

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN) RESOLUTION NO. 22-5236
EXEMPTION FROM COMPETITIVE)
BIDDING AND PROCUREMENT OF) Introduced by Chief Operating
CONSTRUCTION MANAGER/GENERAL) Officer Marissa Madrigal in
CONTRACTOR SERVICES BY) concurrence with Council President
COMPETITIVE REQUEST FOR) Lynn Peterson
PROPOSALS FOR THE OREGON ZOO)
BLACK BEAR IMPROVEMENT PROJECT)

WHEREAS, Metro intends to renovate the Black Bear habitat located at the Oregon Zoo. (the "Oregon Zoo Black Bear Improvements 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 Contract Review Board; and

WHEREAS, Metro's LCRB Rule 49-0620 authorizes 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(2) and (5)(a), and LCRB Rules 49-0630 through 49-0690 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 construction of the Oregon Zoo Black Bear Improvements 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:
- 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
 - Contractor's Proposed milestone dates, including but not limited to substantial completion
 - Contractor's demonstrated quality and schedule control
 - Contractor's 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) 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 Oregon Zoo Black Bear Improvement Project.

ADOPTED by the Metro Council this 20th day of January, 2022.

Approved as to Form:

Lynn Peterson, Metro Council President

Carrie MacLaren, Metro Attorney