City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2007-067

A RESOLUTION ADOPTING THE DRAFT FINDINGS AND EXEMPTING SNYDER PARK SOCCER FIELD LIGHTING PROJECT FROM COMPETITIVE BIDDING

WHEREAS, the City has budgeted for the Snyder Park Soccer Field Lighting project for construction in the current Fiscal Year; and

WHEREAS, the City desires to have these lights installed and ready for the late fall playing season; and

WHEREAS, the City placed notice on June 28, 2007 in the Daily Journal of Commerce for public review the **Draft Findings Supporting an Exemption From Competitive Bidding Requirements and Use of the Design-Build Alternative Contracting Method** and by placing the Draft Findings on the City's web site; and

WHEREAS, the Draft Findings establish evaluation criteria to be used to select a design-build firm as well as presenting justification supporting the request to use the Design-Build Alternative Contracting Method; and

WHEREAS, Staff has prepared and applied for a Conditional Use Permit to install the lights at the Soccer Field.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Section 1: The Draft Findings, attached as Exhibit A, are hereby adopted for the Snyder Park Soccer Field Lighting project.

Section 2: The Snyder Park Soccer Field Lighting Project is exempt from competitive bidding and the City is authorized to use Design-Build Alternative Contracting Method for this project.

Section 3: This Resolution is and shall be effective upon its approval and adoption by Council.

Duly passed by the City Council this 17th day of July, 2007.

Keith S. Mays, Mayor

ATTEST:

Sylvia Murphy, City Recorder

City of Sherwood Oregon

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EXHIBIT A

CITY OF SHERWOOD
DRAFT FINDINGS

SUPPORTING AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS AND USE OF THE DESIGN-BUILD ALTERNATIVE CONTRACTING METHOD

FACTUAL BACKGROUND:

- PROPOSED FACILITY IMPROVEMENTS

The proposed facility improvements involve the installation of poles, lights and associated appurtenances at the artificial turf soccer field at Snyder Park. The park property is located 15356 SW Sunset Boulevard, Sherwood, Oregon. The park contains many elements including an artificial turf soccer field, baseball field with smaller soccer field overlay, walking trails, general play equipment, a water feature, restrooms and picnic structure.

Sherwood 2·0·0·6 All-America City Finalist

Since the Snyder Park Soccer Field is an artificial turf field, additional use in the early spring and late fall will not harm the field. Lighting this field will result in additional playing time thereby reducing the damage to grass fields from the heavy late fall use.

- PROPOSED CONTRACTURAL PROCESS

This contract is for the design, furnishing and installation of the lighting equipment to light the soccer field according to established standards. The intent of using the design-build process is to obtain, through a Design-Build team, engineering design, plan preparation, value engineering, construction engineering, construction, quality control and required documentation as a fully integrated function with a single point of responsibility as well as shortening project time. The contract will be awarded based on a competitive process but due to aesthetic elements and the complexity of determining the best offer, the award will not be based solely on the lowest price. Each design-build firm will submit their offer in the form of a preliminary design and a firm fixed price for the features and amenities included in their offer. The evaluation criteria used to select a design-build firm for this project will be based on a combination of the following criteria:

1. Reduced energy consumption of 50% over standard lighting system (10%)
2. Extended lamp life (10%)
3. Length of warranty including a Maintenance program to include all materials, labor and re-lamps to the end of lamp rated life (15%)
4. Timeliness of performance (15%)

5. Constant light level over the life of the lamp (10%)
6. Control system including card key control, automatic phased shutdown at a preset time as well as off-site computer control (20%)
7. Field lighting adequate for competitive soccer as well as minimal spill and glare light onto the surrounding area as well as off site (20%)

The project will be formally advertised with appropriate public notice and competition will be encouraged. A committee established by the City of Sherwood will conduct the evaluations and recommend award to the City Council

- REQUIREMENTS FOR EXEMPTION
The City of Sherwood is subject to Oregon's Public Contracting Code and Oregon's Model Rules relating to public contracting at OAR Chapter 137, divisions 46 thru 49. This project meets the conditions for exemption from competitive bidding as shown by the findings presented below. The Code and the Model Rules require that: "The proposed exemption to competitive bidding is unlikely to encourage favoritism or substantially diminish competition for public contracts" and "The awarding of the contract pursuant to the exemption will result in substantial cost savings to the City of Sherwood or to the public." Furthermore, ORS 279C.330 states that: "Findings" means the justification for an agency conclusion that includes, but is not limited to, information regarding:
    - Operational, Budget, and Financial Data
    - Public Benefits
    - Value Engineering
    - Specialized Expertise Required
    - Public Safety
    - Market Conditions
    - Technical Complexity
    - Funding Sources

