



LANE MILLER  
MANAGER

**PURCHASING DIVISION**

**PUBLIC SERVICES BUILDING**

2051 KAEN ROAD | OREGON CITY, OR 97045

January 28, 2016

Board of County Commissioners  
Clackamas County

Members of the Board:

**Request For An Exemption And Authorization To Use The Request For Proposals Method  
for the Repair or Replacement of the Clackamas River Water District Water Line on the  
Clackamas River at Springwater Road Bridge Project**

In order to use the Request for Proposals method to solicit for Public Improvement projects the Board of County Commissioners must approve, acting as the Local Contract Review Board, Findings of Fact that justify the granting of an exemption from the requirement of public contract rules and regulations which require competitively bidding the project.

The Local Contract Review Board Rule C049-0620 and ORS 279C.335 require the following process for exemptions of this nature.

Before final adoption of the findings exempting a contract for a public improvement from the requirement of competitive bidding, a public agency shall hold a public hearing. Notification of the public hearing shall be published in at least one trade newspaper of general statewide circulation a minimum of 14 days prior to the hearing.

The notice shall state that the public hearing is for the purpose of taking comments on the agency's draft findings for an exemption from the competitive bidding requirement. At the time of the notice, copies of the draft findings shall be made available to the public. At the option of the public agency the notice may describe the process by which the findings are finally adopted and may indicate the opportunity for public comment.

At the public hearing the agency shall offer an opportunity for any interested party to appear and present comment.

To meet these requirements this draft of the finding is being presented to the Board for the exemption from the competitive bidding requirement.

The Purchasing Manager caused an advertisement to be placed in the Daily Journal of Commerce on January 13, 2016 notifying interested parties of the draft findings. The advertisement states that the draft findings are available at the Office of the Purchasing Manager and that a Public Hearing will be held on January 28, 2016. This meeting will be the last opportunity for receiving comments. If no comments are received that result in a revision of the draft findings the Board of Commissioners may, at its discretion, adopt these draft findings as the final findings for the exemption at the public hearing.

## **PROPOSED FINDINGS:**

### **A. Nature of the Project:**

In 2011, the County issued a Request for Proposals to replace the Clackamas River Bridge at Carver. As a result of that process, the County contracted with a contractor to replace the bridge. Part of the project included the construction of an 18-inch water line suspended from the bridge. The water line upon satisfactory completion will be the property of the Clackamas River Water District.

As of 2014, the majority of the bridge was completed. A few paving and finishing tasks remain unfinished. The primary delay is attributed to the inability of the water line to hold adequate pressure. The County directed the contractor to complete the contract and finish the project. The contractor claimed that the project could not be completed as designed.

The County retained an independent engineering analysis to review the design and plans. The contractor, likewise, sought a separate opinion and based on that opinion has declined to complete the project.

In consultation with its project design team and independent engineers, the County seeks to retain the services of a qualified pipeline contractor to repair and/or replace the existing water line with materials and specifications as set forth in the initial RFP issued in 2011. Additionally, the contractor will complete the reconstruction and paving of the bridge approaches, once the water line is installed, and complete any remaining finishing work.

The water line repair may involve removing and replacing the mechanical joint fasteners and other related structural enhancements. If repairs are not viable and it is determined that replacement is required, replacement will involve the removal of existing pipeline and mechanical joints, and replacement with previously specified materials.

The Request for Proposal process will allow the County to consider elements in addition to cost of the project to determine the most advantageous offer. These elements will include qualifications, experience with similar projects, project understanding and approach including a detailed project schedule, construction methods and sequencing and references. Each of these elements will be assigned a weighted value to be assigned to the proposals by an evaluation committee to determine the highest rated proposer.

### **B. Estimated Cost of the Project:**

The current budget for the project is \$1,000,000 for construction services.

**C. Narrative Description of Anticipated Cost Savings from Exemption to use the Request for Proposals for the Repair or Replacement of the Clackamas River Water District Water Line on the Clackamas River at Springwater Road Bridge Project**

A number of factors make this project unique and present an opportunity for cost savings from the use of the Request for Proposal process

1. This project is complex owing to the continuing operation of the bridge facility during the project and the fact that the water line is in place and located underneath the new bridge deck.
2. The selection of construction methods and sequencing will benefit significantly by involving a specialized contracting entity able to repair or replace the existing water line.
3. The experience of the proposed contractors can be evaluated as a part of the selection process, thereby minimizing the chance of change orders which raise the cost of the project.

