OCCC Board of Education
Special Meeting/Public Hearing
Attachment B.a.

OCCC Central Campus
Repair and Reroof

Oregon Coast Community College

Findings in Support of Exemptions from Competitive Bidding

1. General

ORS 279C.335 (2) permits a local contract review board to exempt contracts from traditional competitive bidding upon approval of findings of fact showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition, and that the process will result in substantial cost savings to the public agency.

ORS 279C.400 – ORS 279C.410 describe the Request for Proposals method of solicitation as an alternative to traditional competitive bidding. Pursuant to ORS 279C.410 (8), a public agency using the Request for Proposals method may award a contract to the responsible proposer "whose proposal is determined in writing to be the most advantageous to the contracting agency based on the evaluation factors set forth in the request for proposals and, when applicable, the outcome of any negotiations authorized by the request for proposals."

2. Background

The Oregon Coast Community College (OCCC) desires to repair damage due to water intrusion and install a new roof system at the OCCC Central Campus building. Contemplated repair and rework includes:

- Demolition of existing asphalt shingle roof, underlayment and associated step flashing.
- Demolition of existing membrane roof system.
- Identification and removal of damaged plywood sheathing due to water intrusion.
- Removal and repair or replacement of existing seismic joint system
- Installation of a new roof system and associated flashings and underlayments.

OCCC expects the project to be substantially complete by September 6, 2024. A final schedule will be determined through the project development process.

OCCC proposes to undertake repair and reroof of the building using the Construction Management / General Contractor (CM/GC) method of contracting with a proposer selected through the Request for Proposals method of solicitation. The CM/GC contractor will assist with construction planning and design for the project.

3. Findings - Information

(A) Market Conditions

It is expected that there will be several competitors available to propose as general contractors on this project.

(B) Operational, Budget and Financial Data

The preliminary construction budget for the work to be performed is approximately $2,000,000.

(C) Public Benefit

The public will benefit from the repair and reroof of the OCCC Central Campus. The new roof will allow OCCC to protect the publicly funded building from water damage and provide an improved learning environment.

Use of CM/GC process will allow OCCC to accomplish these important goals with a schedule and construction process that will cause minimal disruption to continuing use of the facilities.

(D) Value Engineering

The negotiated contract approach gives the contractor an increased opportunity to engage in value engineering (the process of identifying construction economies that can be achieved through incorporation of design revisions/refinements), which increases the likelihood of cost savings to OCCC.

(E) Specialized Expertise

As discussed below in subsection (H), the project will require special knowledge and experience due to the schedule and process constraints of construction and the unique environmental considerations of construction on the Oregon Coast. Any additional costs associated with this requirement of specialized knowledge and experience will be offset by the savings from having the work performed in such a way that it can withstand the particular climactic and geographic issues on the Oregon Coast and will not need to be repaired or rebuilt in the near future.

Construction will consist of roof demolition, rot repair seismic joint removal and reinstallation, and roof system installation. Contractor experience with construction of this type would benefit the College.

(F) Public Safety

All work will be performed in accordance with OR-OSHA safety regulations. The CM/GC contractor will be responsible for safety in the work zone during construction.

(G) Control of Impact from Market Conditions

The nature of the project requires construction to occur within a tight schedule, with the need to complete work by September, 6, 2024. The continued use of parts of the facilities during construction, and the possible intervention of weather will limit the number of days available for completion of this project. The CM/GC process will permit the project to be completed more quickly than would be possible through traditional contracting methods, resulting in greater safety and utility to OCCC and to the general public.

Product Procurement lead times will affect the timeframe for the project. The CM/GC process will allow for an early procurement process for materials that are not readily available.

OCCC has a projected budget for this project, and intends to adhere to that budget as closely as possible. Early reliable pricing provided by the CM/GC contractor during the design phase will reduce the potential for time delays due to later discovery of higher-than-anticipated costs and consequent changes of direction.

Use of experienced contractors in the CM/GC process will allow OCCC to avoid potential labor fluctuations or scarcities resulting from schedule demands, weather events, or labor fluctuations or scarcities. The CM/GC process will allow OCCC to allocate the risk of unexpected problems and construction defects in a manner likely to result in long-term cost savings, and will allow OCCC to benefit from value engineering in the construction process.

