

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 19-4978 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION FROM COMPETITIVE BIDDING AND PROCUREMENT OF PROGRESSIVE DESIGN BUILD CONSTRUCTION SERVICES BY COMPETITIVE REQUEST FOR PROPOSALS FOR DESIGN AND CONSTRUCTION OF A RETAINING WALL AT LONE FIR CEMETERY

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BACKGROUND

The retaining wall along the northern boundary of Lone Fir Cemetery is in need of structural repair or reconstruction to protect public safety and preserve the portion of the property adjacent to SE Stark Street.

The north retaining wall is approximately 1,500 feet long and is a mix of construction types, including poured concrete, concreted-skimmed boulders and rubble. The areas of greatest concern are located in the western half of the wall (approx. 800 linear feet) where cracking, bulging, spalling and other damage have been documented. Significant erosion in steeply sloped soils above the wall have also been observed. Wall height in this area ranges between five and seven feet above the adjacent sidewalk along SE Stark Street. In addition to structural and civil scopes of work needed to address the retaining wall deficiencies, permitting and design review by authorities having jurisdiction (AHJs) will increase the complexity of the work given the historic status of the cemetery and the need to minimize disruptions to adjacent properties and avoid disturbing burials inside the cemetery. Improvements to the adjacent public right-of-way and the preservation of trees and historic elements may also be required by AHJs as a condition of approval for this work.

Anticipated Benefits. Metro construction management staff have identified the progressive design-build method of construction as the best approach for executing this project. The progressive design-build method utilizes a single consultant/contractor (a.k.a. design-builder) to carry out both design and construction work. By integrating design, plan preparation, permitting, construction, value engineering, and quality control into a single point of responsibility, Metro will be better able to address the technical needs of the project while simultaneously meeting community expectations and managing associated risks. A single design-build procurement will assist in expediting project timelines and avoid shifting consultant/contractor risk/liabilities to multiple parties. The risk of design flaws, misunderstandings and contract claims will be reduced, because the designer and general contractor will be in continuous coordination. The likelihood of change orders will be reduced because pricing for construction will be

controlled through the establishment of a guaranteed maximum price agreement once a sufficient level of design detail has been reached. Through the alternative procurement process, the design-builder will be selected by way of a value-based Request for Proposals process. This process will allow for selection of a consultant/contractor based on multiple criteria, including price, experience, professional qualifications, diversity and sustainability practices.

The attached resolution and findings in Exhibit A describe the specialized nature of this project. Based on these findings, the Metro procurement manager and cPMO staff believe a value-based selection process is more appropriate than a traditional, competitive bid (which solely considers lowest bid price). Parks & Nature, as well as the Office of the Metro Attorney concur.

Therefore, staff seeks Council authorization to pursue the alternative procurement of Progressive Design Build services by a competitive Request for Proposals, for the design and construction of the retaining wall at Lone Fir Cemetery. This will allow Metro to consider cost as well as experience and expertise in completing similar projects and in selecting the most advantageous contractor for this project.

ANALYSIS/INFORMATION

1. **Known Opposition:** None
2. **Legal Antecedents:** LCRB Rules 49-0600 through 49-0670; Oregon Revised Statute 279C.335.
3. **Anticipated Effects:** The Public procurement process will be open and competitive, but criteria other than cost will be considered in the awarding of the contract. Increased use of COBID contractors and subcontractors is anticipated.
4. **Budget Impacts:** The Progressive Design Build contracting method offers safeguards for schedule and cost control of the project, including early involvement by the construction contractor in the design process, as well as limited change orders.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Resolution No. 19-4978.