



# BOARD OF COMMISSIONERS

## Agenda Review

DATE: October 19, 2011

TO: Board Session Coordinator  
Board of Commissioners' Office

FROM: Jeff White, Chief Financial Officer, Contracts Officer  
John Lattimer, Chief Administrative Officer

RE: Consider granting an exemption to a public improvement under the Marion County Public Contracting Rules and allow the use of a Request for Proposals (RFP) as an alternative competitive process.

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Department Contact Person: Peggy Mitchell Phone: 5047

Thursday Agenda Planning Date: October 20, 2011

Presenter(s) at board session: John Lattimer, Barbara Young, Peggy Mitchell

Visual Aids for presentation:

Copies of completed paperwork to (name & department):

Estimated time for presentation: 10-15 minutes

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**ISSUE:** The Board of Commissioners' Office is requesting an exemption to allow the use of a Request for Proposal (RFP) as an alternative contracting method for a public improvement contract to solicit design-build services for the remediation of the Courthouse Square complex.

**BACKGROUND:** Marion County Public Contracting Rules, Section 40-0600 to 40-0690 provides guidance regarding the use of alternative contracting methods for public improvement projects as may be directed by the Board of Commissioners acting as the local contract review board under ORS 279C.335. The County rules under Section 40-0640 allow the use of competitive request for proposals for public improvement contracts allowing flexibility in both proposal evaluation and contract negotiation if authorized by the Board. The Board may direct its use by exception to the prescribed public contracting practices upon approval of findings submitted by the department seeking the exemption. The Findings are attached as Exhibit A. A mandatory public hearing was scheduled for October 26, 2011 to receive testimony on the exemption request. The findings must state reasons that this methodology is unlikely to encourage favoritism or substantially diminish competition for this public improvement contract and will likely result in substantial cost savings to the owners or the public.

The resulting contract from the alternative procurement process will be treated as a public contract for public improvement as defined by public contracting code and will be subject to all requirements for public improvement contracts, including but not limited to, hours of labor, retainage and payment, subcontractors, bonds, as well as prevailing wage requirements.

FISCAL IMPACT (Current Year *and* Yearly Projected for Following Fiscal Year): ): Marion County and Salem Area Mass Transit District vacated the Courthouse Square complex in 2010 and continue to work together to find a cost-effective solution for the future direction of the complex.

Fund: Dept: Divn: Prog: Svc: Acct: Project:

IMPACTS TO COUNTY DEPARTMENTS AND/OR EXTERNAL ENTITIES: The use of a Request for Proposal as an alternative contracting method for the Courthouse Square complex will allow the county to solicit design-build proposals from contractors who possess the skill and qualifications necessary to provide a cost effective solution for the complex. The RFP process will not diminish competition or encourage favoritism between the firms with the necessary experience and expertise in providing solutions for the remediation of the Courthouse Square complex. Use of this alternative contracting method to use design-build construction methodology provides the most likely opportunity to achieve completion of a specialized, technical and cost effective solution for the remediation of the Courthouse Square complex on time and within budget.

OPTIONS FOR CONSIDERATION:

1. Approve the board order to grant an exemption from the County's public contracting rules to allow an alternative procurement process for a public improvement by using a Request for Proposal (RFP) to solicit for design-build services for the remediation of the Courthouse Square complex.
2. Deny the request to grant an exemption for this project and require the department to move forward with the traditional design-bid-build methodology prescribed by public contracting code.

RECOMMENDATION:

In order to obtain a market-driven cost estimate for remediation of the Courthouse Square complex, a design-build alternative contracting methodology is recommended by staff. It is in the county's best interest to issue an RFP for remediation services for the following reasons:

1. Selected contractor is responsible for project delivery
2. Complex nature of the project lends itself to this method
3. Shorter time frame to determine cost and complete remediation
4. Reduces potential cost escalations due to change orders
5. The competitive process is not diminished

DEPARTMENT HEAD SIGNATURE \_\_\_\_\_

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List Attachments:

Board Order

Department Findings, Exhibit A

Board Order #11-13

Powerpoint: Design-Bid-Build vs Design-Bid