

A RESOLUTION CONSIDERING PROPOSED ) Resolution No.   1    
 FINDINGS, APPROVING FINDINGS, APPROVING )  
 "CONTRACT MANAGER GENERAL CONTRACTOR" ) for 2007  
 PROJECT DELIVERY AS EXEMPTION FROM )  
 PUBLIC BIDDING PER ORS CHAPTER 279C )

Whereas, the City Council of the City of Lebanon has conducted a public hearing, pursuant to the provisions of ORS 279C.335, as a contracting agency, on the 10<sup>th</sup> day of January, 2007; and

Whereas, the City determines that said hearing provided an opportunity for the taking of oral and written testimony; and

Whereas, the City finds that notice was given for said public hearing, at least 14 days prior to such hearing, and that said notice was published in a trade newspaper of general statewide circulation; and

Whereas, the City has considered the proposed findings drafted by the contracting agency, and

Whereas, the City hereby considers and approves the alterative contracting method of Contract Manager General Contractor ("CMCG") to be used in this project, the City of Lebanon's Police Station, Public Library and Court Facilities Construction Project, making the further findings as set forth below;

NOW, THEREFORE, THE CITY OF LEBANON RESOLVES AS FOLLOWS:

Section 1. The City Council, having reviewed the records and files herein, and considering the testimony provided by interested persons at the hearing conducted herein, the proposed findings of the Contracting Agency, makes the following findings:

- A. "Construction Manager/General Contractor" (CM/GC) means a form of Procurement that results in a Public Improvement Contract for a Construction Manager/General Contractor to undertake project team involvement with design development; constructability reviews; value engineering, scheduling, estimating and subcontracting services; establish a Guaranteed Maximum Price to complete the Contract Work; act as General Contractor; hold all subcontracts, self-perform portions of the Work as may be allowed by the Authorized Agency under the CM/GC Contract; coordinate and manage the building process; provide general Contractor expertise; and act as a member of the project team along with the Authorized Agency, architect/engineers and other Consultants. CM/GC also refers to a Contractor under this form of Contract, sometimes known as the "Construction Manager at Risk."

The construction of the public facilities which will house the City Library, the City Police Department, Informational Services and the Municipal Court will require unusual coordination between the buildings to preserve a campus-like atmosphere and continuity of style which the Council has identified as important to the community identification of the construction project. For this reason, and others herein, the use of alternative bidding methods such as the Construction Manager/General Contractor method of delivery, will enhance the coordination of this construction project.

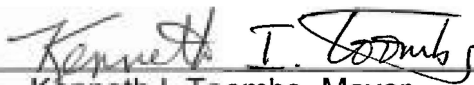
- B. The criteria which is used in the evaluation of the proposed findings is found in the provisions of ORS 279C.330, "Findings" defined. As used in ORS 279C.335, 279C.345 and 279C.350, "findings" means the justification for a contracting agency conclusion that includes, but is not limited to, information regarding:
- (1) Operational, budget and financial data;
  - (2) Public benefits;
  - (3) Value engineering;
  - (4) Specialized expertise required;
  - (5) Public safety;
  - (6) Market conditions;
  - (7) Technical complexity; and
  - (8) Funding sources.
- C. The construction of the public improvements herein has significant schedule ramifications, such that concurrent design and construction are necessary in order to meet critical deadlines and to shorten the overall duration of construction. The City Council has considered operational and financial data which shows that significant savings can be a result of early completion of the project, as well as less disruption to public facilities as a result of shortened construction periods.
- D. The public improvements for this project are estimated to cost approximately 19.8 million dollars. Funding is being supplied through the issuance of bonds as approved by the voters of the City of Lebanon.
- E. The CM/GC method of delivery allows for early contractor input during the design process and is expected to contribute to significant cost savings. In addition, the CM/GC method will allow for value engineering, building systems analysis, Life Cycle Costing analysis and construction planning which will lead to cost savings. In reaching the conclusion that this project should be exempted from traditional approaches, the City Council finds that there is a need for specialized construction expertise due to technical challenges in the construction of a public library and a city jail which is met by the use of the alternative method of project delivery.

- F. Because of the nature of this project in the construction of a multiple purpose facility, the City Council finds that the construction project presents significant technical complexities that are best addressed by a collaborative or team effort between the City, design professional and Contractor, in which the Contractor will assist in addressing specific project challenges through pre-construction services. The City finds that there is a need for Contractor input on issues such as public safety, coordination of construction and schedules, delivery of an early budget or Guaranteed Maximum Price (GMP), financing and the requirement of complex phasing in this project. The CM/GC delivery system allows for the early involvement of the Contractor to facilitate delivery of the project.
- G. The use of the CM/GC project delivery system for this project is unlikely to encourage favoritism or to substantially diminish competition for the construction of the project. The City expects to attract competitive proposals for this project.
- H. For the factors identified in the findings adopted by this resolution, the exemption of this Contract Manager/General Contractor project delivery system should result in substantial cost savings to the public considering the type, cost, amount of the contract, number of persons available to bid and the other factors considered herein.

Section 2. Therefore, based upon the factors considered herein, the City Council approves and adopts the above findings and hereby declares that the project identified herein for the construction of the Lebanon Police Department, Lebanon Public Library, Lebanon Municipal Court and the Lebanon Information Systems Construction Project is and shall be exempt from the public bidding process for the construction of said public improvements. The City Council further directs the contracting agency, the City of Lebanon and its staff to employ the "Construction Manager/General Contract" Project Delivery System, pursuant to the provisions of Oregon Revised Statute chapter 279C for the design and construction said Public Improvements.

Section 3. This resolution shall be effective immediately upon its passage.

Passed by a vote of 5 in favor and 0 against by the Lebanon City Council on this 10<sup>th</sup> day of January, 2007.

  
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Kenneth I. Toombs, Mayor

ATTEST:

  
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Linda Kaser, City Clerk/Recorder