



Lynn Peterson  
Chair

Commissioners  
Bob Austin  
Jim Bernard  
Charlotte Lehan  
Ann Lininger

**BOARD OF COUNTY COMMISSIONERS**

PUBLIC SERVICES BUILDING  
2051 KAEN ROAD | OREGON CITY, OR 97045

# AGENDA

## **THURSDAY, FEBRUARY 4, 2010 - 10:00 AM** **BOARD OF COUNTY COMMISSIONERS**

Beginning Board Order No. 2010-

*~Pledge of Allegiance~*

### **I. PRESENTATION** *(Following are items of interest to the citizens of the County)*

1. Presentation of Appreciation to Clackamas County Employees Response to the H1N1 Event (Cindy Becker)

**II. CITIZEN COMMUNICATION** *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. It is the intention that this portion of the agenda shall be limited to items of County business which are properly the object of Board consideration and may not be of a personal nature. Persons wishing to speak shall be allowed to do so after registering on the blue card provided on the table outside of the hearing room prior to the beginning of the hearing. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

**III. PUBLIC HEARINGS** *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

1. Request for an Exemption and Authorization to Use the Request for Proposals Method to Obtain General Contractor Services for the Children's Center Project (Chuck Robbins, Community Development)
2. Request for an Exemption and Authorization to Use the Request for Proposals Method to Purchase a Modular Events Center for the Clackamas County Stone Creek Golf Course (Lane Miller, Purchasing Department)

**IV. DISCUSSION ITEM** *(The following items will be individually presented by County staff or other appropriate individuals. Citizens who want to comment on a discussion item may do so when called on by the Chair.)*

### **Public and Government Affairs**

1. Approval of a Funding Agreement between Clackamas County, North Clackamas Parks & Recreation District, Clackamas County Development Agency and Tri-County Metropolitan Transportation District of Oregon (TriMet) for Funding of the Portland-Milwaukie Light Rail Project (Elissa Gertler)

**V. CONSENT AGENDA** *(The following items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Study Session. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

**A. Health, Housing & Human Services**

1. Approval of an Intergovernmental Agreement with Canby School District for School Based Health Center (SBHC) Planning and Support Activities – *(Community Health)*
2. Approval of an Intergovernmental Agreement with the State of Oregon Department of Human Services, Children, Adults and Families Division (CAF), for the Child and Adolescent Need and Strengths (CANS) Screening Services – *(Community Health)*
3. Approval of an Agreement with Chez Ami Limited Partnership for Funding of Project Operations – *(Community Health)*
4. Approval of an Agreement with Central City Concern for Funding of Mental Health Services at Chez Ami Apartments – *(Community Health)*

**B. Finance Department**

1. Board Order No. \_\_\_\_\_ Establishing a Change Fund for the Justice Court

**C. Elected Officials**

1. Approval of Previous Business Meeting Minutes – BCC

**VI. DEVELOPMENT AGENCY**

1. Approval of Amendments to the Intergovernmental Agreement between Clackamas County and the Clackamas County Development Agency and its Urban Renewal Districts

**VII. WATER ENVIRONMENT SERVICES**

1. Acceptance of Sanitary Sewer Easements on behalf of Clackamas County Service District No. 1 for Phase 1 of the North Clackamas Revitalization Area Sanitary Sewer Project
2. Approval of a Joint Funding Agreement between Clackamas County Service District No. 1 and the US Geological Survey for Hydrologic Monitoring in the Johnson Creek Watershed
3. Approval of a Joint Funding Agreement between Clackamas County Service District No. 1, the Surface Water Management Agency of Clackamas County and the US Geological Survey for Stream Flow Measuring Work
4. Approval of a Joint Funding Agreement between the Surface Water Management Agency of Clackamas County and the US Geological Survey for Tualatin River Monitoring

**VIII. COMMISSIONERS COMMUNICATION**

**NOTE: Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove by the following Saturday. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.**

<http://www.clackamas.us/bcc/business/>

February 4, 2010

Board of Commissioners  
Clackamas County

Members of the Board:

**Acknowledgement of Clackamas County Staff Efforts  
During H1N1 Pandemic Planning and Response**

The H1N1 pandemic of 2009 provided an opportunity for Clackamas County staff to activate plans that have been established and exercised to respond to a Public Health outbreak on a large scale and for a prolonged period of several months. While the disease itself fortunately proved to be relatively mild, the County's response needed to include distributing vaccine throughout the county to health care providers, while also mounting a campaign to immunize community residents who were at risk and those who might otherwise have difficulty accessing a preventive immunization.

Several Departments and Divisions of Clackamas County pulled together to mount a response which included disease surveillance, community messaging and education, safely managing large shipments of vaccines and other supplies, outfitting a building as a temporary community clinic, hiring training and managing approximately 50 temporary staff with Federal H1N1 funds, and coordinating immunization clinics throughout all county school districts and communities.

As of January 1, 2010 Clackamas County had fielded 6,800 phone calls and provided immunizations in the following numbers: 1,349 H1N1 Primary Care Vaccinations, 8,044 H1N1 Clinic Vaccinations and 11,402 H1N1 School Vaccinations for a total of 20,795 vaccines given.

