

RESOLUTION NO. 662
RESOLUTION GRANTING EXEMPTION FROM COMPETITIVE BIDDING FOR
CONSTRUCTION OF LCC BOND PROJECT BUILDING 12 BY MEANS OF A
CONSTRUCTION MANAGER/GENERAL CONTRACTOR AND AUTHORIZING SELECTION
BY REQUEST FOR PROPOSALS

WHEREAS, the Lane Community College ("College") acts as the local contract review board for the College, and in that capacity, has authority to exempt certain contracts from the competitive bidding requirements of ORS Chapter 279C; and

WHEREAS, ORS 279C.335(2) provides a process for exempting certain contracts from competitive bidding and authorizes the selection of a contractor through the request for proposal ("RFP") process; and

WHEREAS, draft findings ("Findings") addressing competition, operational, budget and financial data, public benefits, value engineering, specialized expertise required, market conditions, technical complexity, public safety and funding sources recommended by the College were available 14 days in advance of the public hearing on this Resolution; and

WHEREAS, the District determines that the **Lane Community College Building 12 Project** should be constructed by a CM/GC. NOW THEREFORE,

The College finds as follows:

1. The College adopts the Findings set forth in Exhibit A to this Resolution.
2. The exemption of the CM/GC contract from competitive bidding will promote competition and will not encourage favoritism, because the CM/GC will be chosen by the request for proposals process, and the major portion of the construction work will be performed by subcontractors chosen by competitive bidding.
3. The exemption of the CM/GC contract from competitive bidding is likely to result in substantial cost savings to the District, for the reasons set forth in the adopted Findings.

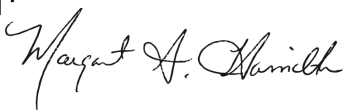
NOW, THEREFORE, IT IS HEREBY RESOLVED by the District as follows:

The contract for construction of **Lane Community College Building 12 Project** by a Construction Manager/General Contractor for a Guaranteed Maximum Price is exempt from competitive bidding, and the CM/GC shall be selected by the Request for Proposal method in accordance with the District's public contracting rules and the process described in the Findings.

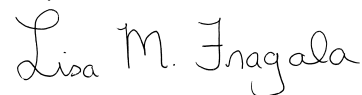
This Resolution shall take effect on November 3, 2021.

Adopted by the Board of Education this this 3rd day of November, 2021.

ATTEST:



Margaret Hamilton, President



Lisa Fragala, Board Chair

Exhibit "A"

FINDINGS IN SUPPORT OF AN ALTERNATIVE CONTRACTING PROCESS FOR THE BUILDING 12 MAJOR MAINTENANCE PROJECT

1. BACKGROUND INFORMATION

The **Building 12 Major Maintenance** project is proposed to renovate the 79,085 GSF facility along with approximately 2.5 acres of surrounding land located in the southeast quadrant of the LCC Main Campus. The Building 12 project is intended to address both deferred and upcoming maintenance, as well as transforming the uses of the building. The reprogramming effort is intended to create a "workforce and apprenticeship training hub." Instructional program changes to the facility will promote an integrated partnership between all of the programs within the Career Technical Education (CTE) portion of LCC's instructional programs. The building design and related site development are to showcase advanced technical training and apprenticeship programs; provide flexible learning spaces that accommodate contemporary tools, equipment, and teaching pedagogies; and enhance the overall character of LCC's main campus.

Employing the CM/GC method is the best way to overcome the problems presented by this project. Solutions to design, sequencing, safety, disruption, and budget challenges will emerge from a coordinated architect/contractor team. The design/bid/build method of project delivery cannot match the advantages of the CM/GC method for this project.

2. FINDINGS

Pursuant to ORS 279C.335, the Board may authorize an exemption to the competitive bidding process if: a) it is unlikely to encourage favoritism or diminish competition and, b) it will result in substantial cost savings to the college. In addition, the Community College Rules of Procurement require providing information about certain issues listed under c) below.

- a. The college will utilize a Request for Proposal (RFP) process for consideration and selection of the CM/GC for this project. The RFP will be advertised statewide in Oregon local paper and web outlets. Criteria for final selection will include, but not be limited to, price, CM/GC firm experience (including experience of the proposed project team, similar project experience, project approach, firm capacity), plan for project completion (with focus on plans for completion within budget and on schedule), experience with sustainability and safety plans, experience with implementing CBA goals and local participation planning.

The college will require the CM/GC to competitively bid qualified sub-contractors in compliance with all applicable state and federal laws. The college will be participatory in this sub buy-out process throughout.

