

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

RESOLUTION OF METRO COUNCIL, ACTING)	RESOLUTION NO. 08-3992
AS THE METRO CONTRACT REVIEW BOARD,)	
FOR THE PURPOSE OF APPROVING A)	Introduced by Metro Councilor Kathryn
CONTRACT AMENDMENT FOR)	Harrington, with the concurrence of Council
FACILITATION OF THE URBAN AND RURAL)	President David Bragdon
RESERVES PROJECT)	

WHEREAS, pursuant to ORS 279A.060 and Metro Code 2.04.010, the Metro Council is designated as the Public Contract Review Board for the agency; and

WHEREAS, Metro Code 2.04.046 requires Council approval for contract amendments that exceed twice the amount of the original contract; and

WHEREAS, The Metro Council has determined that hiring an outside facilitator to assist with the Urban and Rural Reserves project is in the best interests of Metro; and

WHEREAS, under the direction of Planning Department staff, the outside facilitator will provide an unbiased, professional facilitator for Core 4 and Reserves Steering Committee meetings; and will provide strategic mediation and facilitation services to ensure that project goals are met within stipulated time limits; and

WHEREAS, the original contract (Contract No. 928432) with Kearns & West, Inc. was awarded as a result of an open competitive Request for Proposal (RFP) process; Kearns & West was the highest ranked proposer as determined by the evaluation committee; and

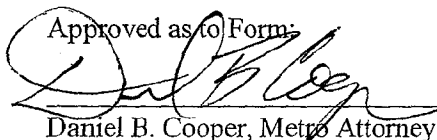
WHEREAS, the original RFP was estimated at \$200,000.00, the initial contract amount awarded was \$20,000.00 and the proposed contract amendment is \$260,880.00. The additional work for an outside facilitator was identified by Metro in the RFP and also included in the proposal received by Kearns & West, Inc.; and

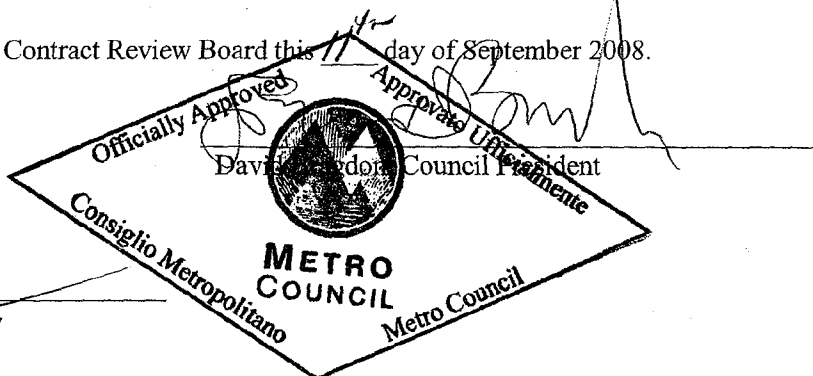
WHEREAS, the Metro Procurement Officer believes that amending the existing contract with Kearns & West, Inc. is appropriate and that such action is in the best interests of Metro; and

WHEREAS, Debra Nudelman, Senior Mediator for Kearns & West, who will serve as lead facilitator/mediator on this project, has nearly 18 years of experience providing neutral process support to diverse groups of stakeholders addressing highly controversial, complex technical, public policy, and natural resource issues; and

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Chief Operating Officer to negotiate and execute a contract amendment with Kearns & West, Inc. for the purpose of providing facilitation and mediation services for the Urban and Rural Reserves project.

ADOPTED by the Metro Council Contract Review Board this 11th day of September 2008.

Approved as to Form:

Daniel B. Cooper, Metro Attorney



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 08-3992, FOR THE PURPOSE OF APPROVING A CONTRACT AMENDMENT FOR THE FACILITATION OF PUBLIC MEETINGS RELATED TO THE URBAN AND RURAL RESERVES PROJECT.

Date: August 27, 2008

Prepared by: Darin Matthews
John Williams

BACKGROUND

A Request For Proposals (RFP) was issued for professional facilitation and mediation services related to the Urban and Rural Reserves project, which is a combined effort of Metro, Clackamas County, Multnomah County and Washington County. The project is led by the "Core 4," which includes an elected official from each jurisdiction. The Metro Council representative is Councilor Kathryn Harrington. The Core 4 is advised by the Reserves Steering Committee, a group of 27 stakeholders from around the region that meets monthly.

The Reserves project requires an unprecedented level of regional and inter-jurisdictional cooperation. Facilitation services were sought to assist the Core 4 in developing consensus on this project; to provide an unbiased, professional facilitator for Core 4 and Reserves Steering Committee meetings; and to provide strategic mediation and facilitation services to ensure that project goals are met within stipulated time limits.

