

**A RESOLUTION OF THE SHERWOOD CITY COUNCIL (LOCAL CONTRACT REVIEW BOARD) AUTHORIZING THE CITY MANAGER TO INITIATE AND USE THE REQUEST FOR PROPOSAL – CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) CONTRACTING METHOD FOR THE CONSTRUCTION OF THE PUBLIC IMPROVEMENT KNOWN AS THE SHERWOOD YMCA/RECREATIONAL FACILITY**

**WHEREAS**, pursuant to the City's Public Contracting and Purchasing Ordinance No. 94-993, the Sherwood City Council is designated the Local Contract Review Board and shall exercise all powers and duties granted to a local contract review board by state law; and,

**WHEREAS**, it is the policy of the City Sherwood and the State of Oregon that public agencies make every effort to construct public improvements at the least cost to the public agency. A public improvement is a project for construction, reconstruction, or major renovation on real property by or for a public agency; and,

**WHEREAS**, under the State's public contract and purchasing statutes, all public contracts (with exception), whether competitively bid or procured through negotiation, must be made under conditions that foster competition; and,

**WHEREAS**, pursuant to Ordinance No. 94-993 certain classes of contracts may be exempt from the competitive bidding procedure upon review by the Council; and,

**WHEREAS**, Oregon Administrative Rules (OAR) exempts Construction Manager/General Contractor (CM/GC) contracts, as a class, from the bidding requirements; and,

**WHEREAS**, pursuant to Ordinance No. 94.993, as amended, the City, when using the CM/CG contract method, must prepare written findings to justify the use of the procedure.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

**Section 1. Adoption:** The City of Sherwood (Local Contract Review Board), adopts findings of fact attached and incorporated herein by this reference as Exhibit "A".

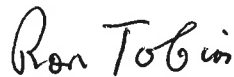
**Section 2. Authorization:** This Resolution authorizes the City Manager to take all

necessary action to establish the procedure and method for using the Request for Proposal - Construction Manager/General Contractor (CM/GC) contracting method for the construction of the public improvement known as the Sherwood YMCA/Recreational Facility. This includes approving the Request for Proposal, advertising, receiving all proposals, opening said proposals, analyzing proposals, interviewing persons or firms submitting proposals and making recommendations to the City Council. The City Attorney shall approve all documents as to form and content.

Section 3. Contract Award: The City Council shall award the contract.

Section 4. Effective Date: This Resolution shall become effective upon adoption.

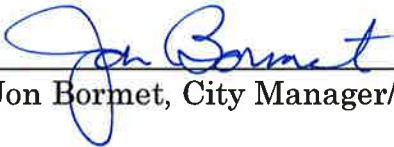
Duly passed by the City Council this 5<sup>th</sup> day of May 1997.



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Ron Tobias, Mayor

ATTEST:



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Jon Bormet, City Manager/Recorder

**Exhibit "A"**  
**Resolution No. 97-687**

## **Findings of Fact**

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The Sherwood City Council hereby adopts the following findings of fact concerning the YMCA/Recreational Facility. These Findings are in conjunction with the City's Public Contracting and Purchasing Ordinance No. 94-993, as amended.

**I. Contractor Manager/General Contractor (CM/GC) Contract**

1. The CM/GC contract combines the personal and professional services of a construction manager with the construction of a public improvement which is ordinarily performed by a general contractor.
2. OAR 125-310-220 establishes a procedure for state agencies for the selection of a contractor, which is a mix of price, quality and competence-related factors.

**II. Reasons for Utilizing the CM/GC Method**

1. CM/GC method provides cost saving opportunities: The CM/GC contractor can provide assistance on construction alternatives, material selection, and value engineering in the pre-design stage. This enables the City to provide the public, taxpayers, and other stakeholders with greater cost reliability and more effective management of the budget.
2. CM/GC as a Vehicle for On-Time completion: The CM/GC contractor has incentive to meet the project schedule. The Contractor does not have the incentive to project an "early finish" to pad a delay claim.
3. CM/GC method provides for an integrated team approach: The CM/GC contractor is needed to work with the City and LSW (architect) to solve project challenges associated with a major construction project such as the YMCA/Recreational Facility. The CM/GC contractor will be integrated into the design team and participate in planning, constructability analysis, value engineering and other pre-construction services.

### **III. CM/GC Exempt/Findings of Fact Concerning the YMCA/Recreational Facility**

1. The City of Sherwood does not regularly do construction of major public improvements. It does not have a trained construction staff. Therefore, the use of the CM/GC method is expected to result in substantial savings on the direct construction cost because the City will not have to monitor and process construction claims. Any cost over-runs, which could result in construction claims, would be the responsibility of the CM/GC.
2. By using the CM/GC contracting method, the City can take into account the qualifications of the contractors. The YMCA/Recreation Facility, with an aquatics component, is a unique public improvement requiring complex construction and phasing elements. The qualifications of the contractor is highly important.
3. The CM/GC contracting method will allow the project to begin in this year's construction season. Conventional design/build process would delay the ground work until next spring, extending the project and increasing labor costs of the said public improvement.
4. The YMCA/Recreational Facility is a highly complex facility with a diverse range of recreational elements (i.e., pool). In addition the project will be a multilevel facility with consideration given to future expansion. The CM/GC can assist the Architect and the City in advising the most practical application when designing and building the facility. Integrating the CM/GC early in the design face will help avoid redesigns and costly change orders.
5. By using the CM/GC method, the City hires the services of a construction contract administration staff without having to add permanent or temporary public employee positions. When the project is complete, the staff is gone, without the need for layoffs or reassignments
6. The procedure provides for competition in that contractors can respond to the request for proposals and would be analyzed with considerations for costs and qualifications as well as other factors. This procedure will not diminish competition for public contracts.
7. The CM/GC shall competitively select subcontractors to perform the work of the public improvement. Selecting subcontractors shall include, at a minimum, public openings of sealed bids at a preannounced time and place.