

METROPOLITAN EXPOSITION-RECREATION COMMISSION

Resolution 01-10

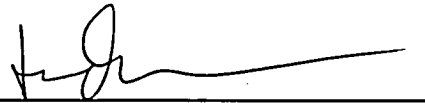
Authorizing the General Manager to enter into a Lease agreement with the Portland Development Commission.

The Metropolitan Exposition-Recreation Commission finds:

1. Lease of the Old Sizzler property from Portland Development Commission is necessary to provide construction offices and event parking for the Oregon Convention Center Expansion Project.
2. Preliminary agreement has been reached between Portland Development Commission and the expansion project to repair the facility and make it available to the Expansion Project.

BE IT THEREFORE RESOLVED that the Metropolitan Exposition-Recreation Commission authorizes the General Manager to enter into a lease agreement for the property know as "the Sizzler Property" not to exceed \$80,000.

Passed by the Commission on February 21, 2001.




Chair



Secretary-Treasurer

APPROVED AS TO FORM:
Daniel B. Cooper, General Counsel

By: 
Kathleen Pool, Senior Assistant Counsel

DRAFT
OCC Expansion Project
Performance Evaluation

As Metro's largest construction project in its history, it is critical to measure project performance.

Two formal reviews of the project will be prepared using the following criteria, one by the Advisory Committee and another by Project Managers with ZGF and Hoffman Construction.

Success factors and performance measurements include both objective and subjective measurements. In any project of this nature, opinions and personal preferences play a vital role in the look and feel of the building.

Project Management

Team Leadership: Management ability, team building, consensus building, team cohesiveness, courteous, professional, provides clear expectations, handled problems timely, honest, admit to mistake (rather than try to cover them), flexible, innovative, customer service, positive attitude, support of management, able to manage change.

Success factors and Performance Measures:

- ✓ "360" Performance evaluation results of project managers
- ✓ Documented team building exercises and results
- ✓ Meeting preparation and documentation
- ✓ Disputes and resolutions documented
- ✓ No turnover of key project staff
- ✓ No complaints from contractors, subs management of among team members regarding attitude, behavior, style, information sharing regarding project staff
- ✓ Excellent education and experience for large projects
- ✓ Weekly project team meetings are held

Team Development: Experienced team, skill development, education needs assessed and provided, intern development.

Success factors and Performance Measures:

- ✓ Experienced team
- ✓ Documented performance assessments and training provided
- ✓ Intern experiences
- ✓ Each project member attends at least 2 education/team development sessions during the project
- ✓ At least two interns are utilized on the project

Appropriate staffing: Documented staffing needs, proper utilization of consultants, developed work plans.

Success factors and Performance Measures:

- ✓ Defined expectations of roles and responsibilities and work plans for all staff
- ✓ Clear documented reasons and approval of staffing and consultants
- ✓ Documented approval authority and adherence
- ✓ Each project member has a current work plan
- ✓ Work plans are reviewed and updated at least semi-annually

Cost Management

Budget forecasts: Reconciliation between owners, architects, and contractors budget, documented negotiation of GMP, control processes in place, forecast vs. actuals comparison, reconciled differences.

Success factors and Performance Measures:

- ✓ Documented reconciliation between owners, architects, and contractor budgets
- ✓ Documented negotiation and approval of GMP
- ✓ Monthly reported of forecast vs. actuals
- ✓ Reconciled differences documented
- ✓ Actuals at or below forecasted
- ✓ Clear definitions of reimbursement cost
- ✓ Staff construction team audits of billings and other cost
- ✓ Total project cost is contained at \$116M or if more, receive appropriate and approved funding from policy makers
- ✓ All expenses are fully documented
- ✓ Monthly financial reports including original budget, updated forecast and actual to date are provided to decision makers within 20 days of month closing
- ✓ Signature authority levels are documented
- ✓ All billings are reviewed for accuracy and compliance with terms

Cost control: Project tracking systems to identify detection and mitigation of cost overruns, adherence to costs reimbursable in contract.

