

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 91-1505 -C
THE ISSUANCE OF METRO)	
HEADQUARTERS PROJECT)	
DESIGN/BUILD RFP AND RATIFYING	)	Introduced by Rena Cusma,
THE PREVIOUSLY ISSUED RFQ	)	Executive Officer

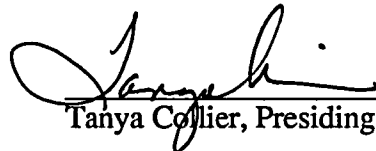
WHEREAS, simultaneous with this Resolution, the Council of the Metropolitan Service District is expected to approve Resolution No. 91-1494-B which would authorize the execution of a Sale Agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and Resolution 91-1507 to exempt the Metro Headquarters Design/Build RFQ/RFP from the competitive bidding process; and

WHEREAS, Metro Code at Section 2.04.033 requires the approval of the Metro Council prior to the issuance of Request for Proposals, attached as Exhibit A.

WHEREAS, Metro staff, in order to maintain the project schedule, have issued the Headquarters Project Design/Build RFQ and have selected three qualified teams to continue participating in the design/build competition; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the Metropolitan Service District, simultaneous with their approval of Resolution No. 91-1494 - C, hereby authorizes the issuance of the Metro Headquarters Project Design/Build RFP, ratifies the previously issued Metro Headquarters Project Design/Build RFQ, and authorizes the Executive Officer to issue the Design/Build RFP to the three qualified design/build teams which have been selected to respond to the RFP.

ADOPTED by the Council of the Metropolitan Service District this 10th day of October, 1991.


Tanya Collier, Presiding Officer

BS/jp

REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 91-1505B, AUTHORIZING THE ISSUANCE OF METRO HEADQUARTERS PROJECT DESIGN/BUILD RFP

Date: September 12, 1991

Presented by: Councilor Knowles

COMMITTEE RECOMMENDATION: At its September 10, 1991 meeting the Regional Facilities Committee voted 5-0 to recommend Council approval of Resolution No. 91-1505B.

COMMITTEE DISCUSSION/ISSUES: Neil Saling and Berit Stevenson presented the staff report. Mr. Saling reviewed the RFQ/RFP process for the Sears project, saying that 9 design/build teams had responded to the RFQ and six of those are being interviewed. Three teams will be selected to receive and respond to the RFP. He pointed out that the space program, which is part of the RFP, will be somewhat modified, and the team selected to do the work will prepare a final space program.

Ms. Stevenson gave an overview of the RFP, part of which was prepared by BOOR/A and the rest by staff. Each of the three selected teams will receive a \$25,000 honorarium to help defray the costs of preparing their response to the RFP. She discussed the project schedule, which calls for completion of the project by December 11, 1992; that's a tight schedule, but all the teams agree it can be done. The RFP also includes instructions to bidders, description of existing conditions, general conditions, and elements of the program specific to the design/build program. The RFP asks for a price estimate for the base building, with the opportunity to suggest alternatives. Proposals will be evaluated by a technical team and then by a jury, which will make a final recommendation to the Executive Officer and the Council. The composition of the jury is not final, though it could include representatives of the Council, the Metro E-R Commission, the Executive Officer, and the Regional Facilities Department. Following selection of the winning team, the contract will be negotiated to determine final obligations, including cost.

Mr. Saling said that the design/build process has numerous advantages, including a savings of time to allow completion of the project by next December. Councilor McFarland said she was not willing to lose ground on other fronts - such as cost - simply to save time.

Councilor Gardner asked how final is the building program, and whether there will be opportunity later to modify it. Ms. Stevenson said there will be a two to three month period following the contract award for Metro to work with the team to develop a final building program. Councilor Gardner said there were a couple of details in the building program he would like the Council to have the opportunity to work on, specifically dealing with Council's space.

Councilor Knowles asked if the RFP included removal of the building facade, and if it included the addition of windows. Ms. Stevenson said it did include windows, but the disposition of the facade would be up to the proposers.

