

EXHIBIT B TO BOARD RESOLUTIONS

PROPOSED FINDINGS PURSUANT TO ORS 279C.335 AND OAR 137-049-0610, -0620, -0630, and -0690 BY THE PORT ORFORD LANGLOIS SCHOOL DISTRICT 2CJ MODERNIZATION PROJECTS

On April 10, 2024, the Port Orford Langlois School District 2CJ (the “District”) requested an exemption from the competitive bidding requirements of ORS Chapter 279C.335(1) pursuant to ORS 279C.335(2) for a class of school construction projects, known as Port Orford Langlois School District Remodel and Modernization Projects, by the District to enable it to utilize an alternative contracting method for construction of these Projects. The specific alternative contracting method which the District wishes to utilize for the class of contracts is a Construction Manager | General Contractor (CM|GC) selection process. The District reserves the right to contract all class Projects with a single CM|GC contractor through a single solicitation, or to procure one or more CM|GCs through one or more solicitations.

The Class is described as the construction projects at the locations identified below (each, a “Project”). The Projects in the Class share the common characteristics of being Capital Construction including remodeling and modernization to Driftwood Elementary School and remodeling, modernization and addition to Pacific High School, requiring integration with existing building facilities and the need to develop scopes and schedules that avoid unnecessary disruption of school operations. The Projects included within this Class those projects funded through various District funds and grants:

- Driftwood Elementary School Remodel and Modernization Project
- Pacific High School Remodel and Modernization Project

Approving exemption of this Class from the competitive bidding requirement of ORS 279C.335 will benefit the District by allowing for utilization of the CM|GC procurement process, and the resulting benefits to the District outlined in the below findings, including allowance for value engineering, cost estimating, schedule development, phasing, constructability, integration with existing facilities, safety, and consideration of staff and community input, by and with the CM|GC contractor during each of the design phases. These enhancements are likely to promote the efficient use of the public funds.

ORS 279c.335(2)(b)-- In approving a finding under this paragraph, the...the local contract review board shall consider the type, cost and amount of the contract...

OAR 137-049-0630 Descriptions. Findings supporting a competitive bidding exemption must describe with specific any Alternative Contracting Method to be used in lieu of competitive bidding, including, but not limited to, whether a one-step (request for Proposals), two-step (beginning with a Request for Qualifications, followed by a request for Proposals) or other solicitation process will be utilized. The Findings may also describe anticipated

characteristics or features of the resulting Public Improvement Contract. However, the purpose of an exemption from competitive bidding is limited to a determination of the Procurement method. Any unnecessary or incidental descriptions of the specific details of the anticipated Contract within the supporting Findings are not binding upon the Contracting Agency. The parameters of the Public Improvement Contract are those characteristics or specifics that are announced in the Solicitation Document.

The Board is requested to approve the following findings:

The Port Orford Langlois School Board, having considered the evidence at the public hearing concerning this request, finds:

1. The Port Orford Langlois School District is a local government body organized and existing under the laws of the State of Oregon.
2. The Port Orford Langlois School Board is the local contract review board for the Port Orford Langlois School District.

With regarding to ORS 279C.335, the Port Orford Langlois School Board has considered the following in its decision to exempt the Project from competitive bidding and use the CM|GC method:

- a. The exemption is unlikely to encourage favoritism in the awarding of the public improvement contract or substantially diminish competition for the public improvement contract.

Analysis: The Port Orford Langlois School Board will select one or more CM|GC through a competitive request for proposals process that fosters competition and focuses on delivering value to the Port Orford Langlois School District with no favoritism through an objective point-scoring system. The Port Orford Langlois School District will administer an openly-advertised CM|GC process in a manner that will attract competition.

"Subcontractable" work will be procured by the CM|GC firm, with the oversight of the Port Orford Langlois School District through a bid process. Should the CM|GC firm choose to bid any of the subcontractable work, then bids will need to be submitted to the Port Orford Langlois School District or an independent third party a minimum of 2 hours prior to bid closing.

Finding: The process used by the Port Orford Langlois School District makes the exemption unlikely to encourage favoritism in the

awarding of the Projects or substantially diminish competition for the Projects.

- b. Awarding a public improvement contract under the exemption is likely to result in substantial cost savings and other substantial benefits to the Port Orford Langlois School District.

Analysis:

- i. Public benefits

The renovated Port Orford Langlois School District facilities will facilitate better working environments, providing safer and more efficient buildings. The CM|GC will help to maximize the quality and amount of construction items that can be delivered, within budget, and on schedule.

- ii. Value engineering

The CM|GC process provides many benefits and opportunities for cost savings. During the preconstruction phase, the CM|GC will be evaluating the budget and making suggestions for cost-saving changes and value enhancements. The CM|GC will evaluate major systems and make design recommendations to the project team about which systems are most cost-effective. Use of the CM|GC process will likely result in substantial benefit to the Port Orford Langlois School District by facilitating and coordinating the most efficient use of limited project funds.

The CM|GC also identifies whether project sequencing is viable and design elements can be built as drawn. All of these beneficial actions by

the CM|GC will improve design, expedite construction and eliminate the potential for costly change orders. The benefits of value engineering are not available with the low bid process.

Findings Under ORS 279C.335(2)(b)

Information related to each of the requirements of ORS 279C.335(2)(b) is as follows:

- (A) How many persons are available to bid.