Success factors and Performance Measures:

- ✓ Timely payments
- ✓ Staff construction team audits of billings and other cost
- ✓ Costs within approved budget perimeters
- ✓ Documented reimbursable cost
- ✓ Easy to audit finance files
- ✓ Use of PeopleSoft FMIS
- ✓ Monthly management finance reports

Schedule Management

Development: Assure timely completion of work, assures bid packages are scheduled to allow for contingencies, evaluates forecasted and actual schedules.

Success factors and Performance Measures:

- ✓ Development of baseline schedule
- ✓ Process to review and compare actual schedule to baseline.
- ✓ Documentation that contractor schedule remains realistic and achievable
- ✓ A detailed project schedule by work element is maintained and updated weekly
- ✓ Reasons for schedule changes are fully documented and approved by appropriate policy makers

Updates: Assures proper schedule utilization.

Success factors and Performance Measures:

- ✓ Management reports are prepared monthly to policy makers and advisory committees.
- ✓ Utilization of project schedule
- ✓ Documentation and approval for schedule revisions
- ✓ Schedule development for changes in work
- ✓ Efforts to advance schedule and mitigate delays
- ✓ At least quarterly to the Council Regional Facilities Committee and MERC Commission

Compliance: Execution of project schedule

Success factors and Performance Measures:

- ✓ Major milestones met or exceeded.
- ✓ Opening date met or exceeded

Scope Management

Documentation: Scope and changes are well documented, approved, managed and controlled

Success factors and Performance Measures:

- ✓ Documented original scope
- ✓ Documentation of changes to scope and approval by stakeholders to costs and schedule
- ✓ Staff and stakeholders acceptance of finished building
- ✓ Post opening surveys of facility users and stakeholders show satisfaction with the new building

Change control plan: Process for making scope changes, assessment of scope changes being beneficial and necessary and the associated cost impact.

Success factors and Performance Measures:

- ✓ Evaluation of scope changes for the benefit with the associated cost and schedule changes
- ✓ Audit trail for tracking changes and approvals.
- ✓ Compliance with contract and architectural design
- ✓ Assurance with City requested scope changes

Risk & Safety

Risk indemnification: Formal and informal efforts to indemnify risk including nonstandard practices and causes for injury, property damage, pollution, contract non-compliance.

Success factors and Performance Measures:

- ✓ Appropriate allocation of risk
- ✓ Steps taken to identify and manage risk
- ✓ Construction phase pollution controls

Safety plan and performance: A coordinated plan between owner, architect, and contractor for assuring the project is a safe place to visit and work.

Success factors and Performance Measures:

- ✓ Documented and approved plan
- ✓ Safety presentations
- ✓ Corrective action for unsafe behavior
- ✓ Acknowledgment of safe behavior
- ✓ Zero time loss claims
- ✓ Loss ratio less than 25%
- ✓ Less than 5 third party liability claims
- ✓ No property losses
- ✓ No pollution third party claims
- ✓ Incentives/rewards are provided for good safety record

Quality Control

Assurance plan: Development of a quality assurance plan that recognizes customer satisfaction and standards are met or exceeded, recognizes prevention is better than inspection.

Success factors and Performance Measures:

- ✓ Developed and approved quality assurance plan
- ✓ Quality standards are included in plan

Documentation of results: Adherence to documentation plan, quality finishes, seamless building, approved project scope within approved budget.

Success factors and Performance Measures:

- ✓ Owners and operators quality surveys rating the quality of the project as high based on industry facility survey
- ✓ OCC staff rating of quality in project
- ✓ Advisory committee rating of quality on the project
- ✓ Users survey of the facility
- ✓ Complaints by neighbors, traffic complaints, etc

Contract management

Selection: Fair, competitive, and objectively selected contractors in accordance with MERC policies and procedures.

Success factors and Performance Measures:

- ✓ RFB/P's in accordance with MERC policy - no confirming of work already done.
- ✓ Past performance considered and documented in selecting subs by contractor.
- ✓ Documentation of rating including contractors strengths, weaknesses, safety, quality, etc
- ✓ No bid protests
- ✓ No contract claims
- ✓ Number of complaints by sub-contractors and suppliers less than 5

Contract requirements: Sufficient to hold the contractor accountable for delivery quality services and an efficient use of public funds.