**D. Proposed Alternative Contracting and Purchasing Practices:**

1. The County desires to select the vendor using the following competitive process:
  - a. Publicly advertise a Request for Proposal to contractors.
  - b. The contractor will be selected through an evaluation process that will consider the project understanding and approach, qualifications, construction team experience, references and the price proposal.

**Project Understanding and Approach**

- A brief understanding of the project.
- A positive commitment to complete the project within the time period specified and under the terms of the RFP.
- Assist with the administrative coordination, scheduling, as per specifications provided in the RFP. The specifications outline the performance requirements.
- Provide a critical timeline schedule for completion of the project.

**Qualifications**

- Provide a brief description of the firm's history and its capabilities.
- Provide the status of current work within the firm, in time and magnitude.
- Provide Bonding Capacities for:
  - a. Public Works Bond
  - b. Performance Bond
  - c. Payment Bond

- Provide insurances limits for general liability, additional commercial general, automotive, pollution and worker compensation.
- Construction Contractors Board registration and classification of license

### **Experience**

- Detail the firms experience in with similar to the proposed project.
- Provide a discussion of the Key Personnel
  - Owner
  - Project Manager
  - Site Supervisor
  - Site Foreman
  - Expected sub-contractors

### **References**

The Contractor must provide a list of references that are similar in size and scope of the services, where the Contractor has provided the requested construction services. The reference list shall include the agency name, address, telephone number and contact name. A survey of these references may be made to determine the success and satisfaction with the contractor's service. Each reference contacted will be asked the same questions regarding products and services, including but not limited to;

- how well the contractor met the terms of the contract
- whether the reference would choose to use the services of the contractor again

### **Financial**

- Provide a total cost of the completed project.

### **Selection**

- c. The submitted proposals will be reviewed and scored by the Selection Committee. Points will be awarded based on the relative merit of the information provided in response to the solicitation. The highest rated response in each area will be given the highest number of points. The County may ask proposers to make oral presentations to discuss and clarify the submitted proposal.
- d. The Selection Committee will provide a recommendation to the Board of Commissioners for their consideration.

## **E. Statutory Tests**

### **1. Background:**

ORS 279C.335 requires that the Local Contract Review Board make certain findings as a part of authorizing the use of an Alternative Contracting Method. Clackamas County desires to use a Request for Proposals solicitation method to select a contractor for this project. The Clackamas County Request for Proposals approach has been designed to fully comply with the tests of Oregon Public Contracts Statute ORS 279C.335 for alternative contracting methods:

- a. It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; and,
- b. The awarding of public improvement contract under the exemption will result in a substantial cost savings to the contracting agency or the public.

### **2. Test:**

#### **a. Maximizing Competition:**

The County will employ a competitive Request for Proposals process for selecting the vendor, where the cost of project (along with other factors) is one element of the selection criteria.

#### **b. Minimizing Favoritism:**

The Request for Proposals will be publicly advertised in the trade publication of greatest circulation in the area.

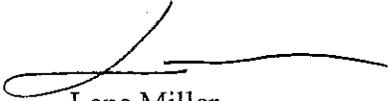
#### **c. Substantial Cost Savings:**

It is anticipated that the process of evaluating potential contractors experience with similar projects and soliciting cost proposals from those contractors will minimize the County's exposure to changes in cost.

Additionally, the RFP process provides that the contract will be awarded as soon as practicable to the responsible proposer whose proposal is determined to be the most advantageous to the County which will maximize cost savings. The project will be able to be completed more rapidly thereby minimizing the impact to the traveling public on the bridge and to the Clackamas River Water District.

**RECOMMENDATION:** Staff respectfully recommends that the Board, acting as the Local Contract Review Board, considers the comments received from the public on the proposed findings and direct staff to revise the findings, if necessary. If no revisions are to be made, staff recommends that the Board adopt the findings and grant the requested exemption.

Respectfully submitted,



Lane Miller,  
Purchasing Manager

As set forth above, the Board of County Commissioners, acting as the Local Contract Review Board, by their signature below approves the Findings and Exemption.

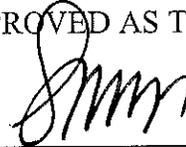
CLACKAMAS COUNTY BOARD OF  
COUNTY COMMISSIONERS by

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Date

APPROVED AS TO FORM



\_\_\_\_\_  
County Counsel

1/20/16  
\_\_\_\_\_  
Date