Committee staff Casey Short asked whether the resolution would need to include the entire RFP. General Counsel Dan Cooper said that technical addenda could be included after Council's approval. Chair Knowles said he would interpret the motion to recommend approval of the resolution to include the fact that Council has the complete RFP document.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. <u>91-1505 -C</u>
THE ISSUANCE OF METRO)	
HEADQUARTERS PROJECT)	
DESIGN/BUILD RFP AND RATIFYING	)	Introduced by Rena Cusma,
THE PREVIOUSLY ISSUED RFQ	)	Executive Officer

WHEREAS, simultaneous with this Resolution, the Council of the Metropolitan Service District is expected to approve Resolution No. 91-1494-B which would authorize the execution of a Sale Agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and Resolution 91-1507 to exempt the Metro Headquarters Design/Build RFQ/RFP from the competitive bidding process; and

WHEREAS, Metro Code at Section 2.04.033 requires the approval of the Metro Council prior to the issuance of Request for Proposals, attached as Exhibit A.

WHEREAS, Metro staff, in order to maintain the project schedule, have issued the Headquarters Project Design/Build RFQ and have selected three qualified teams to continue participating in the design/build competition; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the Metropolitan Service District, simultaneous with their approval of Resolution No. 91-1494 - C, hereby authorizes the issuance of the Metro Headquarters Project Design/Build RFP, ratifies the previously issued Metro Headquarters Project Design/Build RFQ, and authorizes the Executive Officer to [make final selection of] issue the Design/Build RFP to the three qualified design/build teams which have been selected [as eligible] to respond to the RFP.

ADOPTED by the Council of the Metropolitan Service District this ___ day of October, 1991.

Tanya Collier, Presiding Officer

BS/jp

STAFF REPORT - Amended

CONSIDERATION OF RESOLUTION 91-1505-C FOR THE PURPOSES OF AUTHORIZING THE ISSUANCE OF THE METRO HEADQUARTERS PROJECT DESIGN/BUILD RFP AND TO RATIFY THE PREVIOUSLY ISSUED RFQ

Date: October 3, 1991

Presented by: Neil Saling

FACTUAL BACKGROUND AND ANALYSIS

At its October 10, 1991 meeting, the Metro Council is expected to approve Resolution No. 91-1494 - C authorizing the Executive Officer to execute a sale agreement for the Sears Building without the adjacent parking structure. Resolution No. 91-1507, being simultaneous introduced, acts to exempt the Metro Headquarters Project Design/Build RFQ/RFP from the competitive bidding process. This Resolution No. 91-1505 - C is related and would act to authorize the issuance of the Metro Headquarters Project Design/Build RFP and to ratify the previously issued Metro Headquarters Design/Build RFQ.

The Headquarters Project staff, at the direction of the Metro Relocation Task Force and the Executive Officer, have prepared and issued a Request for Qualifications (RFQ) for design/build teams for the proposed new Headquarters building. Staff [have] received nine responses to the RFQ and [intended to] interviewed six of the responding teams on September 10, 11 and 12. The evaluation team has selected [will select] the final three participating design/build teams [by Friday, September 13, 1991.] These three teams are Hoffman & TVA/Cole, BOOR/A & Anderson, and Naito, SERA & P & C Construction.

The RFP, which would be given to the three participating teams, has been prepared by Metro staff and is designed to define Metro's minimum program requirements while allowing, at the same time, significant design latitude to the design/build teams. The RFP will include a basic space concept for the new Metro headquarters building and performance specifications for the mechanical, electrical and systems of the building. In addition, the RFP will identify the maximum funds available for the design and renovation of the building. The three teams are given one month to prepare their proposals. They are required to submit a base proposal based on the stated space concept and performance specifications; the teams may also submit additive or deductive alternates for any element of the building.

The analyses of the proposals by Metro will include a technical evaluation along with design review. Upon completion of this analysis, the jury will select the most appropriate proposal for contract award. Each of the three design/build teams which submit a proposal in accordance with the RFP will receive a \$25,000 honorarium. For the two unsuccessful teams, the honorarium is intended to assist in covering the costs of preparing their proposal and for the successful team the honorarium is deemed an initial progress payment. Honorariums are typical in this type of design competition and is intended to result in a higher degree of design skill.

The issuance of the RFO prior to review and approval by the Metro Council of either the RFO or the Sears Sale Agreement was necessary to accommodate the time schedule requested by Pacific Development, Inc., the sellers of the property. Staff's intention was to expedite the process by making team selections in a timely manner such that the three teams would be ready to immediately commence the RFP stage of the competition once Metro Council acted to authorize proceeding with the Sears acquisition and the issuance of the RFP.

