**RESOLUTION NO. \_\_\_\_\_**

**SUNRIVER SERVICE DISTRICT**

**JOINT RESOLUTION OF THE SUNRIVER SERVICE DISTRICT BOARD AND LOCAL CONTRACT REVIEW BOARD EXEMPTING THE CONSTRUCTION PROJECT FROM COMPETITIVE BIDDING REQUIREMENTS AND DIRECTING THE USE OF AN RFP AND CM/GC ALTERNATIVE CONTRACTING METHODS**

WHEREAS, the District Managing Board (District Board) of Sunriver Service District (District) acts as the District’s Local Contract Review Board (LCRB) (collectively, “Boards”), pursuant to ORS 279A.060; and

WHEREAS, pursuant to Oregon Revised Statutes (ORS) 279C.335(1), all public improvement contracts shall be based on competitive bids except those exempted by the LCRB; and

WHEREAS, pursuant to ORS 279C.335(2), the LCRB may exempt certain contracts from the traditional competitive bidding process after holding a public hearing and adopting findings demonstrating that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in substantial cost savings to the public agency; and

WHEREAS, OAR 137-049-650 also requires the Board to exempt and authorize use of a Request for Proposals (RFP) alternative contracting method for public improvement contracts; and

WHEREAS, the Construction Manager/General Contractor (CM/GC) is an alternative contracting method established under ORS 279C.337 that provides project delivery in which the owner executes a single contract with one entity to provide construction management and general contractor services; and

WHEREAS, the CM/GC is selected before design is complete; as a result, a CM/GC can provide valuable advice from a construction perspective to help ensure a design that fosters smooth and cost-effective construction; and

WHEREAS, the District is undertaking the planning, design, and construction of remodel/ renovations and additions to the existing 12,750 square foot Sunriver Fire Department Station to build a combined 31,589 +/- square feet Public Safety Building to house both the Sunriver Police Department and Fire Department within one Public Safety Building (Project); and

WHEREAS, the Public Contracting Code divides powers and duties for contracting into two categories, those that must be performed by the LCRB, and those that must be performed by the “Contracting Agency”; and

WHEREAS, pursuant to ORS 451.485, Section 7.a. of the District’s Management Agreement with Deschutes County, and District Public Contracting Rule 1.1.080.E, the District Board has contracting authority for this Project; and

WHEREAS, to make use of a CM/GC alternative contracting method, ORS 279C.335 and OAR 137-049-0620 require the District via its Purchasing Agents, to submit findings to the LCRB which support the LCRB exempting the Project from competitive bidding requirements; and

WHEREAS, as provided in ORS 279C.335(5), the District published notice of the public hearing where the Boards would consider this Resolution once in the Daily Journal of Commerce and in the *Bend Bulletin*, not less than 14 days before the hearing; and

WHEREAS, the LCRB considered the findings presented by the District, as set forth in the attached Exhibit A, supporting the use of the CM/GC alternative contracting method. The CM/GC method will be accomplished through the use of a RFP solicitation process to hire a highly qualified, quality-driven and experienced contractor with a demonstrated excellent record of past performance and integrity to provide the professional services required for the Project; and

WHEREAS, the Boards considered public testimony regarding the use of the CM/GC method at the public hearing offered during the citizen participation period at the District Board meeting held Thursday, July 14, 2022; and

WHEREAS, the Boards, being fully advised, find and conclude as follows:

1. It is unlikely that the use of the CM/GC method will encourage favoritism in the awarding of a public improvement contract or will encourage favoritism in the awarding of a public improvement contract or will substantially diminish competition for a public improvement contract;
2. The use of the CM/GC process ensures early contractor input during the design construction planning processes and is expected to contribute to the ability to manage the costs of construction against approved budgets; and
3. The District has complied with all procedures under ORS 279C.335.

NOW, THEREFORE, it is hereby resolved as follows:

1. Findings. The above recitals, and those findings set forth on the attached Exhibit A, are hereby adopted by the District, sitting as the LCRB, as findings of fact supporting the approval of the District’s request for use of an RFP solicitation process to obtain the services of a CM/GC for the District’s Project.

2. RFP and CM/GC Exemptions. Use of an RFP process to obtain the services of a CM/GC is found to be in the District’s best interests. The requested exemptions are, therefore, approved and the District’s designees are hereby authorized to proceed with an RFP solicitation process to obtain the services of a CM/GC contractor, and to present the intended awardee and contract to the District for approval prior to execution.

3. Post-Project Evaluation.

a) Upon Project conclusion, pursuant to ORS 279C.355 and OAR 137-049-0620(3), the District’s Purchasing Agents are hereby directed to prepare a formal post-project evaluation of the full Project to determine whether it was actually in the District’s best interest to use the RFP and CM/GC alternative contracting method. The evaluation must be delivered to the LCRB within thirty (30) days of the date the District accepts the Project, as defined in the executed CM/GC contract.

b) The post-project evaluation shall set forth:

(1) Financial information, consisting of actual costs compared with original Project cost estimates, any guaranteed maximum price, and the number of change orders issued;

(2) A narrative description of successes and failures experienced during the design, engineering, and construction phases of the Project; and

(3) An objective assessment of the use of the RFP and CM/GC alternative contracting methods, as compared to the findings set forth in this Resolution.

DATED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022.

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Bill Hepburn, Board Chair Bill Hepburn, President,

Board of Directors Local Contract Review Board

ATTEST: ATTEST:

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Mindy Holliday, Board Administrator Mindy Holliday, Board Administrator,

Board of Directors Local Contract Review Board

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