Many of these criteria support the use of the design/build contracting process as presented below:

FINDINGS REGARDING REQUIRED INFORMATION:

1. **Operational, Budget, and Financial Data:** Each month that passes results in a further increase in the cost of construction. Materials including fuel, steel, copper and other material have increased at an alarming rate, sometimes exceeding 125% accompanied by a shortage of some materials. These cost increases are due to world wide demand and shortages and are not likely do abate any time soon. By using the design-build process the total price is "locked in" three months earlier than under the traditional design-bid-build process.

   Under the proposed format, design and construction will begin as soon as a contract with the most responsive firm is approved by City Council. The designer and the builder are selected under one competitive process instead of two successive steps in the traditional design-bid-build process. This reduces staff time and the cost of the finished product. The City can expect to have savings of between 6% (reported by the "Design Build

Institute of America") and 25% by other municipalities in Oregon when using the design-build process for this project. One other benefit of using the design-build procurement process is the shortening of the time to accomplish the work allowing the project to be on line in time for the fall soccer season.

2. **Public Benefits:** The proposed selection criteria will result in an offer being selected that has the greatest public benefit. The selection criteria under this process includes the lowest total design, construction, and operation and maintenance cost to the City rather than merely the lowest initial cost.

   The design-build method of contracting is unlikely to encourage favoritism or substantially diminish competition because well defined selection criteria will be advertised along with the design and construction requirements so that firms will be equally able to prepare competitive proposals. The selection committee will include highly qualified staff members with experience in making unbiased and well considered judgments in a fair and impartial manner. The rigorous proposed process of selection will ensure fairness in the competition for the best overall proposal and lowest long-term cost to the City.

   Research by the "Design-Build Institute of America" indicates this method of procurement results in an average reduction in the total time from the RFP to completed project of 33%. Performing the design-build construction of the illumination of the field at Snyder Park this summer and early fall will provide the City with a lighted field available for use this fall when the shorter daylight prevents early evening games.

3. **Value Engineering:** The design-build contract specification encourage the design-build team to perform "Value Engineering" analysis on the more expensive portions of the project with a goal of increasing overall value for the City. Value is increased when, for instance, essentially the same function is achieved at a lower costs or when a material change results in reduced operational and/or maintenance cost. These costs savings will be reflected in the wining proposal. For relatively small projects; "Competitive Bidding" in the traditional approach lacks incentive for contractors to offer cost saving options.

4. **Specialized Expertise Required:** The unique requirements of the design and construction of the lighting of a sports field adjacent to residential areas demand specialized expertise. The design team, for example, has to address technical complexities such as providing adequate lighting on the playing field while neither spilling onto adjacent property nor polluting the night sky. Additionally, the installation must provide an esthetic quality to maintain the quality of the City's premier park.

5. **Public Safety:** There will be increased use on the soccer field as well as use of park as a result of the installation of these lights. This project must be designed and built with public safety as a priority; both during construction and after the improvements are placed in use.

6. **Market Conditions:** There is no shortage of general or specialized contractors in this region who either partner with design firms or have their own qualified staff to design projects similar to this one.

7. **Technical Complexity:** As stated above, the design and construction of a field lighting project such as this one is complex. Planning, designing, phasing, and implementing the construction of an improvement of this nature while the field and the park remain in use is difficult and requires specialized technical capabilities. The need to stage and construct the improvements while maintaining safety for the public and minimizing vandalism is not an easy task for a project of this type because the park can not be closed for the duration of the construction.

   The proposed procurement process considers the capabilities and past experience of the design-build team and gives weight to teams who understand the complexities and have successfully designed and built in a similar environment.

8. **Funding Sources:** Funding for this improvement comes from Parks and Open Spaces SDC. Construction and installation of lights at this soccer field effectively doubles the time the field is available for use in the fall and spring. This will eliminate the need to construct an additional field to serve the increasing needs of the community at this time.