RECOMMENDATION:

The Executive Officer and the Relocation Task Force recommend approval of Resolution No. 91-1505- C by the Metro Council.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. <u>91-1505 -B</u>
THE ISSUANCE OF METRO	)	Introduced by Rena Cusma,
HEADQUARTERS PROJECT	)	Executive Officer
<u>DESIGN/BUILD RFP AND RATIFYING</u>)	
<u>THE PREVIOUSLY ISSUED RFO</u>)	

WHEREAS, simultaneous with this Resolution, the Metro Council is expected to approve Resolution No. 91-1494 which would authorize the execution of a sale agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and to exempt the Metro Headquarters Design/Build RFQ/RFP from the competitive bidding process; and

WHEREAS, Metro Code at Section 2.04.033 requires the approval of the Metro Council prior to the issuance of Request for Proposal, attached as Exhibit A.

WHEREAS, Metro staff, in order to maintain the project schedule, have issued the Headquarters Project Design/Build RFO and have selected three qualified teams to continue participating in the design/build competition.

BE IT RESOLVED, that the Council of the Metropolitan Service District, simultaneous with their approval of Resolution No. 91-1494, hereby authorizes the issuance of the Metro Headquarters Project Design/Build RFP, ratifies the previously issued Metro Headquarters Project Design/Build RFO and authorizes the Executive Officer to make final selection of three qualified design/build teams as eligible to respond to the RFP.

ADOPTED by the Council of the Metropolitan Service District this ___ day of September, 1991.

Tanya Collier
Presiding Officer

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. <u>91-1505 -A</u>
THE ISSUANCE OF METRO	)	Introduced by Rena Cusma,
HEADQUARTERS PROJECT	)	Executive Officer
DESIGN/BUILD RFP <u>AND TO RATIFY</u>)	
<u>THE PREVIOUSLY ISSUED RFO</u>)	

WHEREAS, simultaneous with this Resolution, the Metro Council is expected to approve Resolution No. 91-1494 which would authorize the execution of a sale agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and to exempt the Metro Headquarters Design/Build RFQ/RFP from the competitive bidding process; and

WHEREAS, Metro Code at Section 2.04.033 requires the approval of the Metro Council prior to the issuance of Request for Proposal, attached as Exhibit A.

WHEREAS, Metro staff, in order to maintain the project schedule, have issued the Headquarters Project Design/Build RFO and have selected three qualified teams to continue participating in the design/build competition.

BE IT RESOLVED, that the Council of the Metropolitan Service District, simultaneous with their approval of Resolution No. 91-1494, hereby authorizes the issuance of the Metro Headquarters Project Design/Build RFP and ratifies the previously issued Metro Headquarters Project Design/Build RFO.

ADOPTED by the Council of the Metropolitan Service District this ___ day of September, 1991.

Tanya Collier
Presiding Officer

STAFF REPORT - Amended

CONSIDERATION OF RESOLUTION 91-1505-A FOR THE PURPOSES OF
AUTHORIZING THE ISSUANCE OF THE METRO HEADQUARTERS
PROJECT DESIGN/BUILD RFP AND TO RATIFY THE PREVIOUSLY ISSUED
RFQ

Date: September 3, 1991

Presented by: Neil Saling

FACTUAL BACKGROUND AND ANALYSIS

At its September 12, 1991 meeting, the Metro Council is expected to approve Resolution No. 91-1494 authorizing the Executive Officer to execute a sale agreement for the Sears Building without the adjacent parking structure. Resolution No. 91-1494 also acts to exempt the Metro Headquarters Project Design/Build RFQ/RFP from the competitive bidding process. This Resolution No. 91-1505 is related and would act to authorize the issuance of the Metro Headquarters Project Design/Build RFP and to ratify the previously issued Metro Headquarters Design/Build RFQ.

The Headquarters Project staff, at the direction of the Metro Relocation Task Force and the Executive Officer, have prepared and issued a Request for Qualifications (RFQ) for design/build teams for the proposed new Headquarters building. Staff have received nine responses to the RFQ and intended to interview six of the responding teams on September 10, 11 and 12. The evaluation team will select the final three participating design/build team by Friday, September 13, 1991.

The RFP, which would be given to the three participating teams, has been prepared by Metro staff and is designed to define Metro's minimum program requirements while allowing, at the same time, significant design latitude to the design/build teams. The RFP will include a basic space concept for the new Metro headquarters building and performance specifications for the mechanical, electrical and systems of the building. In addition, the RFP will identify the maximum funds available for the design and renovation of the building. The three teams are given one month to prepare their proposals. They are required to submit a base proposal based on the stated space concept and performance specifications; the teams may also submit additive or deductive alternates for any element of the building.

The analyses of the proposals by Metro will include a technical evaluation along with design review. Upon completion of this analysis, the jury will select the most appropriate proposal for contract award. Each of the three design/build teams which submit a proposal in accordance with the RFP will receive a \$25,000 honorarium.

For the two unsuccessful teams, the honorarium is intended to assist in covering the costs of preparing their proposal and for the successful team the honorarium is deemed an initial progress payment. Honorariums are typical in this type of design competition and is intended to result in a higher degree of design skill.

The issuance of the RFQ prior to review and approval by the Metro Council of either the RFQ or the Sears Sale Agreement was necessary to accommodate the time schedule requested by Pacific Development, Inc., the sellers of the property. Staff's intention was to expedite the process by making team selections in a timely manner such that the three teams would be ready to immediately commence the RFP stage of the competition once Metro Council acted to authorize proceeding with the Sears acquisition and the issuance of the RFP.

RECOMMENDATION:

The Executive Officer and the Relocation Task Force recommend approval of Resolution No. 91-1505- A by the Metro Council.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 91-1505
THE ISSUANCE OF METRO	)	Introduced by Rena Cusma,
HEADQUARTERS PROJECT	)	Executive Officer
DESIGN/BUILD RFQ/RFP)	

WHEREAS, simultaneous with this Resolution, the Metro Council is expected to approve Resolution No. 91-1494 which would authorize the execution of a sale agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and to exempt the Metro Headquarters Design/Build RFQ/RFP from the competitive bidding process; and

WHEREAS, Metro Code at Section 2.04.033 requires the approval of the Metro Council prior to the issuance of Request for Proposal, attached as Exhibit A.

BE IT RESOLVED, that the Council of the Metropolitan Service District, simultaneous with their approval of Resolution No. 91-1494, hereby authorizes the issuance of the Metro Headquarters Project Design/Build RFQ/RFP.

ADOPTED by the Council of the Metropolitan Service District this ____ day of September, 1991.

Tanya Collier
Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION 91-1505 FOR THE PURPOSES OF AUTHORIZING THE ISSUANCE OF THE METRO HEADQUARTERS PROJECT DESIGN/BUILD RFQ/RFP

Date: September 3, 1991

Presented by: Neil Saling

FACTUAL BACKGROUND AND ANALYSIS

At its September 12, 1991 meeting, the Metro Council is expected to approve Resolution No. 91-1494 authorizing the Executive Officer to execute a sale agreement for the Sears Building without the adjacent parking structure. Resolution No. 91-1494 also acts to exempt the Metro Headquarters Project Design/Build RFQ/RFP from the competitive bidding process. This Resolution No. 91-1505 is related and would act to authorize the issuance of the Metro Headquarters Project Design/Build RFP.

The RFP has been prepared by Metro staff and is designed to define Metro's minimum program requirements while allowing, at the same time, significant design latitude to the design/build teams. The RFP will include a basic space concept for the new Metro headquarters building and performance specifications for the mechanical, electrical and systems of the building. In addition, the RFP will identify the maximum funds available for the design and renovation of the building. The three teams are given one month to prepare their proposals. They are required to submit a base proposal based on the stated space concept and performance specifications; the teams may also submit additive or deductive alternates for any element of the building.

The analyses of the proposals by Metro will include a technical evaluation along with design review. Upon completion of this analysis, the jury will select the most appropriate proposal for contract award. Each of the three design/build teams which submit a proposal in accordance with the RFP will receive a \$25,000 honorarium. For the two unsuccessful teams, the honorarium is intended to assist in covering the costs of preparing their proposal and for the successful team the honorarium is deemed an initial progress payment. Honorariums are typical in this type of design competition and is intended to result in a higher degree of design skill.

RECOMMENDATION:

The Executive Officer and the Relocation Task Force recommend approval of Resolution No. 91-1505 by the Metro Council.

III. COMPETITION SCHEDULE
REVISED AND ISSUED WITH THE RFP

The following schedule will be utilized and maintained throughout the design/build competition for the Metro Headquarters Building. Modifications to the schedule, if required, shall be made by Metro by written notification to all competitors actively involved in each stage of the process.

STAGE 1: REQUEST FOR QUALIFICATIONS FOR THE METRO HEADQUARTERS BUILDING

RFQ STAGE COMPLETE

STAGE 2: REQUESTS FOR PROPOSALS FOR THE METRO HEADQUARTERS BUILDING

Competition Commencement Briefing/RFP issued	Oct. 11, 1991
Questions of Teams	Oct. 11 - Nov. 8, 1991
Submission of Design/Build Proposals	Nov. 15, 1991
Technical Evaluation of Proposals	Nov. 15 - 27, 1991
Presentations	Nov. 22, 1991
Jury Evaluation of Proposals	Nov. 22 - 27, 1991
Selection of Final Design/Build Team	Nov. 27, 1991
Notice of Conditional Award	Nov. 27, 1991
Contract Negotiations	Dec. 2-11, 1991

STAGE 3: CONTRACT AWARD FOR THE METRO HEADQUARTERS BUILDING

Design/Build Contract Award by Council	Dec. 12, 1991
Contract Execution	Dec. 13, 1991
Notice to Proceed	Dec. 16, 1991
Metro Occupancy/ Substantial Completion	Jan. 15, 1993*

*Based on Contract Duration of 396 days.

8.1 PREVAILING WAGE

Except as limited by Oregon Revised Statutes, all on-site workers shall be paid the prevailing rate of wage as required by ORS 279.350, and all other requirements of ORS 279.350 shall be complied with. The Appendix of this RFP contains the requirements of ORS 279.350, including the existing prevailing rate of wage which may be paid to on-site workers in each trade or occupation required to perform the Work, either by the contracting entity of the design/build team or its Subcontractors or any other person doing or contracting to do the whole or part of the Work contemplated by the Design/Build Contract, and such on-site workers shall not be paid less than such specified minimum hourly rate or wage.

ARTICLE 9

9.1 All design/build teams are required to comply with Metro's Disadvantaged Business Program. Copies of the Metro Code Section containing the provisions of this Program will be provided to all design/build teams.

INVITATION TO PROPOSE

for the

METRO HEADQUARTER BUILDING

Metro invites the three selected design/build teams to participate in the Request For Proposal (RFP) stage of the Metro Headquarters Building Design/Build Competition. The three teams will be given the RFP and allowed five weeks to prepare their proposal for the design and renovation of the former Sears Building into a new Metro Headquarters Building. Metro will select the proposal which best meets the criteria established for evaluation and intends to execute a Design/Build Contract with the successful team.

The work contemplated by the RFP includes the construction of core and shell, site work, and tenant improvements, complete architectural and engineering for such design, complete construction management services for such work, the procurement of all necessary permits, licences and special inspections and testing and all other items incidental to such work necessary to bring about a completely functional and fully renovated Metro Headquarters Building.

Each proposal must meet the requirements of this RFP and should be accompanied by proposal security in the form of a bid bond, certified check or cashier's check for 2% of the Proposal Amount. The successful Proposer will be required to furnish Performance and Payment Bonds as indicated by the RFP and to comply with all provisions of ORS 279.350 regarding prevailing wage rates.

All design/build teams are required to comply with Metro's Disadvantaged Business Program. Copies of the Metro Code Section containing the provisions of this Program will be provided to all design/build teams.

Metro reserves the right to reject any or all Proposals not conforming to the intent and purpose of the RFP, to waive any informality or irregularity in any Proposal, and to, for good cause, reject any or all Proposals upon a finding by Metro that it is in the public interest to do so.

Upon selection of the preferred proposal by Metro, each team submitting a complete proposal in accordance with the RFP document will be paid an honorarium of \$25,000. For the winning team, this payment shall be deemed an initial progress payment of the compensation otherwise due the design/build team in accordance with the terms and conditions of the subsequently executed Design/Build Contract. For the losing teams, this payment is intended to cover some portion of the expense occasioned by the design/build team in preparing their Proposal. Acceptance of the Honorarium by any design/build team constitutes a waiver by that design/build team of any claim for additional compensation for services rendered as a result of preparation of the Proposal. Any proposal rejected by Metro for not complying with the rules and regulations of the RFP shall automatically disqualify the proposing design/build team from the \$25,000 honorarium to be awarded to each participating team.

A mandatory single open session will commence the RFP stage of the competition. At this session, each of the three selected design/build teams will be given the RFP and will be briefed by Metro of competition procedures and requirements. A site visit to the former Sears building will conclude the session.

DESIGN/BUILD CONTRACT
FOR THE
METRO HEADQUARTERS BUILDING

This Design/Build Contract is by and between

hereinafter called Contractor, and the Metropolitan Service District, a political subdivision of the State of Oregon, hereinafter called Metro.

Contractor and Metro agree as follows:

1. Contract Documents

The contract documents consist of this Design/Build Contract, the Request for Proposals, the Invitation to Propose, the Instructions to Design/Build teams, the Competition Schedule, the Proposal Forms, the Performance Bond, the Payment Bond, other sample response and contract forms, Existing Conditions, the General Conditions, the Supplementary Conditions including Division I, the Contract Performance Specifications, the Metro Headquarters Project Building Program, the Concept Design Drawings, Mechanical Electrical Design/Build Specifications, and any modifications of any of the foregoing in the form of Addenda, Clarifications, or Change Orders in accordance with the terms of this contract. Where applicable, reference to this Design/Build Contract herein shall be deemed to refer to all of the Contract Documents.

2. Scope of Work

Contractor agrees to provide all labor, tools, equipment, machinery, supervision, transportation, permits and every other item and service necessary to perform the Work described in the Contract Documents, incorporated herein by reference. Contractor agrees to fully comply with each and every term, condition and provision of the Contract Documents.

3. Contract Amount

As consideration for Contractor's performance hereunder, Metro agrees to pay Contractor the Contract Amount as adjusted by approved Change Orders issued pursuant to the Contract Documents. Contractor agrees to accept the Contract Amount as full payment for Contractor's performance of the above-described Work.

The Contract Amount is

_____ and _____/100th DOLLARS (\$_____).

Metro shall make payments to Contractor in the manner and at the times provided in the Contract Documents.

4. Additional or Deleted Work

Contractor shall, when so instructed by Metro under the procedures of the Contract Documents, perform additional Work or delete Work in accordance with the Contract Documents. When applicable, Unit Prices shall determine the value of additional or deleted work. When Unit Prices are not applicable, the increase or decrease in the Contract Amount shall be determined pursuant to the applicable provisions of the Contract Documents.

5. Time of Completion; Liquidated Damages

Time is of the essence of this Design/Build Contract. Contractor shall bring the work to substantial completion within the Contract Time as set forth in the Supplementary Conditions of the Contract Documents. The Contract Time shall commence upon issuance of the Notice to Proceed. By executing this Design/Build Contract, Contractor confirms and accepts that the Contract Time is a reasonable period for performance of all of the Work.

Should the Contractor fail to substantially complete the Work, as determined by Metro in accordance with the Contract Documents, within the Contract Time, Contractor shall be liable for liquidated damages to Metro as described in the Contract Documents.

6. Bonds

Contractor submits herewith a Performance Bond and a separate Payment Bond, both in a form acceptable to Metro and otherwise in accordance with the Contract Documents and each in the amount described in ARTICLE 7 of the Instructions to Design/Build Teams. The Performance Bond shall stay in force for a period of one (1) year after written acceptance of the Work by Metro as a guarantee of repair or replacement of any item(s) of work found to be defective by reason of faulty workmanship or defective materials. The Payment Bond shall remain in force for the time required for actions against the bond to be filed in accordance with ORS 279.536.

7. Laws of Oregon Apply

The laws of Oregon shall govern the interpretation and construction of this Design/Build Contract and all of the Contract Documents.

8. Entire Agreement

THIS DESIGN/BUILD CONTRACT SIGNED BY BOTH PARTIES AND SO INITIALED BY BOTH PARTIES IN THE MARGIN OPPOSITE THIS PARAGRAPH CONSTITUTES A FINAL WRITTEN EXPRESSION OF ALL OF THE TERMS OF THIS DESIGN/BUILD CONTRACT AND IS A COMPLETE AND EXCLUSIVE STATEMENT OF THOSE TERMS. ANY AND ALL REPRESENTATIONS, PROMISES, WARRANTIES, OR STATEMENTS BY CONTRACTOR OR CONTRACTOR'S AGENTS THAT DIFFER IN ANY WAY FROM THE TERMS OF THIS WRITTEN AGREEMENT SHALL BE GIVEN NO FORCE AND EFFECT. THIS CONTRACT SHALL BE CHANGED, AMENDED, OR MODIFIED ONLY BY WRITTEN INSTRUMENT SIGNED BY BOTH METRO AND CONTRACTOR. THIS CONTRACT SHALL NOT BE MODIFIED OR ALTERED BY ANY COURSE OF PERFORMANCE BY EITHER PARTY.

