
**ALTERNATE CONTRACTING METHOD APPROVAL - PUBLIC HEARING AND
AWARD OF CONTRACT****POLICY ISSUE / SITUATION:**

All five District high schools have artificial turf football fields which were installed over the past 10 years. The turf at both Westview HS and Southridge HS, installed in 2006, is prematurely failing due to a manufacturing problem that occurred on many fields during the 2006–2007 timeframe. There is an urgent need to replace the artificial turf on these two fields due to safety concerns. Staff is requesting authority to utilize the sole source alternative contracting method.

BACKGROUND INFORMATION:

It was determined that the most cost effective approach for the District to replace these fields would be to negotiate a fair and equitable settlement with FieldTurf, the original manufacturer and installer. This settlement would take into account the use of the fields that the District has experienced since 2006 versus the anticipated life of the fields i.e. ten to twelve years, and that there is only two years remaining on the eight year performance warranty.

It is estimated the cost of replacing the fields including, removal and disposal of the existing product and in fill, furnishing and installing new product and in fill, eight year bonded warranty, and football and soccer markings, would be \$450,000 per field plus any additional subgrade work or other repair work. Staff has negotiated a cost of \$275,000 per field for turf replacement for a total savings to the District of \$350,000.

It is anticipated that there will be some additional work related to grading and sub-base adjustment, additional markings, and other miscellaneous items. FieldTurf will obtain competitive quotations for these additional items of work where appropriate and provide the added costs to the District for approval and issuance of a change order to perform the work at the District's discretion.

Beaverton School District Public Contracting Rule 137-049-130 and ORS 279C.335 permits the School Board, acting as the Local Contract Review Board, to exempt specific projects from the competitive bidding requirements of ORS 279C. Staff is requesting that a sole source contract be issued to FieldTurf. FieldTurf's contract will be for a lump sum amount including a 100% Performance and Payment Bond.

BSD Public Contracting Rules require that the District create findings for the Board to consider and accept to approve this exemption. The Board is required to hold a public hearing to take comments on the draft findings for the exemption, and the District is

required to publish a notice of the hearing at least 14 days in advance of the hearing. The required notice will be published on March 24, 2012 and staff's findings for the Board's consideration are outlined in the attached staff report dated February 23, 2012.

RECOMMENDATION:

It is recommended that the School Board, acting as the Contract Review Board for the District, grant an exemption from the competitive bidding process and approve the Alternative Contracting Method of Sole Source Procurement; that the Board hold the requisite public hearing offering the opportunity for any interested party to appear and present comment at that hearing on the draft findings for this exemption; and at the conclusion of the public hearing that the Board adopts the following resolution:

(12-140) BE IT HEREBY RESOLVED that the Beaverton School District Board of Directors adopts the attached findings and grants an exemption for competitive bidding for use of a sole source process for construction of the Westview HS and Southridge HS turf replacement projects; and further approves an advanced authorization to enter into a contract with FieldTurf in an amount not to exceed \$700,000.

PROJECT MEMORANDUM

DATE: February 23, 2012
TO: Richard Steinbrugge, P.E. Executive Administrator for Facilities
FROM: John Hartsock
SUBJECT: Exemption from Competitive Bidding for Artificial Field Turf Replacement

REQUEST: It is requested that the School Board, acting as the Local Contract Review Board for the District, grant an exemption from the competitive bidding process and approve the use of sole source procurement for the replacement of the artificial field turf at Westview HS and Southridge HS. Further that the Board hold the requisite public hearing offering the opportunity for any interested party to appear and present comment at that hearing on the draft findings for this exemption. The foregoing are in accordance with ORS 279C.335 and Beaverton School District Public Contracting Rules 137-049-130. Finally, that the Board approve an advanced authorization for the District to enter into a contract with Field Turf in the not to exceed amount of \$700,000 for the work.

