

BEFORE THE METRO LOCAL CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN ) RESOLUTION NO. 26-5602  
EXEMPTION FROM COMPETITIVE )  
BIDDING AND PROCUREMENT OF ) Introduced by Chief Operating Officer  
CONSTRUCTION MANAGER/GENERAL ) Marissa Madrigal in concurrence with  
CONTRACTOR SERVICES BY ) Acting Council President Duncan Hwang  
COMPETITIVE REQUEST FOR )  
PROPOSALS FOR THE ARLENE )  
SCHNITZER CONCERT HALL HVAC )  
EQUIPMENT REPLACEMENT PROJECT )

WHEREAS, Metro intends to replace the heating and cooling equipment serving historic Arlene Schnitzer Concert Hall, (the “Arlene Schnitzer Concert Hall HVAC Equipment Replacement Project”); and

WHEREAS, ORS 279C.335 and Metro Local Contract Review Board Administrative Rule ("LCRB Rule") 49-0130 require that all Metro public improvement contracts be procured based on competitive bids, unless exempted by the Metro Council, sitting as the Metro Local Contract Review Board; and

WHEREAS, Metro's LCRB Rule 49-0620 authorizes the Metro Local Contract Review Board to exempt a public improvement contract from competitive bidding and direct the appropriate use of alternative contracting methods that take account of market realities, modern innovative contracting and project delivery methods, so long as they are consistent with the public policy of encouraging competition, subject to the requirements of ORS 279C.335; and

WHEREAS, ORS 279C.337 and LCRB Rule 49-0690 authorize the use of the Construction Manager/General Contractor (“CM/GC”) alternative contracting and project delivery method when an exemption from competitive bidding is approved by the Metro Local Contract Review Board; and

WHEREAS, a Request for Proposals solicitation for a CM/GC public improvement construction contract would benefit Metro and the Arlene Schnitzer Concert Hall HVAC Equipment Replacement Project by involving the contractor extensively during the design process, allowing Metro to better account for project complexities, avoid project delays and expensive change orders, reduce liability and revenue risks to Metro, and provide a foundation of cooperation upon which a high-quality result may be achieved, on schedule and on budget; and

WHEREAS, ORS 279C.335(2) and (5)(a), and LCRB Rules 49-0630 through 49-0660 require that, to authorize an exemption from competitive bidding, the Metro Local Contract Review Board must hold a public hearing and adopt written findings establishing, among other elements, that the exemption of a public improvement contract from competitive bidding is

unlikely to encourage favoritism or substantially diminish competition for public improvement contracts, and that said exemption will likely result in substantial cost savings to Metro; now therefore,

BE IT RESOLVED THAT THE METRO LOCAL CONTRACT REVIEW BOARD:

1. Exempts from competitive bidding the procurement and award of a CM/GC public improvement contract for the construction of the Arlene Schnitzer Concert Hall HVAC Equipment Replacement Project; and
2. Adopts as its findings in support of such exemption the justification, information and reasoning set forth on the attached Exhibit A, which is incorporated herein by reference as if set forth in full; and
3. Authorizes the Chief Operating Officer to:
  - 3.1 Prepare a form of Request for Proposals for CM/GC Contractor services that includes the following evaluation criteria for contractor selection:
    - a. Contractor's proposed fees for pre-construction services
    - b. Contractor's proposed overhead and profit for construction services
    - c. Contractor's Project understanding and proposed project approach
    - d. Contractor's record of completion of projects of similar type, scale and complexity, including demonstrated public improvement CM/GC project experience and expertise
    - e. Contractor's record of coordinating multi-disciplinary approaches to value engineering challenges
    - f. Contractor's experience with occupied, operational sites, limited staging space and phased construction
    - g. Contractor's proposed milestone dates, including but not limited to substantial completion
    - h. Contractor's demonstrated quality and success with compressed schedules
    - i. Contractor's financial capacity
    - j. Contractor's experience in incorporating sustainability construction practices and design into projects
    - k. Contractor's demonstrated commitment to workforce diversity and record of outreach to subcontractor businesses certified by the Certification Office of Business Inclusion and Diversity
    - l. Any other criteria that ensure a successful, timely, and quality project, in the best interest of Metro and in accord with ORS 279C.335(4)(c) and LCRB Rule 49-0640(2)(a) and (b);
  - 3.2 Following the approval of said form of Request for Proposals and Contract by

the Office of the Metro Attorney, to issue said form, and thereafter to receive responsive proposals for evaluation; and

- 3.3 Following evaluation of the responses to the Request for Proposals, authorizes the Chief Operating Officer to execute a CM/GC contract with the most advantageous proposer to construct the Arlene Schnitzer Concert Hall Roof Replacement Project.

ADOPTED by the Metro Local Contract Review Board this 28th day of May, 2026.

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Duncan Hwang, Acting Council President

Approved as to Form:

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Carrie MacLaren, Metro Attorney