CONTRACTOR:

METROPOLITAN SERVICE DISTRICT

By _____

By _____

Title _____

Title _____

Date _____

Date _____

STAFF REPORT

CONSIDERATION OF RESOLUTION 91-1505 FOR THE PURPOSES OF AUTHORIZING THE ISSUANCE OF THE METRO HEADQUARTERS PROJECT DESIGN/BUILD RFQ/RFP

Date: September 3, 1991

Presented by: Neil Saling

FACTUAL BACKGROUND AND ANALYSIS

At its September 12, 1991 meeting, the Metro Council is expected to approve Resolution No. 91-1494 authorizing the Executive Officer to execute a sale agreement for the Sears Building without the adjacent parking structure. Resolution No. 91-1494 also acts to exempt the Metro Headquarters Project Design/Build RFQ/RFP from the competitive bidding process. This Resolution No. 91-1505 is related and would act to authorize the issuance of the Metro Headquarters Project Design/Build RFP.

The RFP has been prepared by Metro staff and is designed to define Metro's minimum program requirements while allowing, at the same time, significant design latitude to the design/build teams. The RFP will include a basic space concept for the new Metro headquarters building and performance specifications for the mechanical, electrical and systems of the building. In addition, the RFP will identify the maximum funds available for the design and renovation of the building. The three teams are given one month to prepare their proposals. They are required to submit a base proposal based on the stated space concept and performance specifications; the teams may also submit additive or deductive alternates for any element of the building.

The analyses of the proposals by Metro will include a technical evaluation along with design review. Upon completion of this analysis, the jury will select the most appropriate proposal for contract award. Each of the three design/build teams which submit a proposal in accordance with the RFP will receive a \$25,000 honorarium. For the two unsuccessful teams, the honorarium is intended to assist in covering the costs of preparing their proposal and for the successful team the honorarium is deemed an initial progress payment. Honorariums are typical in this type of design competition and is intended to result in a higher degree of design skill.

RECOMMENDATION:

The Executive Officer and the Relocation Task Force recommend approval of Resolution No. 91-1505 by the Metro Council.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 91-1505
THE ISSUANCE OF METRO	)	Introduced by Rena Cusma,
HEADQUARTERS PROJECT	)	Executive Officer
DESIGN/BUILD RFQ/RFP)	

WHEREAS, simultaneous with this Resolution, the Metro Council is expected to approve Resolution No. 91-1494 which would authorize the execution of a sale agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and to exempt the Metro Headquarters Design/Build RFQ/RFP from the competitive bidding process; and

WHEREAS, Metro Code at Section 2.04.033 requires the approval of the Metro Council prior to the issuance of Request for Proposal, attached as Exhibit A.

BE IT RESOLVED, that the Council of the Metropolitan Service District, simultaneous with their approval of Resolution No. 91-1494, hereby authorizes the issuance of the Metro Headquarters Project Design/Build RFQ/RFP.

ADOPTED by the Council of the Metropolitan Service District this ____ day of September, 1991.

Tanya Collier
Presiding Officer

METRO HEADQUARTERS PROJECT

DESIGN/BUILD REQUEST FOR PROPOSALS SUMMARY

Issued to three selected teams only

- A. Invitation to Propose
- B. Instructions to Proposers
 - 1) Regulations of the RFP process
- C. Proposal Forms
 - 1) Proposal Price Form
 - 2) Design/Build Contract
 - 3) D/WBE Compliance Forms
 - 4) Bid Bond
 - 5) Payment & Performance Bond Forms
 - 6) Resident/Nonresident Bidder Form
 - 7) Non-collusion Affidavit
- D. General Conditions to the Contract
- E. Supplementary Conditions to the Contract
- F. Existing Building Conditions
- G. Performance Specifications
 - 1) Demolition
 - 2) Sub-Structure
 - 3) Exterior Closure
 - 4) Roofing
 - 5) Interior Construction
 - 6) Conveying Systems
 - 7) Specialties
 - 8) Equipment
 - 9) Mechanical Systems
 - 10) Electrical Systems
 - 11) Site
- H. Appendix
 - 1) Metro Headquarters Project Building Program
 - 2) Metro Disadvantaged & Women Business Program Code Section
 - 3) Concept Design Drawings
 - 4) Prevailing Wage Requirements
 - 5) Mechanical & Electrical Specifications