**Recommendation**

Staff recommends the Board acknowledge the extraordinary collaborative efforts of the following people from various Departments and Divisions during our successful H1N1 response efforts:

**From Community Health**

Community Health Public Health Services Manager – Marti Franc  
Env, Health & Comm Disease Mgr - Steve Dahl  
CH Public Health Program Manager - Dana Lord  
CH Program Supervisor - Erin Nortrup  
CH Emergency Medical Svcs Supervisor - Larry MacDaniels  
CH Health Educator - Apryl Herron  
CH Health Educator - Jamie Riley  
CH Health Educator – Scott France  
CH Project Manager - Dawn Hanson Temp  
CH Office Specialist 2 - Erica Allison Temp  
CH Health Educator- Erica Gillespie  
CH Health Educator –Scott France  
CH Health Educator - Jamie Riley

*Healthy Families. Strong Communities.*

Purchasing

Purchasing Manager - Lane Miller

Purchasing Buyer - Tom Averett

County Counsel

Steven Lounsbury

Dave Anderson

Social Services

Human Services Manager for Volunteer Connection - Pam Vick

Human Services Coordinator for Volunteer Connection - Suzan Hill

Sheriff's Office

Chuck Slaney

Fleet Services

John Stockham, Ground Support

Technology Services

Jim Lugosi, GIS

CARES (Clackamas Amateur Radio Emergency Service)

David Kidd

Steve Jensen

J.R. Wheeler

J.D. Wheeler

David Kidd

Ron Haas

Respectfully submitted,



Cindy Becker

Director

For information on this issue or copies of attachments  
Please contact Marti Franc/Community Health Division at (503) 655-8479.

Clackamas County Community Health H1N1 Data as of 1/13/2010

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H1N1 Phone Line

Total Calls

6800

(Operated from Mid October to December 31.)



As of 1/19/10

1349

H1N1 Clinic Vaccinations Given

To Date

8044

H1N1 School Vaccinations Given

As of 1/13/10

11,402

Total Vaccines

20,795

February 4, 2010

Board of County Commissioners  
Clackamas County

Members of the Board:

**Request for an Exemption and Authorization to Use the Request for Proposals  
Method to Obtain General Contractor Services  
for the Children's Center Project**

The Community Development Division of the Health, Housing & Human Services Department requests for an Exemption and Authorization to Use the Request for Proposals Method to Obtain General contractor Services for the Children's Center Project. In order to use the Request for Proposals method to solicit for Public Improvement projects the Board, acting as the Local Contract Review Board, must approve Findings of Fact that justify the granting of an exemption from competitive bidding requirements.

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 these proposed findings are 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 20, 2010** notifying interested parties of the proposed findings. The advertisement states that the proposed findings are available at the Office of the Purchasing Manager and that a Public Hearing will be held on **February 4, 2010**. This meeting will be the last opportunity for receiving comments. If no

comments are received that result in a revision of the proposed findings the Board of Commissioners may, at its discretion, adopt these proposed findings at the public hearing.

## **PROPOSED FINDINGS:**

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

The Children's Center of Clackamas County (Children's Center) is a not-for-profit agency that provides assessment and prevention services to abused children within the County. They currently own a vacant parcel of land (38,330 square feet) that is suitable for building a new abuse assessment facility located at 1713 Penn Lane, Oregon City. The proposed new facility would serve as a medical assessment and intervention center. During the 2009-11 CDBG Application cycle the Children's Center submitted a proposal requesting CDBG funds for the construction of the new facility. This project is included in the 2009 Action Plan. The 2009 Action Plan was approved by the BCC on April 23, 2009 and subsequently approved by HUD on July 20, 2009. The Community Development Division began working closely with the Children's Center agency to discuss guidelines and funding requirements for the project. The primary objective of the Children's Center is to complete construction no later than September 2010.

The Children's Center Facility Project will consist of 10,340 square feet of which 7,743 square feet will be constructed for clinical, meeting and office spaces and 2,597 square feet of lower level space will be unfinished (i.e. studs/drywall etc.) for future development space. The site work will include parking, curbs, sidewalks and a half street improvement to Penn Lane.

In keeping with the County's stated goal of maximizing environmental and financial sustainability, the project has been registered with LEED with the goal of meeting the LEED NC 2.2 Gold certification requirements.

To meet this level of certification the project must be designed in a manner that provides the guidelines for meeting these stringent requirements. However, it is imperative that the General Contractor on the project has the demonstrated experience and key personnel necessary to meet LEED NC 2.2 Gold certification. These activities include determining the types of construction materials to be used, the location of materials, suppliers, the methods of construction, the methods of waste disposal, use of regional materials, indoor air quality management, and the construction management plan. All of these require extensive and accurate documentation to achieve LEED NC 2.2 Gold certification.

