

BEFORE THE METRO CONTRACT REVIEW BOARD

|                                       |   |                                        |
|---------------------------------------|---|----------------------------------------|
| RESOLUTION OF THE METRO COUNCIL       | ) | RESOLUTION NO. 17-4790                 |
| ACTING AS THE METRO CONTRACT REVIEW   | ) |                                        |
| BOARD, FOR THE PURPOSE OF AUTHORIZING | ) |                                        |
| AN EXEMPTION TO THE COMPETITIVE       | ) |                                        |
| BIDDING PROCEDURES AND AUTHORIZING    | ) | Introduced by Chief Operating Officer  |
| PROCUREMENT BY REQUEST FOR PROPOSALS  | ) | Martha J. Bennett, in concurrence with |
| FOR THE CONSTRUCTION OF THE           | ) | Council President Tom Hughes           |
| WILLAMETTE FALLS RIVERWALK            | ) |                                        |
|                                       | ) |                                        |

WHEREAS, Blue Heron Paper Company, Inc. operated a mill on the Willamette River waterfront in the City of Oregon City at the base of the Willamette Falls. In February 2011, the mill closed its doors, and Metro and its public partners, including the City of Oregon City, Clackamas County, and the State of Oregon (the “public partners”) began to investigate the site guided by four core values: economic redevelopment, healthy habitat, historic and cultural interpretation and public access to Willamette Falls, a natural wonder in our region;

WHEREAS, Metro and its public partners entered into a Memorandum of Understanding in September of 2014, promising to collaborate on a vision to bring public access to Willamette Falls through a “riverwalk” project on the former Blue Heron Paper Mill site;

WHEREAS, the riverwalk is intended to be a critical first investment in the site that will spur redevelopment and connect to a view of Willamette Falls from property owned by Falls Legacy, LLC and Portland General Electric (PGE);

WHEREAS, given the site’s significant historic associations and strong connection to the Willamette River and Willamette Falls, the site has been identified as a “legacy opportunity,” and the partners have since directed a team to prepare a design for the riverwalk that ensures the world-class vision is realized;

WHEREAS, the design is anticipated to be finalized in June 2017, and at the same time, the project team will identify a “Phase 1” for the project that will involve demolition and the construction of access and a falls viewing location;

WHEREAS, permitting for Phase 1 is anticipated to begin no later than July 2017 and will take approximately 12 months, followed by construction that is expected to begin by June 2018, with completion in 2020;

WHEREAS, the State of Oregon’s funding for the riverwalk provided by SB 5506 and HB 5030 requires completion by June 2020; and

WHEREAS, ORS 279C.335 and Metro’s Local Contract Review Board “Administrative Rules” require that all Metro public improvement contracts shall be procured based on competitive bids (Administrative Rule 49-0130) , unless exempted by the Metro Council, sitting as the Metro Contract Review Board (Administrative Rule 49-0620);

WHEREAS, ORS 279C.335(2) and Administrative 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 the public benefits, reduced risks, and efficiencies of such alternative methods, so long as they are consistent with the public policy of encouraging competition;

WHEREAS, recognizing the uniqueness, complexity and State funding deadlines of the Phase 1 project, the Willamette Falls project staff wish to obtain an exemption from competitive bidding for the Phase 1 project, and instead procure Phase 1 project demolition and construction by an alternative contracting method known as Construction Manager/General Contractor (CM/GC);

WHEREAS, ORS 279C.335(2) and (4), and Administrative Rule 49-0620, 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 is unlikely to encourage favoritism in the awarding of public improvement contracts, the exemption is unlikely to substantially diminish competition for the public improvement contracts; and that the exemption will likely result in substantial cost savings to Metro;

WHEREAS, in accordance with Administrative Rule 49-0620(7), notice of this hearing was published in at least one trade newspaper of general statewide circulation a minimum of fourteen (14) days before this hearing, which notice stated that the purpose of this hearing is to take comments on Metro's findings regarding an exemption from the competitive bidding requirements, and the draft findings were available to the public at the time of the published notice; now therefore:

BE IT RESOLVED THAT THE METRO CONTRACT REVIEW BOARD:

1. Exempts from competitive bidding the procurement and award of a public improvement contract for demolition and the Phase 1 construction of the Willamette Falls riverwalk; and
2. Adopts as its findings in support of such exemption the justifications, information, and reasoning set forth in the attached Exhibit A, which is incorporated 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 services that includes as evaluation criteria for contractor selection: Contractor's proposed contract management costs for pre-construction services, contractor's proposed overhead and profit costs for construction services, contractor's demonstrated public improvement project experience and expertise, contractor's demonstrated CM/GC project experience, contractor's record of completion of projects of similar type, scale and complexity, contractor's demonstrated quality and schedule control, contractor's experience in incorporating sustainability construction practices and design into projects, and contractor's demonstrated commitment to workforce diversity and record of use of minority, women, disable-veterans and emerging small businesses and any other criteria that ensures a successful, timely, and quality project, in the best interest of Metro and in accord with ORS 279C.335(4)(c) and Administrative Rule 49-0620; and

4. Following the approval of said form of Request of Proposals by the Office of the Metro Attorney, to issue such approved form, and thereafter to receive responsive proposals for evaluation in accordance with Administrative Rule 49-0690; and

5. Following evaluation of the responses to the Request for Proposals, authorizes the Chief Operating Officer to execute a contract that is most advantageous to Metro to construct the Phase 1 riverwalk project.

ADOPTED by the Metro Council this \_\_\_\_ day of June 2017.

\_\_\_\_\_  
Tom Hughes, Council President

Approved as to form:

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Alison R. Kean, Metro Attorney