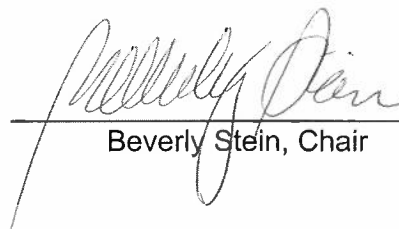
The Multnomah County Board of Commissioners Orders:

- 1) The Hollywood branch library shall be constructed as a part of a mixed use development with mixed income housing above the library. The construction of the library as part of a mixed use development shall be exempt from competitive bidding requirements and a Developer/General Contractor shall be selected through a request for proposal process under Administrative procedure PUR-1.
- 2) This exemption shall not apply to the construction of the Hollywood branch library in the event that no proposals are received for a combined library and mixed income housing project are received which are acceptable to the county.

APPROVED this 29th day of July, 19 99.



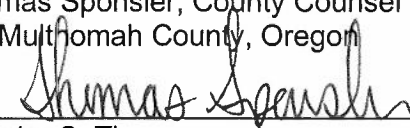
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By


John S. Thomas

Assistant County Counsel