



Department of County Assets

MULTNOMAH COUNTY

MEMORANDUM

Facilities and Property Management
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DATE: 12/06/2011

TO: *Brian R. Smith, Purchasing Manager*

FROM: *Colleen Bowles, John Lindenthal*

SUBJECT: **47-0275 Special Procurements - Findings in Support of an Alternative Contracting Process for the Juvenile Justice Center Detention Electronics Up-Grade Phase 1 & Multnomah County Inverness Jail Detention Electronics Up-Grade Phase 2**

Facility and Property Management Division (FPM) requests a Resolution approving an exemption from competitive bidding requirements pursuant to ORS 279C.335 and Public Contract Review Board rule (49-0600) so that the FPM may solicit and execute an Alternative Contracting method for a project proposal for the Juvenile Justice Center (JJC) and the Multnomah County Inverness Jail (MCIJ) Detention Electronics project.

The alternative contracting process proposed for use will be 49-0610 (3) Design Build employing a competitive Request for Proposal process that will be evaluated based performance, experience and other applicable criteria but will not be awarded solely on low-bid.

The proposed project will consist of two phases, starting in the Juvenile Justice Center (JJC) at 1401 NE 68th Avenue, Portland, Oregon, which houses three county regional detention centers, constructed in 1995. The JJC includes Juvenile Courts, District Attorney Offices, Juvenile Probation and Treatment offices, Juvenile Detention, and offices of the State Oregon Youth Authority. Multnomah, Washington and Clackamas Counties partnered on the construction and operation of the Detention Center for youth from the tri-county area. The second phase will be the Multnomah County Inverness Jail at 11540 NE Inverness Jail Dr, Portland, Oregon, which houses inmates and was originally built in 1989. MCIJ has the laundry facility, storage facility and the work crew shop.

Background

The existing detention electronics systems were included with the original building construction for JJC in 1995 and MCIJ in 1989. Both systems, which manage the locks and security systems, are now in a constant need of adjustment or repair and are well past their planned service life – they must be replaced.

Moderization of the detention electronics will significantly improve the operation and safety of prisoner handling and improve existing monitoring systems. A critical difference between these projects and more common upgrade/modernization programs is the need to maintain absolute security and monitoring while construction work is undertaken – at no time may the system be down or non-functional.

FPM recommends a project of this complex nature be best managed and the interests of the County are best served utilizing the experience that can be gained using the Alternative Contracting method of Design Build, and compete the project with a Request For Proposal with an emphasis on obtaining a Contractor with a proven expertise in complex detention facility projects.

Oregon Revised Statutes (ORS) 279C.335. and Public Contract Review Board (PCRB) 49-0600 provide a means of contracting other than the traditional competitive low bid process to the public agencies.

A local contract review board may exempt certain public contracts or classes of public contracts from the competitive bidding requirements upon approval of findings submitted by the public contracting agency seeking exemption. The findings should show that an alternative contracting process is unlikely to diminish competition and that the alternative process will result in cost savings and quality assurance to the public agency.

Findings

Oregon Revised Statute 279C.335 and PCRB Rule 49-0600 allow public contracting agencies an exemption from competitive bidding requirements upon approval of certain findings.

The requirements for justifying an exemption are stated below with their corresponding findings:

279C:335 (2)(a) "It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts"

1. The Design Build contractor will be selected through the County's Request for Proposal (RFP) process which is an open, competitive process. The selection criterion will include sustainability, experience in detention facility remodeling; quality of previous work; available resources to meet technical and schedule requirements; previous use of Minority, Women and Emerging Small business subcontractors; construction methods proposed while the facility is occupied, and time critical project management, fee and other relevant criterion.
2. Competition will not be diminished because the Design Build contractor will be awarded based on a competitive process.

279C.335 (2)(b) "The awarding of public improvement contracts under the exemption will likely result in substantial cost savings to the contracting agency..."

1. Prior to material and subcontractor bidding, the Design Build contractor 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 Design Build will allow more flexibility to develop, evaluate, and implement design changes and minimize the impact on the construction cost, time and day-to-day facility operations.

The ability to employ value engineering through the inherent Design Build process that forces cooperation among the Engineer, Contractor and County is important to the project delivery on time and within budget goals. The Design Build contractor will be an active project participant to propose the most economical (affordable) and practical (constructible) building solutions. Design Build value engineering should reduce bid addenda, contract change orders, and process delays to help meet the project's schedule while maintaining interruption-free security operations for the Juvenile Justice Center and Multnomah County Inverness Jail.

2. This project will be technically challenging and difficult to construct. To meet time schedules, minimize costs and control the costs once budgeted, it is essential to hire a firm with design, construction management/general contractor experience in detention electronics, detention facility remodeling, construction during occupancy, and time critical project management.

Coordinating and maintaining the daily operations of a secure detention facility without the interruption or loss of electronic control systems that monitor door and elevator control, inmate movement, surveillance, emergency fire and daily operations require a significantly greater level of coordinated specialized service from the general contractor. A Design Build contractor will be in the best position to assist with phasing the work to meet the required project schedule without compromising the facility's security system.

If there are any questions, please contact Samuel Lasko at extension X84211

Thanks for your time in this matter.

Approved:

Interim FPM Director