Success factors and Performance Measures:

- ✓ Scope of work has clear expectations
- ✓ Clear performance measures and measurable outcomes
- ✓ Performance evaluation criteria in contract

Contract costs: Methods in place to assure fair and reasonable prices.

Success factors and Performance Measures:

- ✓ Actual cost compared to estimated cost of contract
- ✓ Payment for work actually completed
- ✓ No claims

Contractor Administration: Oversight to assure quality services and efficient use of public funds.

Success factors and Performance Measures:

- ✓ Performance measured by how well expectations are met - quantity, quality, timeliness
- ✓ Periodic review to assure corrective action in timely manner as needed
- ✓ Monthly status reports to management about performance
- ✓ Documented progress payment process
- ✓ Documented and approved change order process
- ✓ Performance is measured and reported at contract closure
- ✓ GMP Post-Project Evaluation as defined in ORS 279.103 within established time period

Communication Plan

Construction meetings: Documented plan with project team leaders, architect, contractor, sub-contractors and suppliers. Weekly meetings with project team.

Success factors and Performance Measures:

- ✓ Weekly
- ✓ Agendas
- ✓ Meeting minutes
- ✓ Informative
- ✓ Performance reports

Expansion Advisory meetings: Documented communication with advisory team covering major issues with construction. Monthly meetings with expansion committee.

Success factors and Performance Measures:

- ✓ Monthly
- ✓ Agendas
- ✓ Meeting minutes
- ✓ Progress reports
- ✓ Financial reports
- ✓ Quality
- ✓ Performance reports
- ✓ Variance/exception reports
- ✓ 80% attendance level by committee members
- ✓ All meeting materials prepared ahead of meeting and made available to members at least 2 days before meeting

Public Officials: Knowledgeable Public Officials - no big surprises.

Success factors and Performance Measures:

- ✓ Quarterly MERC Briefings
- ✓ Metro Council Briefings as requested by at minimum twice annually
- ✓ Individual public officials as requested in a timely manner
- ✓ Approve all policy decisions

Public in General: Documented plan to let public participate in the construction project.

Success factors and Performance Measures:

- ✓ Documented plan
- ✓ Internet hits
- ✓ Successful events for milestones including positive press i.e. groundbreaking, grand opening, etc

Document Management

Document Management: A written record of all aspects of the construction project from conception through project closeout.

Success factors and Performance Measures:

- ✓ Support documents related to scope, schedule, and budget
- ✓ Support documents related to changes in scope, schedule, and budget
- ✓ RFP/B's and all support documents related to the selection of contractors and consultants
- ✓ Contracts and support for change orders (Official contract file kept at Metro)
- ✓ Correspondence
- ✓ History of hearings, briefings, committee minutes, etc
- ✓ Commissioning efforts
- ✓ Operating manuals
- ✓ Easy to understand filing system including in file system index
- ✓ Safely stored in file cabinets

Crisis Management

Crisis Management: Ability to handle a crisis without embarrassing press coverage

Success factors and Performance Measures:

- ✓ Crisis management plan and documentation
- ✓ Emergency phone numbers
- ✓ At least one, table-top practice and documentation
- ✓ Crisis communication plan
- ✓ Documented training

Diversity

Diversity: Assure that minorities and women have an opportunity to participate in the expansion of OCC.

Success factors and Performance Measures:

- ✓ Percentage of minority and women on the administration staff
- ✓ Percentage of minority and women in the workforce program: minimum goal 20% of apprentices
- ✓ Percentage of MBE, WBE, and ESB contractors on project
- ✓ All contractors and subcontractors are EEO certified with the City of Portland

Lessons Learned

Lessons Learned: A complete set of documents discussing what worked well and not so well is needed for Phase 3. Successes can be repeated and mistakes can be avoided in the future.

Success factors and Performance Measures:

- ✓ Completion of GM/GC advantages/disadvantages report for Council
- ✓ Documentation of contractual requirements useful and additional ones needed
- ✓ Project managers report on lessons learned
- ✓ Contractors report on lessons learned
- ✓ Architects report on lessons learned
- ✓ Advisory Committee reports on lessons learned

Sustainability

Sustainability: Documentation of sustainability efforts analyzed and accepted or rejected.