- b. Awarding these public improvement contracts under the exemption may result in cost savings to the college based on (1) obtaining CM/GC input on the design of

the project early as part of the collaborative team, (2) possible early completion of the project phasing or components of the project, and (3) having the CM/GC involved in this technically complex project. Use of the CM/GC process provides the college with protection against loss of time and cost of redesign and re-bidding if construction bids exceed the budget. Additionally, the use of the CM/GC process will most likely result in cost savings to the college in that there will be more efficient utilization of college staff and private consultants.

- c. ORS279C.335 requires the contracting agency to provide the contracting review board with information about the following:
 - A. How many persons are available to bid: Facilities staff have met with six contractors who are available and interested in proposing on this CM/GC project. There are likely many others in addition to those who requested meetings.
 - B. The construction budget and the projected operating costs:

The budgeted fixed limit of construction for the renovation of Building 12 is \$19,575,000. Average annual operating expenses of campus buildings is approx. \$5.42/SF.
 - C. Public benefits: The CM/GC method provides several public benefits. Many of the benefits stem from including the contractor at an early stage of the project where they have the time and position to make contributions to the project and avoid expensive mistakes. The contractor becomes an early collaborative member of the team to work together to achieve an agreed-upon GMP. This method provides a higher likelihood of producing a quality building that is efficient and less expensive to maintain and operate over the long run.
 - D. Value engineering: The CM/GC method brings the contractor into the project as an early partner in the design process allowing the contractor to recommend ideas for value engineering and constructability. The contractor will work with the design team to select building systems and construction methods that best utilize local craft labor expertise.
 - E. Specialized expertise required: The CM/GC method enables the owner to select a contractor based on the special expertise required by the project as well as the price. These projects require special expertise in the areas of construction management, time scheduling, cost control, implementing CBA goals, sustainability, materials and subcontractor procurement, value engineering, constructability, HVAC systems, and construction detailing.
 - F. Public safety: The CM/GC method gives the contractor sufficient time to understand the operation of the college, the restraints of the site and identify potential safety hazards and make plans to eliminate or reduce them. Portions of the facility are to remain functional and provide space for machine technology and construction apprenticeship classes and will

require very ardent safety controls. Similarly, the facility contains the central plant and acts as a hub utility connection for water, sewer, and communications that support the health and safety of the entire main campus, requiring a very exacting and thorough public safety plan.

- G. Reduced risk: According to the Oregon Public Contracting Coalition Guide to CM/GC Contracting, “The collaborative approach of CM/GC also reduces risk to the owner”
 - H. Funding sources: The use of the CM/GC method has no discernable impact (positive or negative) on the source of project funds.
 - I. Market conditions: The CM/GC method enables the contractor to know what materials, equipment, and services the project will need in advance of the completion of contract documents and building permitting. Given the current competitive construction market and current supply chain volatility, early involvement of the CM/GC can coordinate bid packages that address long-lead procurement items, encourages local supplier and trade involvement, balanced with regional commercial subcontractors to ensure competitive involvement in areas that require special expertise not found in the local community.
 - J. Technical complexity: The CM/GC method is particularly well suited for projects that are technically complex because it brings the owner, architect, and builder together before the design is completed. Technical complexities for the project include:
 - ✦ **Electrical & Mechanical Systems Replacement**: Coastal environment, sustainability targets, adjacencies to active instructional facilities, pedestrian corridors, and parking.
 - ✦ **Building Envelop and Structural Framing**: Major structural upgrades are required to address seismic stability. Careful planning is required to ensure stability throughout the construction process.
 - ✦ **Machine Technologies Equipment**: Specialized equipment related to Machine and Construction Technology education have tight tolerances and unique system needs to perform properly and safely.
 - ✦ **Operating Central Utility Plant**: Campus Central Utility Plant is located in the western portion of this building and can not be interrupted without significant impact on the entire campus operations.
- Given the technical complexities, there are likely to be changes associated with the construction plan along the way. The CM/GC method provides more flexibility to respond to changes in a cost-effective way.
- K. New construction or renovate an existing structure: The Building 12 Major Maintenance project is a renovation of an existing facility. The construction will take place while adjacent academic buildings remain fully operational.

Electrical and mechanical system replacement will require modifications to existing campus infrastructure and could impact broader campus operations. The CM/GC method is especially relevant for this type of project due to the additional complexities associated with projects in or near occupied buildings.

- L. The facility will be occupied or unoccupied during construction: Portions of the facility are to remain occupied during construction to limit the need for specialized temporary spaces. The Central Utility Plant is to remain fully operational throughout the project.
- M. Single-phase or multiple phases: This project can benefit from phasing opportunities. Unique needs of Machine and Construction Technologies programs can not be met elsewhere on campus. These programs will require a phased approach to ensure the delivery of these unique training programs. Balancing these elements with cost and the overall schedule of construction is an element with which a CM/GC can assist during the design phase.
- N. Experience with alternative contracting methods: Lane has several employees with in-depth experience with administering alternative contracting methods.