

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN)	RESOLUTION NO. 19-4978
EXEMPTION FROM COMPETITIVE)	
BIDDING AND PROCUREMENT OF)	Introduced by Chief Operating
PROGRESSIVE DESIGN BUILD)	Officer Martha Bennett in
CONSTRUCTION SERVICES BY REQUEST)	concurrence with Council President
FOR PROPOSALS FOR DESIGN AND)	Lynn Peterson
CONSTRUCTION OF A RETAINING WALL)	
AT LONE FIR CEMETERY)	

WHEREAS, Metro intends to reconstruct the retaining wall along the northern boundary of Lone Fir Cemetery; and

WHEREAS, ORS 279C.335 and Metro Local Contract Review Board Administrative Rule ("LCRB Rule") 49-0130 require that all Metro public improvement contracts shall be procured based on 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 Progressive Design-Build public improvement contract for the reconstruction of the Lone Fir Cemetery Retaining Wall.
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 Progressive Design Build Contractor services that includes as evaluation criteria for contractor selection:
- Contractor's proposed fees for design and pre-construction services
 - Contractor's proposed overhead and profit for construction services
 - Contractor's demonstrated public improvement design build project experience and expertise
 - Contractor's record of completion of projects of similar type, scale and complexity
 - Contractor's demonstrated quality and schedule control
 - Contractor's experience with design, permitting and managing construction in the context of sensitive historic resources
 - 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 49-1670; and
- 3.2 Following the approval of said form of Request for Proposals and Contract by the Office of the Metro Attorney, to issue such approved 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 contract with the most advantageous proposer to design and construct the Lone Fir Cemetery retaining wall.

ADOPTED by the Metro Council this _____ day of April, 2019

Lynn Peterson, Council President

Approved as to Form:

Nathan A. S. Sykes, Acting Metro Attorney