Due to the nature of the project and the desire to meet LEED NC 2.2 Gold Certification the County is proposing to utilize the two step process for obtaining General Contractor Services. The first step will be to publically advertise a Request for Proposals that will allow the County to rate potential General Contractors and develop a list of the most qualified proposers. This group of selected proposers will then be invited to submit a cost proposal. The contract will be awarded as soon as practicable to the qualified proposer whose proposal is determined to be the most advantageous to the County.

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

The current construction budget is estimated to be between 2.2 to 2.5 million dollars.

### **C. Narrative Description of Anticipated Cost Savings from Exemption to Use the Request for Proposals Method to Obtain General Contractor Services:**

Under the traditional low bid method the Contracting Agency is constrained in evaluating the potential bidders experience with projects of this nature. Therefore, the potential that the low bidder could underestimate the level of work necessary to meet the project requirements must be addressed to minimize the potential for change orders that could impact the cost of the project. It is

anticipated that the process of evaluating potential contractors experience with similar projects and soliciting cost proposals from those selected qualified 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 qualified proposer whose proposal is determined to be the most advantageous to the County which will maximize the current highly competitive construction marketplace.

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

1. The County desires to select the General Contractor firm using the following competitive process:

- a. Publicly advertise a Request for Proposals.
- b. The potential contractors will be selected through an evaluation process that will consider:

**Background:**

- 1. Provide a brief description of the firm's history and its capabilities. Include annual contract volume figures for the past five years.
- 2. Provide a general description of the firm's safety and drug/alcohol programs as well as the most recent Workers Compensation Insurance experience modifier.
- 3. Describe the firm's knowledge and experience with the labor market and conditions in the Portland Metro area.
- 4. Describe the firm's approach to promoting participation in the project on the part of minority, women and emerging small business enterprises.
- 5. Describe the firm's approach to successfully executing and certifying LEED NC 2.2 new construction projects of similar scale and complexity.
- 6. Describe the firm's experience with government construction contracts that adhere to State or Federal Prevailing Wage Requirements.
- 7. Provide a list of not-for-profit clients that your firm has completed construction projects that exceed 2 million dollars in value. The County will be the temporary owner of the project during construction while the not-for-profit agency (Children's Center) will be the permanent owner of the project at the completion of the construction project. A list of projects in which the project was in all phases of construction must be submitted.

**Key Personnel Experience**

- 1. Provide a discussion of the Key Personnel
  - a. Supervisor to employee ratio
  - b. Crew size
  - c. In-house capacity
  - d. Expected sub-contractors

**Evaluation and Selection Criteria:**

- |                             |                |
|-----------------------------|----------------|
| 1. Firm Background          | Points: 0 - 10 |
| 2. Key Personnel Experience | Points: 0 – 25 |
| 3. Firm's Experience        | Points: 0 – 40 |
| 4. Capacity                 | Points: 0 – 15 |
| 5. References               | Points: 0 - 10 |
- 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.
- d. The Selection Committee will provide a list of qualified General Contractors to the Purchasing Department for the purpose of soliciting cost proposals.
- e. Purchasing will prepare a proposal package and solicit cost proposals from the list of qualified General Contractors. The Contract will be awarded as soon as practicable to the qualified proposer whose proposal is determined to be the most advantageous to the County.

**E. Statutory Tests**

**1. Background:**

ORS279C.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 General 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 this 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 (RFP's) process for selecting potential General Contractors where the firm's background, key personnel experience, firms experience, capacity and references will be evaluated.

2. Provide organizational chart that identifies the firm's key personnel and positions that would be assigned to this project. Include resumes for all individuals listed in the chart to include education, work history, length of tenure with the firm and prior experience with LEED NC 2.2 renovations.
3. Provide a detailed description of all projects worked directly with governmental agencies and not-for-profit agencies.

### **Firms Experience**

1. Provide a listing, in chronological order and in chart format, of the firm's last completed renovation projects of \$2 million or more in value (provide a list of at least 6). Information on these projects should include the following:
  - a. Name of the Owner, contact person, and current phone number.
  - b. The architect, contact person, and current phone number.
  - c. Location of the project and completion date.
  - d. A brief description of the job.
  - e. Bid price, final contract amount and total amount of change orders.
  - f. Original construction schedule and final construction duration
  - g. Total project claims or judgments pending or going to litigation/arbitration.
2. Provide a listing, in chronological order and in chart format, of the firm's experience with LEED NC 2.2 renovation projects. Information about the project should follow the format and include the same information required above. Additionally, include LEED NC 2.2 points pursued and achieved by the firm.

### **Capacity:**

1. Provide the status of current work within the firm, in time and magnitude.
2. Provide Bonding Capacities for:
  - a. Public Works Bond
  - b. Performance Bond
  - c. Payment Bond
3. Provide insurances limits for general liability, additional commercial general, automotive, pollution and worker compensation.
4. Provide total amount of any claims or judgments currently pending or going to litigation/arbitration.

### **References**

Provide six professional references from at least three similar new commercial construction projects, including the project name, the name of the design team members for whom this reference is relevant, a contact name and phone number. At least two of these references shall be subcontractors. At least two of these references shall be Owners. At least two of these references must be the respective projects' architects. Key project team member listed above must be represented in at least two of these references.