

BEFORE THE METRO LOCAL CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN) RESOLUTION NO. 26-5568
EXEMPTION FROM COMPETITIVE BIDDING)
AND PROCUREMENT OF CONSTRUCTION) Introduced by Chief Operating Officer
MANAGER/GENERAL CONTRACTOR) Marissa Madrigal in concurrence with
SERVICES BY COMPETITIVE REQUEST FOR) Acting Council President Duncan Hwang
PROPOSALS FOR THE OREGON ZOO)
COASTAL SHORES PROJECT)

WHEREAS, as part of the implementation of Metro Ballot Measure 26-244 (the “2024 Oregon Zoo Bond Measure”), Metro intends to demolish the Oregon Zoo’s aging Stellar Cove exhibit and construct an improved and enlarged “Coastal Shores” habitat and exhibit area in its place; 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 and modern innovative contracting and purchasing methods, so long as they are consistent with the public policy of encouraging competition, subject to the requirements of ORS 279C.335; and

WHEREAS, a Request for Proposals solicitation for a Construction Manager General Contractor (“CM/GC”) public improvement construction contract would benefit Metro and the Coastal Shores project by involving the contractor extensively during the design process, allowing the Oregon Zoo to better account for project complexities, avoid project delays and expensive change orders, reduce liability and revenue risks to the Zoo, 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 49-0690 require that the Metro Local Contract Review Board hold a public hearing and adopt written findings establishing, among other things, 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 Oregon Zoo Coastal Shores habitat and exhibit area; and

2. Adopts as its findings in support of such exemption the justification, information and reasoning set forth in the attached Exhibit A, which is incorporated herein by reference as if set forth in full; and

3. Authorizes the Chief Operating Officer to 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; and
- b. Contractor's proposed overhead and profit for construction services; and
- c. Contractor's project understanding and proposed project approach; and
- d. Contractor's record of completion of projects of similar type or equivalent scale and complexity, including demonstrated public improvement CM/GC project experience and expertise; and
- e. Contractor's record of coordinating multi-disciplinary approaches to value engineering challenges; and
- f. Contractor's experience with occupied, operational sites, limited staging space and phased construction; and
- g. Contractor's proposed milestone dates, including but not limited to substantial completion; and
- h. Contractor's demonstrated quality and success with compressed schedules; and
- i. Contractor's financial capacity; and
- j. Contractor's experience in incorporating sustainability construction practices and design into projects; and
- k. Contractor's demonstrated commitment to workforce diversity and record of outreach of subcontractor businesses certified by the Certification Office of Business Inclusion and Diversity; and
- 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).

4. Authorizes the Chief Operating Officer to issue said form of Request for Proposals and Contract by the Office of the Metro Attorney following its approval, and thereafter to receive responsive proposals for evaluation; and

5. Authorizes the Chief Operating Officer to execute a CM/GC contract with the most advantageous proposer to construct the Oregon Zoo Coastal Shores habitat and exhibit area following evaluation of the responses to the Request for Proposals.

ADOPTED by the Metro Local Contract Review Board this 7th day of April, 2026.

Duncan Hwang, Acting Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney