

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN) RESOLUTION NO. 84-513
EXEMPTION TO THE PUBLIC CONTRACT-)
ING PROCEDURE SET OUT IN METRO) Introduced by the
CODE SECTION 2.04.001 ET SEQ FOR) Executive Officer
THE CONSTRUCTION OF THE BEAR)
GROTTO PROJECT)

WHEREAS, The Metropolitan Service District (Metro) is considering construction of a Bear Grotto project at the Washington Park Zoo; and

WHEREAS, Metro Code Section 2.04.011 of the Metro Contract Procedures identifies contracts for construction of public improvements as public contracts and requires such contracts be entered into based on competitive bids; and

WHEREAS, As part of the competitive bid process Metro wishes to evaluate experience, interpretive abilities and cost-saving ideas as well as price; and

WHEREAS, Metro Code Section 2.04.011(c) allows an exemption to the process upon findings: 1) that it is unlikely that such exemption will encourage favoritism or substantially diminish competition, and 2) that awarding the contract pursuant to the exemption will result in substantial cost savings to Metro considering appropriate factors; and

WHEREAS, The solicitation and selection process described in the Staff Report and Exhibit "A" attached hereto is unlikely to encourage favoritism or substantially diminish competition: 1) because the contractual criteria and evaluation criteria will be clearly stated in the bid package, 2) because bidders' comments and

questions on the bid package will be addressed, and 3) because competition will be limited only on the basis of ability to carry out the contract; and

WHEREAS, The solicitation and selection process set out in the Staff Report and Exhibit "A" will result in substantial cost savings because bidders are encouraged to provide cost-saving proposals and because the interview and negotiation processes contribute: 1) to selection of contractors who understand the project well, and 2) to knowledgeable bids by contractors; now, therefore,

BE IT RESOLVED,

That the contract for the construction of the Bear Grotto project is exempted from the competitive bid process because the Council of the Metropolitan Service District finds that the requirements of Metro Code Section 2.04.011(c) have been met by following a procedure approximately as described in Exhibit "A."

ADOPTED by the Council of the Metropolitan Service District this 8th day of November, 1984.



Presiding Officer

ESB/gl
2279C/402-2
10/30/84

PUBLISHED

EXHIBIT A-1

CALL FOR CONTRACTORS
INTERESTED IN NEGOTIATING CONSTRUCTION
CONTRACT FOR CONSTRUCTION
OF PRIMATE FACILITIES AT THE WASHINGTON PARK ZOO

Applications will be received from qualified contractors to negotiate a construction contract for the primate remodel and construction.

The work consists of excavation, grading, landscaping, irrigation, concrete walls and retaining walls, gunite structures, masonry, steel structures, metal roofing and siding, membrane roofing, insulation, steel doors and frame, glazing, aluminum window wall, skylights, cement plaster, gypsum, special coatings, painting, carpet, animal holding and restraining cages, wood and steel play structures, mechanical and electrical.

Applications must include a statement of present bondable limits, list of projects of a similar nature if any, projects completed in the last five years, personnel available, staff experience, references, list of previous negotiated projects. Applicants will be reduced to three after careful evaluation of all participants.

Direct all applications and information to Mr. Paul Breed, Metropolitan Service District, 527 S.W. Hall, Portland, Oregon 97201, by November 23, 1979. Applications received after that date will not be considered. All applicants will be informed in writing of the firms selected to negotiate.

Additional information may be obtained by contacting Mr. A. McKay Rich of the Washington Park Zoo, at 226-1561.

PROCESS TO BE FOLLOWED
IN NEGOTIATING THE CONTRACT
FOR CONSTRUCTING THE PRIMATE FACILITY

- 1) Review and evaluate interested contractors and screen applicants to three.
- 2) Provide the architect's estimate for the project by trade and itemize contingencies, profits and all other features with a value of \$5,000 or more.
- 3) Insert a blank form with identical trade breakdown to architect's estimate to be completely filled in by contractor.
- 4) Include a standard form for cost saving proposals to be filled in by contractor.
- 5) Provide a form for lump sum estimate not including cost saving proposals.
- 6) We guarantee that each contractor's cost saving proposals will remain the contractor's property. After the contract award, each contractor's cost saving ideas will be further negotiated with the successful contractor for mutual agreement as to value, which will be the basis of a deductive change order to the contract.

(continued)

- 7) The award will be made to the low bidder based on the lump sum proposal for plans and specifications work as shown, plus the deduction of the individual contractor's acceptable saving ideas.
- 8) We reserve the right to reduce the scope of work to a minimum of \$1 million.
- 9) We will establish one meeting one day after the bid package release to clarify questions and completely explain all forms and procedures.
- 10) Allow fifteen working days to present bids.
- 11) Allow fifteen working days to negotiate award of contract.
- 12) Allow five working days to negotiate all cost saving proposals and formalize final contract value.

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CONTRACTOR EVALUATION FORM

A-4

NAME OF FIRM _____ DATE _____

Please score the firm on a scale from low (1) to high (5) as you feel their performance rates the following list of items. Final rating = factor times score.

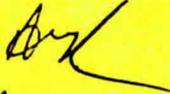
CRITERIA	1	2	3	4	5	FACTOR	FINAL RATING
1) Other projects that demonstrate competence in this type of construction							
2) Other projects that demonstrate competence in this type of negotiated process							
3) Firm's staff members who would be assigned to this project and extent of their knowledge, background and experience							
4) Innovative approaches to the accomplishment of the project							
5) Demonstrated ability to build projects within budget and on schedule							
6) Willingness to commit to process of cost saving proposals and value engineering throughout the job							
7) Willingness to convert to guaranteed/fixed fee type contract with savings participation							

EVALUATOR _____

TOTAL: _____

WASHINGTON PARK ZOO

TO: Eleanore Baxendale

FROM: A. M. Rich 

DATE: 21 Sept. 84

RE: BID PROCEDURE FOR WEST BEAR GROTTO

Attached is information relative to bid procedures used for the remodel of the Primate Exhibit. If reasonable, we'd like to follow a similar process for bidding the remodel of the West Bear Grotto and related areas. This project includes a considerable amount of gunite work with an artistic twist to it as well as other intricate work in an attempt to replicate both winter and summer scenes for polar bears and a hot, forest scene for sun bears. In addition, there is a complete remodel of the Bear Walk food service area and a fair amount of interpretive work.

Because Zoo work is not that common, interested parties have a tendency to bid high. Following the attached procedures allows us to deal with contractors we believe can do the job and maintains an element of competition but also allows us to negotiate for cost savings.

We will hope to go out for bid on the project towards the end of November. Therefore, if we are to be permitted to use this process, the Council will have to approve it prior to that time. You may have suggestions to improve the process and we will welcome them and your help in obtaining the required approval.

AMR:can

Attach.

cc: Don Carlson
Bob Porter

STAFF REPORT

Agenda Item No. 8.3

Meeting Date Nov. 8, 1984

CONSIDERATION OF RESOLUTION NO. 84-513 RELATING
TO EXEMPTION TO THE PUBLIC CONTRACTING PROCEDURE
SET OUT IN METRO CODE SECTION 2.04.001 ET SEQ FOR
CONSTRUCTION OF THE BEAR GROTTO PROJECT

Date: October 30, 1984

Presented by: Eleanore Baxendale
and Kay Rich

FACTUAL BACKGROUND AND ANALYSIS

The Zoo intends to commence the public bidding process for the West Bear Grotto, which is a \$2 million project. For the reasons discussed in the memo from Kay Rich (attached as Attachment 1), the Zoo wishes to use a process which focuses on experience and creativity, as well as price. This process was successfully used for the Primate Exhibit.

As indicated in Exhibit A attached to Resolution No. 84-513, contractors are solicited to submit applications describing their experience, personnel and examples of their work. This pool is evaluated, similar to a standard prequalification procedure, except that the pool of applicants is reduced to the three best qualified applicants. These applicants then bid on the project. The lowest bidder is selected on the basis of the regular bid plus cost savings proposals which the Zoo believes to be feasible. The negotiation over cost saving proposals is similar to the request for proposal process which the state automatically exempts from low bid requirements in the state rules.

Using this screening and negotiation process requires an exemption from the low bid process. Metro Code Section 2.04.011(c) allows the exemption by resolution of the Contract Review Board recommendation.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of the Resolution. However, if Ballot Measure 2 passes, consideration of the Resolution should be delayed until Metro has evaluated its financial position.

ESB/gl
2279C/402-2
10/31/84