

BEFORE THE METRO CONTRACT REVIEW BOARD

RESOLUTION OF THE METRO COUNCIL)	RESOLUTION NO. 21-5228
ACTING AS THE METRO CONTRACT REVIEW)	
BOARD, FOR THE PURPOSE OF)	Introduced by Chief Operating Officer
AUTHORIZING AN EXEMPTION TO THE)	Marissa Madrigal in concurrence with
COMPETITIVE BIDDING PROCEDURES AND)	Council President Lynn Peterson
AUTHORIZING PROCUREMENT OF)	
CONSTRUCTION MANAGER/GENERAL)	
CONTRACTOR SERVICES BY COMPETITIVE)	
REQUEST FOR PROPOSALS FOR THE BLUE)	
LAKE FISHING PIER DEMOLITION PROJECT)	

WHEREAS, the existing Blue Lake Park pier, built to enclose a swimming area in 1962 and later used to support rental boat operations and fishing, was closed to the public after a 2020 structural assessment identified poor conditions and associated safety risks; and

WHEREAS, Metro staff, in consultation with the project structural engineer and a marine construction contractor, concluded that the full demolition and replacement of the pier is the optimal approach, providing the opportunity to design and build a replacement structure with public input and more flexibility as to the type and location of pier-based public activities; and

WHEREAS, Blue Lake Park fishing pier renovation planning is anticipated to begin in early 2022 and fishing pier demolition in fiscal year 2022-2023; and

WHEREAS, the Metro Area voters approved the 2019 Parks and Nature Bond Measure, thereby creating a program under which a portion of the total Bond Measure proceeds would be distributed to the Metro parks improvement program focusing on reinvesting in regional destinations and providing safe, accessible, inclusive, and welcoming places for people to connect with nature; and

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

WHEREAS, Metro’s LCRB Rules 49-0600 to 49-0670 authorize the Metro 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, ORS 279C.335(5)(a) and LCRB Rules 49-0630 through 49-0670 require that the Metro 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 Contract Review Board:

1. Exempts from competitive bidding the procurement and award of a Construction Manager/General Contractor (“CM/GC”) public improvement contract for the Blue Lake Park fishing pier demolition;
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 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 as evaluation criteria for contractor selection:
 - Contractor’s proposed fees for pre-construction services
 - Contractor’s proposed overhead and profit for construction services
 - Contractor’s project understanding and proposed project approach
 - Contractor’s record of completion of projects of similar type, scale and complexity, including demonstrated public improvement CM/GC project experience and expertise
 - Contractor’s record of coordinating multi-disciplinary approaches to value engineering challenges
 - Contractor’s record of working with owners and design professionals to identify ways to incorporate long-term operational efficiencies into projects
 - Proposed milestone dates, including but not limited to substantial completion
 - Contractor’s demonstrated quality and schedule control
 - Financial capacity
 - Contractor’s experience in incorporating sustainability construction practices and design into projects
 - Contractor’s demonstrated commitment to workforce diversity and record of use of subcontractor businesses certified by the Certification Office of Business Inclusion and Diversity (COBID)
 - 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), (b) and (c); and
 - 3.2 Following the approval of said form of Request for Proposals and contract by the Office of Metro Attorney, to issue such approved form, and thereafter 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 implement the Blue Lake Park fishing pier demolition project.

ADOPTED by the Metro Council this ____ day of _____ 2022.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney