

**ESTACADA SCHOOL DISTRICT  
BOARD AGENDA  
SUPPORTING DOCUMENT**

**Regular Meeting of January 13, 2022**

**ITEM : FINDING OF FACTS**

**PREPARED BY: Mike Waer and Christina Weinard**

**TYPE OF ITEM: ACTION ITEM**

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**BACKGROUND INFORMATION:**

In May 2021, Estacada School District (hereafter referred to as “District”) received a Seismic Rehabilitation Grant from the Oregon Infrastructure Finance Authority of the Business Development Department for the River Mill Elementary School. The total grant award was \$1,928,855. Planning and design is currently underway for the project.

Construction activities will take place within the existing elementary school building. The seismic rehabilitation will be performed on an existing building dating from 1966, with a high degree of “*unknowns*” in the structure. Construction will occur during extremely volatile and uncertain economic conditions within the construction industry.

In consideration of these facts, an alternative method of construction should be considered; therefore under the Oregon Statutes and based upon the following findings, the District’s Board of Directors is authorizing the use of Construction Management/General Contractor (CM/GC) method of construction contracting.

The guiding applicable statute is ORS 279C.335 which requires, with certain exemptions, that all public contracts be based on competitive bidding and be awarded to the lowest responsive and responsible bidder. ORS 279A.060, ORS 279C.335(2) and ORS 279.330 permit the District’s Board of Directors to act as the public contract review authority and to grant, under certain conditions and upon certain findings, specific exemptions from the requirement for competitive bidding.

Use of the CM/GC method to construct the District’s project will: (a) result in substantial costs savings and reduce risk to the District; (b) allow the District to select a contractor with the specialized expertise required; (c) benefit the public by improving safety and coordination during construction; and (d) not encourage favoritism or diminish competition.

1. **Finding:** The CM/GC method will result in substantial savings and reduced financial risk to the District. Reduced risk provides a significant value and potential savings.
2. **Finding:** The CM/GC method is necessary to take advantage of specialized expertise of the contractor.
3. **Finding:** The CM/GC process will result in improving public safety during construction activities.
4. **Finding:** There will be no impact to the funding source as a result of this exemption.
5. **Finding:** The competition will not be inhibited, nor will favoritism be encouraged as a result of this exemption. The CM/GC will be selected through a competitive negotiation process in accordance with the cost and qualification-based process authorized by the District’s Board of Directors.

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6. **Finding:** There will be no adverse impact on the operation, financial or budget if this exemption is provided. Whether this project is secured through a traditional design-bid-build method or through the CM/GC process, the operational, financial and budgetary impact will be the same – other than the potential savings mentioned in the Finding #1. More importantly, there will be no adverse impact on operations, financial or budgetary data through the use of the CM/GC process.

This Finding of Facts was released to the public in December, 2021, by WRK Engineers. No public comments were received or recorded.

**FINANCIAL INFORMATION: Not Applicable**

**RECOMMENDATION: To approve the WRK Engineers to proceed with the GM/GC method, for the River Mill Elementary Seismic Rehabilitation Project.**