

A RESOLUTION EXEMPTING THE CONSTRUCTION OF WWTP-08-02, WETLANDS TREATMENT PROJECT FROM THE COMPETITIVE BIDDING PROCESS AND APPROVING AN ALTERNATE CONTRACTING METHOD, REFERRED TO AS CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC).

WHEREAS, Albany Municipal Code 2.66.060 and Oregon Revised Statutes 279C.335 allow the City Council, acting as the Local Contract Review Board, to exempt a specific public improvement contract or class of public improvement contracts from competitive bidding requirements; and

WHEREAS, such exemption shall be based on the approval of Findings submitted by the contracting agency seeking the exemption and as defined in OAR 137-049-0600 thru 137-049-0690 and as included herein; and

WHEREAS, this exemption is for a single project requiring a high level of construction knowledge, experience, and management expertise, and granting the exemption will not provide a basis for other similar exemptions or any pattern of exemptions; and

WHEREAS, the CM/GC contracting selection method is based on a competitive, qualifications-based, public selection process using a published Request for Proposals (RFP); and

WHEREAS, the RFP evaluation criteria uses an extensive evaluation list to evaluate the proposers' qualifications, including their experience and capabilities; their proposed work plan; their project management capabilities with emphasis on leadership, communications, and organization; their project control methodology focused on cost, schedule, safety, and quality control; and cost-based factors including subcontractor markup, overhead, and profit factors; and

WHEREAS, the Wetlands Treatment Project evaluation criteria recognizes the need for a contractor that has specialized expertise implementing trenchless pipeline technologies, who will be working in potentially constrained areas or roads, on a compressed schedule, and around an active wastewater collection system with significant safety and security requirements; and

WHEREAS, the RFP Evaluation Team will review the proposals and will recommend approval to award to the contractor that best meets the RFP evaluation criteria; and

WHEREAS, the CM/GC contracting method offers a direct public benefit and affords the City the ability to select a qualified and experienced contractor who can aid in making design decisions that will improve the project quality, will result in project savings, and will reduce project risk regarding the Stipulated Final Order (SFO) deadline; and

WHEREAS, the alternative contracting method allows the contractor to join the engineering design team before the design effort has been completed; and

WHEREAS, this early involvement with the project affords an increased opportunity for the contractor to engage in value engineering, thereby providing project quality improvements and increasing the likelihood of cost savings, while providing greater assurance of meeting the project's budgetary goals; and

WHEREAS, this early involvement is critical to meet the American Recover and Reinvestment Act (ARRA) February 17, 2010, start of construction deadline; and

WHEREAS, the selected contractor greatly assists with construction scheduling, phasing, costing, quality assurance, and design constructability reviews; and

WHEREAS, safety is important not only regarding construction activities, but also concerning non-interruption of the Albany-Millersburg WRF and avoiding process permit violations, and the fact that the RFP process will allow the City to take contractor's safety records and safety programs into account; and

WHEREAS, the CM/GC is selected through competitive selection which is open to the same contractors that would have participated in the traditional low bid method; and

WHEREAS, no negative impact is expected regarding market place competition because there is expected to be an adequate number of Oregon-based competitors available to respond to the RFP; and

WHEREAS, none of the above mentioned benefits can be adequately evaluated in a sealed bid process, but can be better evaluated through a negotiated RFP process; and

WHEREAS, the proposed contract is expected to be funded by the cities of Albany and Millersburg from their respective Oregon Department of Environmental Quality (DEQ) State Revolving Fund (SRF) Loan proceeds, and also funded from the ARRA grants and loans, and the CM/GC selection procedure adheres to the Oregon Revised Statutes, Chapters 279A and C; and

WHEREAS, the City published a public notice on August 27, 2009, and held a public hearing on September 9, 2009, before adoption of these Findings in accordance with OAR 137-049-0630.

NOW, THEREFORE, BE IT RESOLVED, that each of the recitals set forth above are hereby adopted as Findings of fact.

BE IT FURTHER RESOLVED that the Albany City Council, acting as the Local Contract Review Board finds that the awarding of a public improvement contract under this exemption using the RFP selection process for a CM/GC contract will provide the City with an assured and dependable path toward meeting the mandated completion schedule and the project's budgetary goals; and

BE IT FURTHER RESOLVED that the Albany City Council, acting as the Local Contract Review Board finds that it is unlikely the exemption of this contract from competitive bidding will encourage favoritism in the awarding of public contracts or substantially diminish competition for future public improvement contracts; and


BE IT FURTNER RESOLVED that the Albany City Council authorizes the proposed exemption from competitive bidding and approves the alternative contracting method referred to as Construction Manager/General Contractor as described herein.

DATED AND EFFECTIVE THIS 9TH DAY OF SEPTEMBER 2009.



Mayor

ATTEST:



City Clerk