SITUATION: In 2006 the District installed artificial filed turf at the Westview HS and Southridge HS football stadiums similar to the football stadiums at the three other high schools. These artificial turfs are anticipated to last ten to twelve years prior to requiring replacement. Westview HS and Southridge HS staff, in 2010, reported to Facilities that they were experiencing excessive wear on the fields, extreme loss of the grass fibers, and poor shock test results in many areas. The shock tests are a key indicator of the safety of the field relating to concussions and other sports injuries.

Facilities contacted the manufacturer, Field Turf, and after much discussion it was determined that there was a latent defect in the manufacturing of the artificial turf supplied to the District for these two fields and thus Field Turf would participate with the District in replacement of these two fields.

PROJECT APPROACH: It was determined that the most cost effective approach for the District would be to negotiate a fair and equitable settlement with Field Turf to have Field Turf replace the Westview HS and Southridge HS artificial turf fields. This would take into account the use of the fields that the District has experienced since 2006 versus the anticipated life of the fields i.e. ten to twelve years.

It should be noted that Field Turf is one of many manufacturers making artificial turf sports fields but is recognized as the leader in the field. The defect in these two fields was related to a manufacturing process which has been corrected and the company is not experiencing issues with its current products.

The District through a request for proposal process received proposals from five landscape architecture firms to assist the District in developing comprehensive plans and specifications for the project as well as assisting the District in construction administration and quality control. The firm of Cameron McCarthy from Eugene, OR was chosen based on their extensive experience in these types of projects.

District Goal for 2010-2015: All students will show continuous progress toward their personal learning goals, developed in collaboration with teachers and parents, and will be prepared for post-secondary education and career success.

The Beaverton School District recognizes the diversity and worth of all individuals and groups. It is the policy of the Beaverton School District that there will be no discrimination or harassment of individuals or groups based on race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, marital status, age, veterans' status, genetic information or disability in any educational programs, activities or employment.

It is estimated the cost of replacing the fields including, removal and disposal of the existing product and in fill, furnishing and installing new product and in fill, eight year bonded warranty, and football and soccer markings, would be estimated at \$450,000 per field plus any additional subgrade work or other repair work. Staff has negotiated a cost of \$275,000 per field for turf replacement for a total savings to the District of \$350,000.

It is anticipated that there will be some additional work related to grading and sub-base adjustment, additional markings, and other miscellaneous items. Field Turf will obtain competitive quotations for these additional items of work where appropriate and provide the added costs to the District for approval and issuance of a change order to perform the work at the District's discretion.

PROCUREMENT PLAN: Beaverton School District Public Contracting Rule 137-049-130 and ORS 279C.335 permits the Beaverton School District Board of Directors, acting as the Local Contract Review Board, to exempt specific projects from the competitive bidding requirements of BSD Public Contracting Rules and Oregon Revised Statute (ORS) 279. Field Turf's contract will be for a lump sum amount including a 100% Performance and Payment Bond for the work.

This work will be funded from savings from the 2006 General Obligation Bond which may only be utilized for capital construction projects.

BSD Public Contracting Rules and Oregon Revised Statute (ORS) 279 require that the District create findings for the Board to consider and accept to approve this exemption. The Board is required to hold a public hearing to take comments on the draft findings for the exemption, and we are required to publish a notice of the hearing at least 14 days in advance of the hearing. Following are staff's findings for the Board's consideration.

FINDINGS OF FACT – (as required by ORS 279C.335 (2) (a) (b))

1. **“It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts.”:** The sole source use of Field Turf for this procurement will not encourage favoritism nor exclude the District from competitively bidding future artificial field turf projects. This is a unique situation of remedying a latent defect in a previously purchased product and thus receiving a deeply discounted price unavailable from any other vendor.
2. **“That awarding of public improvement contracts under the exemption will likely result in substantial cost savings to the contracting agency.”:** Field Turf's proposed pricing is approximately 60% less than the normal cost of procuring this product due to their offer to remedy the latent defect issue the District has experienced. No other vendor would be willing to offer the District this level of pricing for this project.