

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING	)	
AN EXEMPTION FROM COMPETITIVE	)	RESOLUTION NO. 20-5075
BIDDING AND PROCUREMENT OF	)	
CONSTRUCTION MANAGER	)	Introduced by Interim Chief Operating
GENERAL CONTRACTOR SERVICES	)	Officer Andrew Scott in concurrence with
BY COMPETITIVE REQUEST FOR	)	Council President Lynn Peterson
PROPOSALS FOR THE OREGON	)	
CONVENTION CENTER VIP SUITE B	)	
AND PREFUNCTION A & C	)	
RESTROOMS	)	

WHEREAS, the Metro Oregon Convention Center (OCC) intends to renovate the VIP Suite B and Prefunction A & C Restrooms located at 777 NE Martin Luther King Jr Blvd, Portland, OR 97232 during Metro fiscal years 2020 and 2021; 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 LCRB Rule 49-0620(1) 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(4)(c) and ORS 279C.337 require that Construction Manager – General Contractor ("CM/GC") services be procured in accordance with the administrative rules adopted by the Oregon State Attorney General and further set forth in LCRB Rule 49-0690; and

WHEREAS, said statute and rule 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 in the awarding of public improvement contracts; said exemption is unlikely to 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 CM/GC public improvement contract for the renovation of the Oregon Convention Center VIP Suite B and Prefunction A & C Restrooms.
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 services that includes as evaluation criteria for contractor selection: the contractor's proposed contract management fees for pre-construction services, contractor's proposed overhead and profit costs for construction services, contractor's demonstrated complex public improvement project experience and expertise, the contractor's demonstrated CM/GC project experience, the contractor's record of completion of projects of similar type, scale and complexity, the contractor's demonstrated quality and schedule control, the contractor's experience in incorporating sustainability construction practices and design into projects, and the contractor's demonstrated commitment to workforce diversity and record of use of subcontractor businesses Certified by the Office of Business Inclusion and Diversity (COBID) and any other criteria to 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 49-0690; 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 in the Request for Proposals, authorizes the Chief Operating Officer to execute a contract with the most advantageous proposer to renovate the Oregon Convention Center VIP Suite B and Prefunction A & C Restrooms.

ADOPTED by the Metro Council this \_\_\_\_\_ day of January, 2020.

---

Lynn Peterson, Council President

Approved as to Form:

---

Carrie MacLaren, Metro Attorney