

STAFF REPORT

RESOLUTION NO. 21-5198 OF THE METRO COUNCIL ACTING AS THE METRO CONTRACT REVIEW BOARD FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE COMPETITIVE BIDDING PROCEDURES AND AUTHORIZING PROCUREMENT OF CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES BY COMPETITIVE REQUEST FOR PROPOSALS FOR THE BLUE LAKE PARK OPERATION AND MAINTENANCE FACILITIES PROJECT

Date: April 28, 2021

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BACKGROUND

The Curry Building at Blue Lake Park and associated infrastructure support Metro park operations and maintenance functions, including offices, maintenance shops, and equipment storage. The building was built in the mid-1960's and no longer meets program requirements; cannot adequately support staff; does not meet current seismic/structural code; does not meet current accessibility requirements; and lacks the operational efficiency of modern building systems.

The purpose of this project is to address these issues, either by replacing the current facility or renovating/expanding the existing one. The project outcome will be a resilient operations and maintenance facility that meets all code requirements and programmatic needs for Metro. The value of this project is \$5.4 million.

The architecture/engineering consultants for the project are beginning the planning and programming phase with Metro staff in June. The design phase will follow, tentatively in September. It is desired that the Construction Manager General Contractor (CM/GC) project delivery method be used whereby the General Contractor will join the team at the beginning of the design phase, providing beneficial pre-construction expertise. Procurement of a CM/GC requires an exemption from competitive bidding in lieu of procurement by competitive Request for Proposals.

An alternate, qualifications based procurement method, a Request for Proposals, enables Metro to specifically request and qualitatively evaluate proposers' prior experience with the unique parameters of the project including experience with operations and maintenance facilities, park facilities, demonstrated successes with sustainability and their approach to COBID outreach and partnership and workforce diversity. This delivery method offers a better ability for public agencies to increase the use of COBID firms in sub-contracting opportunities.

The attached resolution and findings in Exhibit A describe the specialized nature of this project. Based on these findings, the Metro procurement manager believes that a value-based selection process is more appropriate than a traditional, competitive bid (which solely considers lowest bid price). CPMO staff and the Office of the Metro Attorney concur.

Therefore, staff seeks Council authorization to pursue the alternative procurement of Construction Manager General Contractor Services by a competitive Request for Proposals, for the Blue Lake Park Operations and Maintenance Facilities project. This will allow Metro to consider cost as well as

experience and expertise in completing similar projects and in selecting the most advantageous contractor for this project.

ANALYSIS/INFORMATION

1. **Known Opposition:** None

2. **Legal Antecedents:** LCRB Rule 49-0620(1), 49-0130, 49-0640, and 49-0690; Oregon Revised Statutes 279C.335 and ORS 279C.337.

3. **Anticipated Effects:** Public procurement process will be open and competitive, but items in addition to cost will be considered in the awarding of the contract. Increased use of COBID subcontractors is anticipated.

4. **Budget Impacts:** The CM/GC project delivery method provides safeguards for schedule and cost control of the project, including early involvement by construction contractor in the design process, as well as reducing the risk of substantial change orders.

RECOMMENDED ACTION

Metro Council, acting as the Local Contract Review Board, approves an exemption from competitive bidding for the Blue Lake Park Operations and Maintenance Facilities project, and authorizes procurement of a Construction Manager/General Contractor by request for competitive proposals, and authorizes the execution of the resulting CM/GC contract by the Chief Operating Officer in a form to be approved by the Office of Metro Attorney.