(H) Technical Complexity

The various technical complexities of the project are best addressed by a collaborative team effort of OCCC and a CM/GC contractor:

1) OCCC's established overall budget cannot be exceeded. It is important to maintain the highest level of project management throughout all phases of design and construction. Value engineering and constructability evaluations performed by the CM/GC are vital to the success of this project. The establishment of a guaranteed

maximum price at the earliest possible date will be of great benefit to the , and is only possible under a CM/GC approach.

2) The schedule for this project is critical. New facilities must be complete and fully operational to allow Substantial Completion by September 6, 2023 in order to eliminate the impact of students and staff during the fall, 2024 semester.

3) Existing school operations will continue during the construction period. Critical issues will include maintaining a safe school environment for students and staff, delivery and staging of construction materials with minimum impact on school operations, and the continuity of mechanical and electrical services during construction.

4) Construction on the Oregon Coast requires unique skills and experience to avoid water intrusion, wind damage, schedule delays, and unexpected cost overruns due to inclement weather. The impact of severe winter storms with torrential wind-driven rains offers unique construction challenges. The CM/GC contractor's input regarding maintaining facility operations during construction and avoiding potential delays to construction date will ensure that the project is completed with a minimum of disruption or delay to students or staff.

(K) New Construction vs. Remodel

This project is intended to provide a new roof at the OCCC Central Campus but also involves a number of other disciplines that will need to be closely coordinated. Hiring a contractor familiar with this type of project would result in better quality of work.

(L) Occupied or Unoccupied

As noted in paragraph (H), it is expected that school operations will continue during the construction period. Accordingly, the contractor must be able to minimize safety risks to students, staff and the public during construction.

(N) Expertise in Alternative Contracting Methods

OCCC will involve personnel that handled previous projects involving alternative contracting methods and exemptions from the bidding process. They have the necessary expertise and substantial experience to undertake this contracting process. OCCC has also retained legal counsel with the necessary expertise and experience to help negotiate, administer and enforce the terms of the public improvement contract. OCCC has also retained an architect that has substantial experience with the CM/GC contracting method.

4. Findings – Competition and Cost Savings

Use of the proposed alternative contracting method is unlikely to encourage favoritism or diminish competition and will result in substantial cost savings to OCCC.

(A) Unlikely to Encourage Favoritism or Diminish Competition

Favoritism will not play a role in the selection of a contractor for this project. The selection will be conducted through an open and advertised Request for Proposal process. All qualified firms will be invited to submit proposals. OCCC will publish a legal notice in the Daily Journal of Commerce in order to provide project information to all interested contractors. OCCC will also publicly advertise the RFP to prospective bidders in any other manner it thinks appropriate to obtain solicitations from as many qualified and interested proposers as is feasible.

All qualified firms will be able to participate in an open, competitive selection process. Contractor selection will be based upon criteria relating to price, quality of performance, and other factors specified in the RFP documents or developed through discussions with competitive proposers. The RFP will provide an opportunity for bidders to protest the College's awards.

(B) Will Result in Substantial Cost Savings

Use of the CM/GC process will lead to substantial cost savings by reducing the time of construction and permitting increased use of the school facilities and by encouraging the development of cost-saving construction processes.

Time Savings

The nature of the project requires construction to occur within a tight schedule; as noted above, with the need to complete work by September 6, 2024. The continued use of parts of the facilities during construction, and the possible intervention of weather will limit the number of days available for completion of this project. The CM/GC process will permit the project to be completed more quickly than would be possible through traditional contracting methods, resulting in greater safety and utility to OCCC and to the general public.

OCCC has a projected budget for this project, and intends to adhere to that budget as closely as possible. Early reliable pricing provided by the CM/GC contractor during the design phase will reduce the potential for time delays due to later discovery of higher-than-anticipated costs and consequent changes of direction.

Cost Savings

The Request for Proposal method and the use of a CM/GC will permit OCCC to choose a contractor based upon considerations of quality of construction, expertise useful to handling the technical challenges of the project, and other

qualities that will lead to substantial cost savings over the lifespan of the improvement.

Use of experienced contractors in the CM/GC process will allow OCCC to avoid potential labor fluctuations or scarcities resulting from schedule demands, weather events, or labor fluctuations or scarcities. The CM/GC process will allow OCCC to allocate the risk of unexpected problems and construction defects in a manner likely to result in long-term cost savings, and will allow OCCC to benefit from value engineering in the construction process.