

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 17-4790 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 BY REQUEST FOR PROPOSALS FOR THE CONSTRUCTION OF THE WILLAMETTE FALLS RIVERWALK.

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Date: June \_\_\_\_, 2017

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### BACKGROUND

On July 7, 2016, the State of Oregon, through its Portland Metro Regional Solutions Office and its Parks and Recreation Department, Clackamas County, the City of Oregon City, and Metro entered into an Intergovernmental Agreement for the Willamette Falls Legacy Project. This agreement formally established the project “Partners,” the group charged with overseeing the implementation of the project.

The Partners have since directed a team to prepare a design for a “riverwalk” that will serve as the vehicle to pursue the project’s core values: public access, healthy habitat, cultural and historic interpretation, and economic redevelopment at the former Blue Heron Mill site in Oregon City. The design is expected to be finalized by June 2017. At the same time, the project team will identify a “Phase I” for the project that will involve demolition and the construction of access and a falls viewing location. Permitting for Phase I will begin no later than July 2017 and will take approximately 12 months, based on analysis by the team’s land use experts. Construction drawings will also be prepared during this time. Construction, including demolition and site preparation, is expected to begin by June 2018, with completion in 2020.

This effort represents the responsible expenditure of funds contemplated in the IGA, including \$5M provided by SB 5506, \$5M provided by Metro Natural Areas Bond funding, \$1.2M from Oregon City, roughly \$6M from private fundraising, \$400,000 from the property owner, and House Bill 5030 and Senate Bill 5507 approved an additional \$7.5 million of State funding for the riverwalk.

Given the complexity of this Phase I project, staff, recommends that one contractor oversee the construction of the Phase I project as a Construction Management General Contractor (CM/GC), which would be procured in accordance with law through a Request for Proposals process. Managing the construction of the remaining projects with one CM/GC contract will reduce the total construction schedule and save in construction costs. Combining construction management for the projects will not impact competitive bidding since it is anticipated that the contract will require bids from a minimum of three subcontractors and suppliers in every scope of work. Cost and time savings from construction coordination will allow the Partners to make full use of the state’s funding contribution.

The CM/GC contractor will provide Metro with CMGC's professional expertise in the areas of demolition, deconstruction, cost estimating, value engineering, "constructability" review, scheduling of activities, procurement, safety, and construction coordination and supervision during the design phase.

Recognizing the uniqueness of this project, the alternative procurement recommendation is an acceptable procurement practice used by public agencies when a construction project is identified with the criteria stated in Resolution Exhibit A. In this instance, the alternative procurement method for securing a construction contractor is a Request for Proposal (RFP), rather than a Request for Bid (RFB), and is the most beneficial to Metro.

The resolution and attached findings describe the specialized nature of this technical and unique project. Based on these findings, staff believes that a value and experience based selection process (RFP) for a CM/GC is more appropriate than a traditional, RFB competitive bid (which looks solely at lowest bid price).

### **ANALYSIS/INFORMATION**

1. **Known Opposition:** None known.
2. **Legal Antecedents:** Oregon Revised Statutes 279C.335; Metro Local Contract Review Board Rule 49-0600 through 49-0630
3. **Anticipated Effects:** Procurement process will be open and competitive, but items other than cost will be considered in the awarding of the contract. Increased use of MWESB subcontractors is anticipated.
4. **Budget Impacts:** The alternative procurement process offers safeguards for cost control of the project, including involvement by the construction contractor from the conceptual design phase through construction documents and construction cost development process, as well as limiting change orders.

### **RECOMMENDED ACTION**

Approve an exemption from competitive bidding, authorizing Metro to procure through an RFP process a CM/GC Contract for the Phase I riverwalk project.