The published RFP included an initial cost estimate of \$200,000. Project staff reviewed all proposals and the Core 4 elected officials conducted interviews with two finalists, selecting Kearns & West, Inc. as the preferred candidate. An initial contract for \$20,000.00 was entered into to allow the work to begin shortly after the RFP was awarded. The initial contract was utilized for several months while the final scope of services was determined and while staff sought a grant from DLCD for the cost of the facilitation services and other project costs.

Negotiations with Kearns & West about the appropriate level of service for this project led to a final maximum cost of \$280,880, which was approved by the Core 4. The two main reasons for the cost increase were higher-than-expected hourly costs for the contractor as well as the addition of several items added to the scope, including added availability for facilitation and mediation services and attendance at senior staff project management meetings.

It would be impractical and inefficient to conduct a competitive procurement process for the additional cost elements and is in the best interest of Metro to amend the existing agreement with Kearns & West. Therefore, it is recommended that a contract amendment for the full contract amount of \$280,880.00 be awarded without an additional competitive RFP process. It now appears we will not be awarded the grant, so Metro's share of the cost (\$70,220) will be covered through funds previously budgeted by Council for this project.

The Core 4 group has agreed to split costs evenly between the four jurisdictions. Metro will act as contract administrator for the Kearns & West contract and will be compensated by the three counties for their shares, per Core 4 discussions.

A summary of the scope of services to be performed and related costs is included as Attachment 1.

ANALYSIS/INFORMATION

- 1. Known Opposition** None known.
- 2. Legal Antecedents** Metro Code 2.04.046, 2.04.010, ORS 279A.060, ORS 279B.060.
- 3. Anticipated Effects** Facilitation services will continue, ensuring that the Reserves project can continue moving forward on required timetables.
- 4. Budget Impacts** The Core 4 group has previously agreed to split the cost of this contract evenly among the four jurisdictions. Therefore, Metro's share will be \$70,220.00 spread over the three fiscal years that this contract will run through. The Council has previously budgeted materials and services funds for the Reserves project that are sufficient to cover these expenses.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the contract amendment with Kearns & West, Inc.

Kearns & West Proposed Budget
Consultant Services for Reserves Steering Committee Facilitator

TASK/HOUR ALLOCATION CHART (January 2008 - December 2009)

Task 1	Initial Project Team Planning	Nudelman	Martin
1.1	Prepare for initial project team meeting and review background materials	8	4
1.2	Convene initial project team planning meeting	6	6
1.3	Schedule and conduct introductory interviews with key participants (1 hour x 10 interviews)	10	4
		\$ 5,280.00	\$ 1,260.00
		Task 1 Subtotal:	\$ 6,540.00

Task 2	Meeting Facilitation	Nudelman	Martin
2.1	Preparation for Reserves Steering Committee monthly meetings including logistics, agenda development and distribution, and managing meeting materials (6/8 hours x 24 mtgs)	144	192
2.2	Facilitate Reserves Steering Committee meetings (6/6 hours x 24 mtgs)	144	144
2.3	Follow up to Reserves Steering Committee meetings including meeting summaries (6/8 hours x 24 mtgs)	144	192
2.4	Attend Core 4 meetings (4 hours x 24 months)	96	96
2.5	Attend Core 4 Technical Team meetings (4 hours x 24 months)	96	96
2.6	Provide negotiation support (8 hours x 24 months)	192	192
		\$ 179,520.00	\$ 82,080.00
		Task 2 Subtotal:	\$ 261,600.00

Task 3	Project Administration	Nudelman	Martin
3.1	Project Administration (.5/1 hour x 24 months)	12	24
		\$ 2,640.00	\$ 2,160.00
		Task 3 Subtotal:	\$ 4,800.00

Kearns & West Proposed Budget
Consultant Services for Reserves Steering Committee Facilitator

TASK/HOUR ALLOCATION CHART (January 2008 - December 2009)

TOTAL LABOR COSTS	Hours	Rate	Subtotal
Debra Nudelman	852	\$ 220.00	\$ 187,440.00
Aurora Martin	950	\$ 90.00	\$ 85,500.00
TOTAL LABOR COSTS			\$ 272,940.00

OTHER DIRECT COSTS	Units	Cost/Unit	Subtotal
Transportation/Parking (Portland)	24	\$ 25.00	\$ 600.00
Postage	1	\$ 140.00	\$ 140.00
Meeting Expenses	24	\$ 50.00	\$ 1,200.00
Printing	24	\$ 200.00	\$ 4,800.00
Phone/Fax/Conference Calls	24	\$ 50.00	\$ 1,200.00
TOTAL OTHER DIRECT COSTS			\$ 7,940.00

BUDGET SUMMARY January 2008 - December 2009	
TOTAL BUDGET	\$ 280,880.00