

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

**ORDER NO. 99-201**

Exempting from the Formal Competitive Bid Process a Contract for a Construction Manager/General Contractor for the construction of a new Correctional Facility.

The Multnomah County Board of Commissioners Finds:

- a. 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. 279.015 (2)(a) "It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts: "In using the CM/GC approach, the County will assure that:

The CM/GC will be selected through the County's RFP process to encourage competitiveness and fairness.

The selection of the CM/GC will be a public process, using quality, schedule, County objectives of using M/W/ESB, and price criteria.

Competition will not be impaired in that 90% of the project, through sub contractors, would be competitively bid.

- 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."

In using the CM/GC approach, the County expects to save costs due to these factors:

The CM/GC will be a participant during the design and documentation phases, and will be able to assist the architects and engineers in finding the most economical design solutions and address issues related to building systems.

The CM/GC will be familiar with the site before bidding occurs and will be able to assist subcontract bidders in their knowledge of the project.

With the CM/GC on board the County can make purchasing of some items early on and avoid the negative impact of inflation.

This process establishes a maximum price early. The CM/GC should obtain a complete understanding of the County's needs, and the various special and diverse types of construction and site work for a more accurate total project scope.

Using the CM/GC process will allow the County to start the construction process faster by allowing smaller front end bid package work that is necessary to gain access to, and onto the project site. The site access road will tie into various construction access and staging areas for phases of construction. Starting the construction process earlier will allow the overall project to finish earlier by several months.

d. Additional findings to those listed above are:

The project needs to be phased. In order to start work quickly as possible a number of bid packages will be required, starting with road and utility work, then foundation systems work, site buffering work and the main building complex. Using the CM/GC method in this instance will assign a single source of responsibility and accountability for sequencing, phasing and staging in a unique environmentally sensitive area.

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

That the contract for a CM/GC for the construction of a new correctional facility be exempted from the requirements of public bidding.

APPROVED this 14th day of October, 1999.



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

  
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Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By   
\_\_\_\_\_  
John Thomas, Assistant County Counsel