

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

ORDER NO. 03-133

Approving Exemption from the Formal Bid Process a Contract for a Construction Manager/General Contractor (CM/GC) for the Elections Building Combined Upgrade Project

The Multnomah County Board of Commissioners Finds:

- a. The Board, acting as the Multnomah County Public Contract Review Board to review, pursuant to PCRB Rule AR310-0220, a request from the Facilities and Property Management Division for an exemption from the formal competitive bid process for a contract for the Elections Building Combined Upgrade Project. The Oregon Revised Statute (ORS) 279.015 provides means of contracting other than competitive low bid process to public agencies through the exemption process, upon satisfaction of certain requirements. The requirements for justifying an exemption are stated below with their corresponding findings:
- b. 279.15 (2)(a) "It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts"
 1. The CM/GC will be selected through the County's Request for Proposal (RFP) process which is an open competitive process. The selection criteria will include quality of previous work; available resources to meet schedule requirements; use of Minority, Women and Emerging Small Business subcontractors; experience in commercial remodeling, construction during occupancy and time critical project management, fee and other relevant criteria.
 2. Competition will not be diminished because the CM/GC contract will be awarded based on a competitive process and will in fact be enhanced by requiring the CM/GC to use a competitive bidding process to select their subcontractors which is not required under a Formal Bid process.
- c. 279.15 (2)(b) "The awarding of public contracts pursuant to the exemption will result in substantial cost saving to the public contracting agency."
 1. The project is estimated to cost approximately \$1,500,000. During the design phase prior to material and subcontractor bidding, the CM/GC will provide and update cost estimate information. These cost estimates will assist final decision-making about the project scope, product quality, and material finish. Using a CM/GC will allow more flexibility to develop, evaluate, and implement design changes with less impact on construction cost and time.

The use of value engineering through cooperation among the Architect, Engineer, Contractor and County is important to the project delivery on time and within budget. The CM/GC will participate in the design phase to propose the most economical (affordable) and practical (constructible) building solutions. CM/GC value engineering should reduce bid addenda, contract change orders, and progress delays to help meet the tight time schedule for the project.

2. This project is time critical. The Elections Building and staff work must remain in operation every business day before, during and after the project. On site work cannot begin until after the May 2004 Primary Election, but must be complete before the November 2004 General Election. A CM/GC Contractor can assist during the design process with phasing of work to meet the required schedule. Some items including the elevator have a long lead time for delivery. A CM/GC Contractor can order these items while final design is being completed allowing for timely delivery to avoid delay and the negative impact of inflation.

To meet time schedules and reduce cost it is essential to have a contractor with experience in commercial remodeling, construction during occupancy, and time critical project management.

- d. This exemption is in accord with the requirements of Multnomah County Public Contract Review Board rule AR 310-0220.

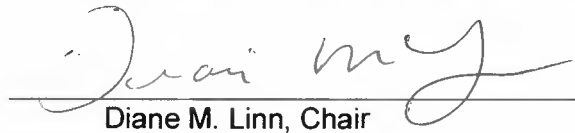
The Multnomah County Board of Commissioners, acting as the Public Contract Review Board, Orders:

That the contract for a CM/GC for the Elections Building Combined Upgrade Project be exempted from the formal competitive bidding process.

ADOPTED this 18th day of September, 2003.



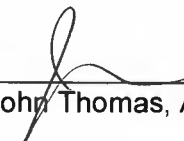
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON, ACTING
AS THE PUBLIC CONTRACT REVIEW BOARD



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John Thomas, Assistant County Attorney