Information considered by the Port Orford Langlois School District:

The CM|GC will be selected through a competitive Request for Proposal (RFP) process. The notification of will be publicly advertised in a state-wide trade newspaper. A review committee will screen and rank proposals based on the criteria described in the request for proposal. Based upon the ranking, one or more proposers may be selected for interview. It is anticipated there are multiple qualified contractors available to propose on this project.

- (B) The construction budget and the projected operating costs for the completed public improvement.

Information considered by the Port Orford Langlois School District:

The total construction budget is approximately:

- Driftwood Elementary School \$1,000,000
- Pacific High School \$1,000,000

- (C) Public benefits that may result from granting the exemption.

Information considered by the Port Orford Langlois School District:

The new Port Orford Langlois School District facilities will facilitate better working environments, providing safer and more efficient buildings. CM|GC will help to maximize the quality and amount of construction items that can be delivered, within budget, and on schedule.

- (D) Whether value engineering techniques may decrease the cost of the public improvement.

Information considered by the Port Orford Langlois School District:

During the design phase prior to material and subcontractor bidding, the CM|GC will provide value engineering and update cost estimate information. This engineering and cost estimate will assist final decision-making about the project scope, product quality and material finish. Using a CM|GC will allow more flexibility to develop, evaluate, and implement design changes with less impact on construction cost and time. In the event fast track construction is necessary, the CM|GC process provides an appropriate means of managing fast track construction with an agreed completion date and a guaranteed maximum price for the construction.

Use of the CM|GC process will likely result in substantial cost savings by minimizing costly change orders through CM|GC value engineering, constructability review, scheduling, and estimating during the design process.

Use of the CM|GC process will likely result in substantial cost savings through efficiencies gained from having only one general contractor on the site, thereby reducing the need for additional job site conditions from multiple general contractors.

Use of the CM|GC process will likely result in substantial benefit to the Port Orford Langlois School District by facilitating and coordinating the most efficient use of limited bond funds.

- (E) The cost and availability of specialized expertise that is necessary for the public improvement.

Information considered by the Port Orford Langlois School District:

The contractor ultimately selected as CM|GC will be required in the RFP process to demonstrate experience and expertise in providing CM|GC services to public and/or private organizations. The contractor will also be required to have thorough knowledge of construction and improvements of similar building type and function. The CM|GC firm is hired at the beginning of the project to assist with master planning, design considerations, administrative coordination, scheduling, budget estimating, constructability review, and value engineering.

- (F) Any likely increases in public safety.

Information considered by the Port Orford Langlois School District:

All work during the construction will be done in accordance with OR-OSHA safety regulations. The CM|GC selected will be required to be highly qualified and capable and show evidence of construction safety practices that are at the highest level of integrity. Staff safety is of utmost importance during construction. The CM|GC's input into construction sequencing can reduce issues related to safety.

- (G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement.

Information considered by the Port Orford Langlois School District:

The project includes technical and logistical complexities, the risks of which will be addressed with the CM|GC firm working with the Port Orford Langlois School District and the architect to solve specific challenges identified during the pre-construction phase. Technical complexity relates to planning and coordinating the various components of the project for safety, schedule and

budget. The project includes a limited budget as well as limited construction time. Construction may not interfere with staff working on site.

- (H) Whether granting the exemption will affect the sources of funding for the public improvement;

Information considered by the Port Orford Langlois School District:

Funding for this project is provided through general funds, grants, and funding sources. The CM|GC method of contracting provides cost controls for limited budgets and therefore benefits the Port Orford Langlois School District. The team approach, the schedule, the value analysis, and constructability reviews provide the ultimate in effective cost analysis.

- (I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement.

Information considered by the Port Orford Langlois School District:

The CM|GC contracting process is a modern construction delivery method used by both public and private organizations. The CM|GC is tasked with keeping the project team up-to-date on the latest construction techniques and products. The CM|GC will inform the project team of current market conditions, labor and materials availability, and construction methodologies that can reduce design and construction time and costs.

- (J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement.

Information considered by the Port Orford Langlois School District:

The project must be delivered within strict technical and logistical parameters. The CM|GC firm will work with the Port Orford Langlois School District and the architect to solve specific challenges identified during the pre-construction phase. Technical complexity relates to planning and coordinating the various components of the project for safety, schedule and budget. The project includes a limited budget as well as limited construction time.

- (K) Whether the public improvement involves new construction or renovates or remodels an existing structure.

Information considered by the Port Orford Langlois School District:

The type of projects are similar and are described as renovation of existing buildings.

- (L) Whether the public improvement will be occupied or unoccupied during construction.

Information considered by the Port Orford Langlois School District:

Depending upon the project will either be both occupied and unoccupied during the work.

- (M) Whether the public improvement will require multiple phases to address specific project conditions; **and**

Information considered by the Port Orford Langlois School District:

The Projects will consist of multiple bid projects for the various scopes of work over the 2024, 2025, and possibly 2026 summer construction seasons to address specific project conditions.

- (N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

Information considered by the Port Orford Langlois School District:

Yes, the Port Orford Langlois School District working with an Owner's Representative and

design firm (s) that have extensive experience with the CM|GC delivery method. The Port Orford Langlois School District is also proactively working with consultants experienced in construction and with CM|GC, design-build, and alternative contracting methods. The Port Orford Langlois School District intends to retain such consultants as may be necessary to affect the Project.