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**Board of Commissioners Special Meeting
Local Contract Review Board
and Public Hearing**

Wednesday, September 8, 2021 at 6:00 pm

Public Meeting Access – Remote Only

Join online: <https://meetings.ringcentral.com/j/1489432320>

or

By phone: 1-623-404-9000

Meeting number: 148-943-2320

AGENDA

CALL REGULAR MEETING TO ORDER

Voice Roll Call

1.1 Convene Local Contract Review Board (LCRB)

- a. Open public hearing on the approval of draft findings for an exemption from competitive bidding, as required under ORS 279C.335, for the use of alternate procedures allowed under ORS 279C.400 Competitive Proposals in contractor selection for the construction of a new administrative and field operations facility.
- b. Adopt Resolution 2021-13, Declaring an Exemption from the Competitive Bidding Process and Authorizing Public Improvement Procurement by Competitive Proposals.

2. ADJOURN LOCAL CONTRACT REVIEW BOARD AND THE BOARD OF COMMISSIONERS SPECIAL MEETING

POSTED FRIDAY, SEPTEMBER 3, 2021 PER REQUIREMENTS.

The meeting site is accessible to persons with disabilities. Requests for an interpreter for the hearing impaired should be directed to Kim Anderson at 503-761-0220 or kanderson@sunrisewater.com at least 48-hours in advance.

SUNRISE WATER AUTHORITY

SPECIAL BOARD MEETING

September 8, 2021

SUBJECT Conduct Public Hearing on Draft Findings for Use of Alternative Contractor Selection for the Construction of the New Facility and Adopt Resolution 2021-13 Authorizing Such Use

BOARD ACTION REQUESTED	Convene Local Contract Review Board (LCRB) and conduct Public Hearing on Draft Findings for Use of Competitive Proposal Process in Contractor Selection for the Construction of the New Facility. Adopt Resolution 2021-08 Authorizing Use of Competitive Proposal Process in Contractor Selection for the New Facility
EFFECTIVE DATE	September 8, 2021

PRINCIPAL STAFF PERSON Wade Hathhorn, General Manager

DOCUMENTS ATTACHED Resolution 2021-13 Authorizing the Use of Competitive Proposal Process in the Contractor Selection for the Construction of New Facility.

Agenda Summary

BACKGROUND Sunrise is in the process of preparing for the construction of a new administrative and field operations facility. Because of the technical elements within the main building’s design, Sunrise desires to seek qualified contractors with specialized expertise involving mixed steel, concrete, and cross-laminated (mass) timber construction. In order to do so, Sunrise is looking to use an alternative form of contractor selection known as Competitive Proposals (ORS 279C.400) that allows for contractor selection based on experience and other related factors, along with price, in awarding a successful bid.

ANALYSIS The law allows for exceptions/exemptions to be made in such cases where an alternative delivery approach will likely result in substantial cost savings and other substantial benefits to the agency (see ORS 279C.335), provided the exemption is unlikely to encourage favoritism. In doing so, the Board must document draft findings in support of that decision and present those findings to the Local Contract Review Board (LCRB). This action took place on August 25, 2021 at the Board’s regular meeting.

The LCRB is then required to notice and conduct a Public Hearing for the purpose of taking comment on those findings prior to adoption. The notice of that hearing must be published at least 14-days in advance. Such notice was published in the Daily Journal of Commerce on August 23 and 25, 2021.

Copies of the draft findings were available to the public upon request.

The LCRB must now conduct the required the Public Hearing and consider adoption of the findings in Resolution 2021-13.

OPTIONS

Approve or Amend Resolution 2021-13 as presented

**STAFF
RECOMMENDATION**

1. (Pending Public Comment) Adopt Resolution 2021-13 Authorizing Use of Competitive Proposal Process for Contractor Selection for Construction of the Sunrise Administrative and Field Operations Facility.



RESOLUTION 2021-13

A RESOLUTION OF THE LOCAL CONTRACT REVIEW BOARD DECLARING AN EXEMPTION FROM THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING PUBLIC IMPROVEMENT PROCUREMENT BY COMPETITIVE PROPOSALS

WHEREAS, the Board of Commissioners of Sunrise Water Authority is the Local Contract Review Board and is hereby acting in that capacity; and

WHEREAS, Sunrise Water Authority desires to obtain a properly qualified contractor for the construction of the new administrative and field operations facility, while preserving competition within the market place and avoiding undue favoritism; and

WHEREAS, ORS 279C.335 and ORS 279C.400 authorize the Local Contract Review Board to provide for procurement of construction services by competitive proposals if the Local Contract Review Board determines in writing that the requirements for authorizing this alternate project delivery are met; and

WHEREAS, Staff has submitted written findings (Exhibit A) to support a competitive bidding exemption and the Local Contract Review Board has allowed for the required input in a Public Hearing held on September 8, 2021.

THEREFORE, BE IT RESOLVED:

- (1) Pursuant to ORS 279C.335 and ORS 279C.400, the Local Contract Review Board hereby adopts Staff's Written Findings (attached hereto as Exhibit A) to support a competitive bidding exemption and authorizes contractor procurement by Competitive Proposals in the construction of the new administrative and field operations facility.
- (2) The use of the Competitive Proposal Process is unlikely to encourage favoritism or substantially diminish competition because the request for proposals will be advertised and interested qualified contractors will be eligible to submit a proposal.
- (3) The Local Contract Review Board further finds that granting the exemption will likely result in substantial cost savings and other benefits to the public.

APPROVED and ADOPTED this 8th day of September, 2021.

SUNRISE WATER AUTHORITY ACTING AS THE LOCAL CONTRACT REVIEW BOARD

Chris Hawes, Chair

Kevin Bailey, Secretary

EXHIBIT A: FINDINGS

The Sunrise Water Authority Board of Commissioners acting as the agency's Local Contract Review Board, hereby finds that the use of an alternative form of contractor selection for the construction of the new administrative and field operations facility will:

1. Unlikely Encourage Favoritism or Substantially Diminish Competition (ORS 279C.335(2)(a)): the agency intends to use an approved one-step selection process involving Competitive Proposals, as prescribed under ORS 279C.400 and OAR 137-049-0640. By doing so, the solicitation will remain open to all qualified firms doing business in Oregon, subject to expanded competition based on price, relevant experience, and other noted factors.
2. Lead to Substantial Cost Savings and Other Benefits (ORS 279C.335(2)(b)) based on the following:
 - a. Special Expertise: the use of the proposed alternative contractor selection method allows the agency to acquire the specialized expertise it requires for this project involving mixed steel, concrete and cross-laminated timber (CLT) construction.
 - b. Reduce Risks: the use of the proposed alternative contractor selection method will also reduce the risks of change orders and cost overruns.
 - c. Prior Success: Sunrise has significant prior experience in completing other technical projects using similar alternative contracting methods, notably Reservoir 10, the membrane expansion at the NCCWC water treatment plant, Pump Station 15, and most recently Reservoir 11. In all those prior experiences, the agency achieved substantial benefit through significant control in schedule and costs resulting from the selection of qualified contractors possessing the appropriate experience to successfully complete the technical elements of each project(s).