Success factors and Performance Measures:

- ✓ Documentation of sustainability efforts considered
- ✓ Documentation on those rejected and why
- ✓ Documentation on efforts accepted and why
- ✓ Commissioning results of sustainability efforts

Owner Controlled Insurance Program

OCIP - Metro is providing and controlling the insurance for this project

Success factors and Performance Measures:

- ✓ Project insurance savings
- ✓ Loss ratio under 25%
- ✓ No time loss claims

- ✓ No general liability claims
- ✓ No property claims
- ✓ Insurance savings of \$500,000 from bid deducts.

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF EXEMPTING) RESOLUTION NO. 01-____
THE CM/GC CONTRACT FOR THE)
OREGON CONVENTION CENTER) Introduced by Mike Burton
EXPANSION PROJECT FROM THE) Executive Officer
REQUIREMENT TO HAVE A)
PERFORMANCE AND PAYMENT)
BOND)

WHEREAS, ORS 279.033 provides for the contract review board to exempt the requirement in a contract to have a performance and payment bond; and

WHEREAS, Hoffman Construction is a long standing company in the State of Oregon, with an excellent performance record and is in sound financial condition with an excellent credit rating; and

WHEREAS, Hoffman Construction will provide a letter of credit and a corporate guarantee that it will perform and pay sub-contractors and suppliers; with the letter of credit in a form approved by the Office of General Counsel, and

WHEREAS, savings of \$200,000 are gained by exempting the performance bond and accepting the letter or credit.

BE IT RESOLVED:

That the Metro Council, acting as the Contract Review Board, exempts the Hoffman CM/CG contract as adopted by the MERC Commission from the requirement to have a performance and payment bond.

ADOPTED by the Metro Council this _____ day of _____, 2000.

David Bragdon, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

STAFF REPORT

FOR THE PURPOSE OF EXEMPTING THE CM/GC CONTRACT FOR THE OREGON CONVENTION CENTER EXPANSION PROJECT FROM THE REQUIREMENT TO HAVE A PERFORMANCE AND PAYMENT BOND.

Date:

Presented by: Scott Moss

PROPOSED ACTION

Adopt Resolution No. 01-____ exempting the CM/GC contract with Hoffman Construction for the OCC Expansion project from the requirement to have a performance and payment bond.

EXISTING LAW

ORS 279.033 authorizes the local contract review board to exempt certain contracts or classes of contract from the requirement that a good and sufficient bond be furnished to assure performance of the contract and payment of obligations incurred in the performance.

FACTUAL BACKGROUND AND ANALYSIS

Under the CM/GC contract approved by the MERC Commission, Hoffman Construction, can submit for reimbursement the cost of the performance bond. Hoffman Construction reports the \$98.5 million bond to cost \$320,000.

The bond covers the faithful performance of Hoffman to complete the project and pay all subcontractors and suppliers.

Project managers propose waiving the bond and requiring a letter of credit from Hoffman in the amount of \$12 million dollars and a corporate guarantee to faithfully perform and pay all subcontractors and suppliers. The letter of credit cost \$120,000 and must be in a form approved by the Office of General Counsel.

The OCC Expansion Advisory Committee endorses this approach.

Arguments in favor of waiving the bond:

- ◆ Hoffman Construction has been in business in Oregon for 80 years and has successfully completed several large construction projects for Metro.
- ◆ Hoffman Construction is in a strong financial condition according to their confidential financial statements as reviewed by Metro finance staff. Furthermore, Hoffman's credit rating is excellent.

- ◆ Funds are budgeted for sub-contractors to have performance bonds.
- ◆ A \$12 million dollar letter of credit covers the majority of risk associated with Hoffman not being able to complete the project.

Arguments against waiving the bond:

- ◆ An unexpected financial hardship could impact Hoffman Construction to the point they could not complete the project.
- ◆ Through fraud or mismanagement, Hoffman may not pay sub-contractors and suppliers.
- ◆ Metro is obligated to pay sub-contractors and suppliers even if payments have been made for their services to Hoffman.

BUDGET IMPACT

Exempting the performance bond and requiring the letter of credit saves the project \$200,000.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 01-_____.

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