

ATTACHMENT A

FINDINGS ALTERNATE CONTRACTING PROCEDURE CM/GC CONSTRUCTION CONTRACT

ALOHA HIGH SCHOOL OFFICE ADDITION AND INTERIOR RENOVATION PROJECT

- (a) *BSD Staff finds that this alternate contracting procedure is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.*

The CM/GC will be selected through a competitive process in accordance with a Request for Proposals authorized by the Board of Directors. Pursuant to ORS 279C.360, a CM/GC solicitation will be advertised on the Daily Journal of Commerce, the Oregon Procurement Information Network, and the Beaverton School District procurement webpage in order to attract competitive proposals. The CM/GC proposals and interviews will be rated based on a predetermined list of criteria as required by ORS 279C.337 and the Attorney General's Model Contract Rules. The District will enter into a contract with the highest-ranking firm.

- (b) *BSD Staff finds that awarding a public improvement contract for this project through the CM/GC method will likely result in substantial cost savings and other substantial benefits to the District.*

In making this finding, staff have considered the type, cost, and amount of the contract and, to the extent applicable to the contract, the following:

- A. Findings related to how many persons are available to bid:** Staff finds that granting this alternative contracting procedure will not unreasonably limit the number of firms available to bid, since procurement will be through a publicly-advertised request for proposals.
- B. Findings related to the construction budget and the projected operating costs for the completed public improvement:** Staff finds that the ability to select firms based on the firm's performance history will positively affect the project outcome as it relates to cost by providing feedback on the design development phase and participating in the construction document phase of the design process. With the CM/GC participating in these phases they will be able to offer suggestions for improvement and make recommendations that will reduce costs. With the benefit of this knowledge, the CM/GC will also be able to guarantee a maximum price the District will pay to construct the project, which may result in savings accruing to the District.
- C. Findings related to public benefits that may result from granting the exemption:** Staff finds that the ability to select firms based on the firm's performance history will significantly affect the project outcome as it relates to schedule, logistical coordination, and value. The ability to coordinate the complex logistics involved in an occupied construction zone will be critical to maintain schedule, reduce risk and ensure safety throughout the project. Due to the unique restrictions of the site, and the occupied construction aspect we believe that utilizing the CM/GC method will reduce the project challenges inherent with maintaining operations and access to the existing building during construction while constructing the new building

addition and renovating portions of the existing building. The CM/GC process allows the CM/GC to inform and recommend the best practices in sequencing of work based on their early involvement in the project. This early involvement with the CM/GC will result in a better product and safer access for students, staff, and the general public during construction.

- D. Findings related to whether value engineering techniques may decrease the cost of the public improvement:** Staff finds that granting this alternate contracting procedure will provide the most comprehensive team evaluation of all factors that affect the cost, quality, and schedule of the project, which may decrease the cost of the improvement. The CM/GC process offers a unique opportunity for value engineering that is not as effective through the traditional design-bid-build process, since the general contractor does not have the opportunity to suggest cost savings measures during the design process. An essential part of each construction project is the value engineering evaluation, which is the means used to determine the best project design that meets the needs and priority of the Owner, within the Owner's budget and schedule constraints. Value engineering is done most effectively by a team consisting of the Owner, Architect, Consultants, and the CM/GC during design development and construction document completion.
- E. Findings related to the cost and availability of specialized expertise that is necessary for the public improvement:** Staff finds that granting this alternate contracting procedure will significantly affect the project outcome as it relates to specialized expertise. Due to the requirement to maintain operations and access to the existing building, effectively coordinate a complex staging plan for the movement of staff and students in/out of the building, and unique site constraints, it is important to have a general contractor who understands the project complexity, has the proven ability to manage these types of projects, and who can help to develop construction documents to attract the qualified and appropriate subcontractors to perform the work. The request for proposal process will help ensure the selected CM/GC has the specialized expertise necessary for fast-track school construction.
- F. Findings related to any likely increases in public safety:** Staff finds that the ability to select firms based on the firm's performance history and experience in working on an occupied site will allow the District to select a contractor with a demonstrated record of safety.
- G. Findings related to whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement:** Staff finds that granting this alternate contracting procedure will reduce safety risks by allowing early involvement of the contractor in planning for site usage and coordination of access to the existing building. Further it will reduce schedule risk to the School District, by allowing critical path equipment procurement, and allowing early work packages to proceed during final design to meet the required deadlines.
- H. Findings related to whether granting the exemption will affect the sources of funding for the public improvement:** Not applicable. Staff finds that granting this exemption will have no effect on funding sources for the project.
- I. Findings related to whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time**

necessary to complete the public improvement: With the multiple of construction market factors that exist today in Oregon (e.g. COVID supply chain issues, completion of other projects, environmental issues that limit construction materials, shortage of qualified craftsman, inflation, etc.), establishing the best work sequence is crucial to accurately estimating the cost and schedule implications of this project. Staff therefore finds that selecting a firm through the CM/GC process allows the District the advantage of working with a CM/GC who has knowledge of market conditions and experience in finding the best people qualified for this fast-track work, and to provide accurate estimates for subcontracts. In addition, the CM/GC may plan for early procurement of goods and services where shortages, inflation, or other market conditions could increase costs under the traditional design-bid-build method.

- J. Findings related to whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement:** Staff finds that granting this exemption will allow the School District to accept proposals only from contractors who have demonstrated considerable experience in delivering projects of similar complexity successfully.
- K. Findings related to whether the public improvement involves new construction or renovates or remodels an existing structure:** This project involves construction of a new building addition and renovation of existing structures.
- L. Findings related to whether the public improvement will be occupied or unoccupied during construction:** This public improvement will occur in a time period in which a significant portion of the work will occur while the building is fully or partially occupied. Due to the added complexity of maintaining building operations and access to occupied facilities, the CM/GC process will allow the District to select proposals from contractors who have demonstrated experience in delivering projects of similar complexity successfully.
- M. Findings related to whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions:** Staff finds that the project will have multiple phases of construction work to allow the project team to best address the site-related and schedule constraints, rendering CM/GC contracting (and the CM/GC's early input on these phasing issues) desirable.
- N. Findings related to whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants, and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer, and enforce the terms of the public improvement contract:** Staff will rely on their own experience, having successfully used the CM/GC method on many other renovation projects in the prior bond program. In addition, architectural, engineering, and planning consultants with experience in alternative contracting will be retained for professional services. The District also relies upon outside legal counsel, appointed by the School Board to provide construction contracting legal advice. The combined expertise and experience of such staff, consultants, and professionals will oversee

developing the alternative contracting method and its implementation including negotiating, administering, and enforcing the terms of the CM/GC contract.