



Board of Education

Staff Report to the Board

Board Meeting Date: June 11, 2020

Executive Committee Lead:
Claire Hertz, Deputy Superintendent,
Business & Operations

Department: Finance

Presenter/Staff Lead:
Emily Courtnage,
Director, Purchasing & Contracting

SUBJECT: Roosevelt High School Phase IV Project: Exemption from Competitive Bidding and Authorization for Use of Request For Proposals (RFP) Alternative Contracting Method

BACKGROUND

ORS 279C.335(2) authorizes the Contract Review Board to exempt certain public improvement contracts or classes of contracts from the traditional design/bid/build competitive bidding (i.e., low bid) procurement process. Staff requests that the Board approve an exemption from low bid competitive bidding for the Roosevelt High School Phase IV Project and authorize staff to utilize a publicly advertised and fully competitive Request for Proposals (RFP) process.

An exemption request and approval to use an alternative contracting method must be supported by the following findings: (1) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts, *and* (2) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the public. See ORS 279C.335(2).

A detailed description of the Roosevelt High School Phase IV Project and draft Findings of Fact ("Draft Findings") supporting the exemption Resolution, as required by ORS 279C.335(2), are set forth in the attached Office of School Modernization staff memo. As reflected therein, staff recommends using the RFP alternative contracting method for the Roosevelt project, rather than the traditional single-step, low-bid procurement method. This project is not of the scale or complexity that would warrant the Construction Manager/General Contractor contracting method that the District has used for its high school modernizations, but it is crucial that the selected contractor be highly qualified and experienced in completing a public improvement project of this size on a critical schedule path.

RELATED POLICIES / BOARD GOALS AND PRIORITIES

District Policy 8.50.090-P designates the Board as the local government contract review board with authority to exempt certain public contracts or classes of contracts from the standard competitive bidding process otherwise required by the Public Contracting Rules, as per ORS 279C.335(2).

Adoption of the attached Resolution will not affect any other contract to which the District is a party nor effect any change in Public Contracting Rules or District policy.

PROCESS / COMMUNITY ENGAGEMENT

The Public Contracting Rules require that the District conduct a public hearing, providing interested parties an opportunity to appear and present comment, prior to adoption of a Resolution exempting a public improvement project from competitive bidding. PPS-49-0630(7). Notification of the public hearing must be published in a trade newspaper of general statewide circulation at least 14 days before the hearing. PPS-49-0145(4)(b). At the time of the Notice, copies of the Draft Findings must be made available to the public. PPS-49-0145(4)(c).

In compliance with these requirements, Purchasing & Contracting published a Notice of Public Hearing concerning the Roosevelt High School Phase IV exemption request on May 6, 2020 in the Business Tribune, the same Journal in which Purchasing & Contracting posts all required construction solicitation notices. Also on May 6, staff made the attached Draft Findings available to the public. Instructions for requesting copies of the Draft Findings were included in the Notice of Public Hearing.

A public hearing was held via teleconference on May 21, 2020. At that meeting, no attendees presented questions or comments.

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

The RFP solicitation method will not affect the District's Equity in Public Purchasing & Contracting Policy or implementation path. The RFP will be open and publicly advertised. The selected contractor will be required to comply with the District's Workforce Equity and Career Learning requirements, as well as report on Certified Business subcontractor utilization during the course of the contract.

BUDGET / RESOURCE IMPLICATIONS

The RFP method allows the District to carefully screen firms to assure that the contractor chosen to work on the project has the necessary experience and qualifications, and proven track record, to successfully complete the project.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

If this Resolution is adopted, staff in Purchasing & Contracting and the Office of School Modernization will prepare solicitation documents and issue a Request for Proposal for a General Contractor for the Roosevelt High School Phase IV public improvement project.

ATTACHMENTS

- A. Resolution to Authorize Alternative Contracting Method**
- B. Office of School Modernization Staff Memo with Draft Findings**