

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. _____

Approving the FAC-1 Project Construction Early Work Package & Authorizing the County Chair to Execute Early Work Amendment #6 for the Central Courthouse Project.

The Multnomah County Board of Commissioners Finds:

- a) Chapter 705, Oregon Laws 2013, authorized creation of the Oregon Courthouse Capital Construction & Improvement (OCCCI) Fund and provided for the sale of Article XI-Q bonds to finance the State's matching share of costs for new or renovated courthouses, or portions thereof, owned or operated by the State under a long-term lease or IGA with each county.
- b) On February 12, 2015 the Board of County Commissioners (Board) approved the use of the Construction Manager/General Contractor (CM/GC) delivery method for the Central Courthouse Project (Project) in Resolution #2015-012. The Project was approved by the Oregon Chief Justice and Department of Administrative Services (DAS) on March 16, 2015, which qualified the Project for 50% State funding from the OCCCI Fund to match the County's 50% contribution. On March 31, 2015, the State issued Article XI-Q bonds, including \$15 million to fund the State's initial Courthouse Project match. In addition, the legislature approved the County's funding request in the 2015-17 Biennium for an additional \$17.4 million for the Project.
- c) On April 16, 2015, by Resolution #2015-031, the Board finalized the site selection of Block 8 at the West end of the Hawthorne Bridge and authorized issuance of RFPs for architectural & engineering services and for a Construction Manager/General Contractor (CM/GC) for the Project. Following these resolutions, SRG Partnership, Inc., was selected to perform design services, and Hoffman Construction Company of Oregon (Hoffman) was selected as CM/GC to perform pre-construction services. The County and Hoffman executed and entered into the CM/GC Contract for the Project with an effective date of September 1, 2015 (CM/GC Contract).
- d) On December 17, 2015, the Board adopted Resolution #2015-129: Approving the FAC-1 Project Plan and authorizing the Schematic Design and Design Development Phases of the Project. On the same day, the Board adopted Resolution #2015-130: Authorizing the County Chair to execute an IGA with the Oregon Department of Administrative Services (DAS) and the Oregon Judicial Department (OJD) for funding the Central Courthouse Project, Phase I.

- e) On January 15, 2016, the County, OJD and DAS executed the Multnomah County Courthouse Funding Agreement – Phase I. By Resolution #2016-067, adopted June 16, 2016, the Board approved the FAC-1 Project Design and Construction Plan for the new Courthouse and authorized the team to proceed with development of detailed Construction Documents for the Project.
- f) The Project has made use of the \$15 million in State XI-Q Bonds for Phase I. DAS has paid the County's first five requests for disbursement of the state's 50% matching share of approved courthouse costs, and the County has submitted a sixth request for consideration.
- g) The County, OJD and DAS have nearly completed negotiating the Multnomah County Courthouse Funding Agreement – Phase II, which will authorize OJD and DAS to continue disbursing the state's 50% matching share from the OCCCI Fund, using the additional \$17.4 million that the legislature approved for the 2015-17 Biennium. The State issued \$17.4 million of Article XI-Q bonds on February 21, 2017, to provide the Phase II State Funds for the Project. The Project team expects the Phase II Agreement will be executed by June 30, 2017.
- h) The County and Hoffman have executed five Early Work Amendments to the CM/GC Contract to date, to authorize pre-construction services, site demolition and grading, site excavation, shoring, and installation of a tower crane, bringing Hoffman's current contract balance to \$38.4 million, prior to approval and execution of EWA #6.
- i) The conceptual Project budget totals \$290M - \$300M. EWA #6, if approved by the Board, will bring Hoffman's contract amount to approximately \$195 million or eighty-five percent (85%) of the Guaranteed Maximum Price (GMP).
- j) The County and Hoffman, together with the labor unions representing trades working on the Project and equity stakeholders promoting equity and diversity in the skilled building trades, have negotiated and entered into a Project Labor Agreement, effective February 13, 2017 (PLA), a summary of which is attached to EWA #6 as Attachment 10. The PLA incorporates the County's Workforce Training and Hiring program and establishes uniform, standard working conditions and diverse community participation for the efficient performance of construction work on the Project. Hoffman will endeavor to meet or exceed the County's aspirational goals for equity in contracting and workforce goals for Oregon State certified disadvantaged, minority-owned, women-owned, service disabled veteran-owned, and emerging small businesses (DMWSDVESBs) for the Project in accordance with the CM/GC Contract and the PLA.
- k) The Project team plans to return to the Board in August 2017 with the GMP Amendment, which will include labor and materials for Interior finishes, cabinetry,

site work, and renovation of Jefferson Station. If approved, the GMP Amendment will constitute the Board's authorization to complete construction of the Courthouse

The Multnomah County Board of Commissioners Resolves:

1. Approval of the FAC-1 Project Construction Early Work Package for the Central Courthouse Project.
2. Authorization for the County Chair to Execute Early Work Amendment #6 for the Central Courthouse Project in substantially the form attached hereto as Exhibit A. Board approval is needed for any modification or amendment that results in a material increase in the obligations of the County or a material decrease in the benefits for the County under Early Work Amendment #6.

ADOPTED this 8th day of June, 2017.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

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