

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF EXEMPTING THE) RESOLUTION NO. 95-2223
PROCUREMENT OF THE CHIMPANZEE)
CLIMBING STRUCTURE AT THE METRO)
WASHINGTON PARK ZOO FROM SEALED) Introduced by
BIDS) Regional Facilities Committee

WHEREAS, Metro staff have prepared the Request for Proposals (RFP) for Design/Build of the Chimpanzee Climbing Structures at the Metro Washington Park Zoo; and

WHEREAS, the RFP is designed to select a single contractor who would be responsible for the design, fabrication and installation of the structures; and

WHEREAS, criteria which will be evaluated during the selection process include qualifications, demonstrated experience on similar past projects; proposed design and fabrication approach and cost; and

WHEREAS, the design/build procurement method has been employed successfully by Metro and is recognized as a modern and innovative contracting method; and

WHEREAS, this procurement method provides for competition in accordance with the procedures provided for in Metro Code Section 2.04.053

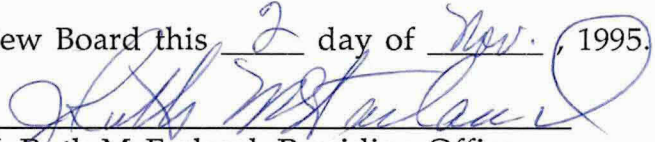
WHEREAS, the Metro Code requires that the sealed bid process be utilized for procurement of such an item unless exempted by the Metro Contract Review Board, now therefore;

BE IT RESOLVED, That the Metro Contract Review Board take the following action:

1. Adopts the findings attached as Exhibit A.

2. Exempts the chimpanzee climbing structure contract from sealed bid process pursuant to Metro Code 2.04.041 subject to the use of an RFP process consistent with the procedures provided in Metro Code Section 2.04.053.

ADOPTED by the Metro Contract Review Board this 2 day of Nov., 1995.



J. Ruth McFarland, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

Exhibit A

FINDINGS

CHIMPANZEE CLIMBING STRUCTURES DESIGN/BUILD RFP PROCESS

Metro Washington Park Zoo

As required by ORS 279.015(2)(a), Metro Contract Review Board finds that exempting the Chimpanzee Climbing Structures Design/Build Process from sealed bidding process is unlikely to encourage favoritism or substantially diminish competition because:

1. Five to six firms, located throughout the country, are recognized as experts in the specialized field of design and fabrication of equipment, including climbing structures, for chimpanzees. These firms regularly contract with zoo located around the country for such work. They are familiar with the design/build contracting method and most often work under this arrangement, thus employment of the design/build process will not diminish competition.
2. The criteria which will be utilized to select the contractor include performance-based criteria in addition to cost. The team which will select the contractor will include members of Metro's animal management and contracting staff. The decision will be based on objective criteria cited in the RFP and will not result in favoritism.

As required by ORS 279.015 (2)(a), Metro Contract Review Board finds that exempting the RFP for the Chimpanzee Climbing Structure for the Metro Washington Park Zoo from the sealed bidding process will result in substantial cost savings because:

1. The design/build process is a "fast track" method which will compress the project schedule by simultaneously selecting the design and construction services and by allowing the contractor to commence initial elements of the project such as demolition of the existing structure while the design process is initiated. Such shortening of the project schedule will reduce Metro staff time and result in cost savings.
2. The design/build process typically results in far less change orders related to faulty design because the designer and the builder are on the same team and work together on creative solutions for completing the project within budget rather than the adversarial role which is typical in the design/bid approach. Cost savings will result when design driven change orders are reduced or eliminated.

Staff Report

CONSIDERATION OF RESOLUTION NO. 95-2223 EXEMPTING THE
PROCUREMENT OF THE CHIMPANZEE CLIMBING STRUCTURES AT THE
METRO WASHINGTON PARK ZOO FROM SEALED BIDS

Date: October 6, 1995

Presented by: Sherry Sheng

Factual Background and Analysis

Metro staff have prepared a Request for Proposals for a new climbing structure to be installed at Chimp Island at the Metro Washington Park Zoo. Zoo staff, along with Administrative Services staff, recommended that a design/build proposal process be utilized for this project. This will allow the procurement of both design services along with fabrication/installation services rather than contracting independently for these two elements. Metro Code requires that a project such as this utilize the more typical sealed bid process unless an exemption is authorized by the Contract Review Board. To exempt a contract, the Review Board must find that allowing the proposal rather the sealed bid process will not encourage favoritism or substantially diminish competition and will result in substantial cost savings.

The design/build method is being recommended for several reasons. The method, which is generally recognized as a modern and innovative contracting method by other governments, is considered a "fast track" approach which will result in shortening the project's schedule. It realizes time savings by combining the procurement of both the design and the build elements and by allowing design and build activities to overlap. Cost savings naturally accrue when the project's time schedule is shortened.

In addition to a shortened project schedule, cost savings are anticipated due to the single source contract which results from a design/build approach. Typically, design errors are the responsibility of the owner under the traditional design/bid process which pits designer against builder in an adversarial role. In a design/build contract, the designer and builder are on the same team and must cooperate as they seek creative solutions. Change orders due to faulty design are non-existent.

Staff expect that the resulting climbing structure will be a better quality product by utilizing the proposal process which allows for evaluation and selection based on other factors in addition to cost. Specifically, the selection committee will review the climbing structure proposals by evaluating qualifications, demonstrated experience on similar past projects, proposed design and fabrication approach and cost. Competition among the firms which specialize in this type of work will not be lessened because of a "qualifications and cost" approach utilized in the RFP. The five to six firms recognized for their expertise in this specialized industry most often work under this type of contracting arrangement. Many if not all are expected to submit a proposal.

Lastly, the design/build procurement method has been utilized successfully in the past by Metro for both large and small contracts. The renovation of the Metro Regional Center and the mole rat exhibit at the Zoo are two examples of successful and cost effective projects which were completed by design/build contractors.

Budget Impact

Zoo staff have estimated the project will cost \$90,000 to complete. The FY 1994-95 budget included appropriations of \$70,000 from the Zoo operating fund for this project in two separate line items. Specifically, \$35,000 has been budgeted in each of the capital accounts under the line item entitled "construction work/material - building, related" in both the Facilities Management and Design Services budgets. Zoo staff expect to fund the remaining \$20,000 from cost savings realized from within those budget line items.

Recommendation

Metro staff recommend that the RFP for the Chimpanzee Climbing Structure for the Metro Washington Park Zoo be granted an exemption from the sealed bid procurement method in favor of utilizing the proposal procurement method.