

THREE RIVERS SCHOOL DISTRICT
ENERGY CONSERVATION PROJECTS
FINDINGS OF FACT
FINDINGS

EXHIBIT B TO BOARD RESOLUTIONS

PROPOSED FINDINGS

**PURSUANT TO ORS 279C.335 AND OAR 137-049-0610, -0620, -0630, and -0690
BY THE THREE RIVERS SCHOOL DISTRICT FOR
ENERGY CONSERVATION PROJECTS**

On February 18, 2026, the Three Rivers School District (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 projects known as the Three Rivers School District Energy Conservation Projects by the District to enable it to utilize an alternative contracting method for construction of the Project. The specific alternative contracting method which the District wishes to utilize is a Design Build selection process.

The class of projects encompasses construction activities at the locations specified below (each a "Project"). These Projects are classified as Energy Conservation Projects to upgrade Mechanical Systems, Direct Digital Controls, Lighting, and other energy consuming systems as appropriate. The Projects share the common characteristics of being funded by Grants, SB 1149 funds, ETO incentives, and other District funds described as follows:

- Illinois Valley High School
- Fort Vanoy Elementary School
- Evergreen Elementary School
- Hidden Valley High School
- North Valley High School
- Fleming Middle School
- Lincoln Middle School
- Lorna Byrne Middle School
- Applegate School
- Fruitdale Elementary School
- Madrona Elementary School
- Manzanita Elementary School
- Williams Elementary School
- Southern Oregon Success Academy
- Jerome Prairie
- District Office

Approving exemption of this Class from the competitive bidding requirement of ORS 279C.335 will benefit the District by allowing for utilization of the

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 specificity 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:

THREE RIVERS SCHOOL DISTRICT
ENERGY CONSERVATION PROJECTS
FINDINGS OF FACT
FINDINGS

The Board, having considered the evidence at the public hearing concerning this request, finds:

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

With regards to ORS 279C.335, the Board has considered the following in its decision to exempt the Project from competitive bidding and use the Design Build 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 District will select one or more Design Build firms through one of more competitive request for proposals process that fosters competition and focuses on delivering value to the District with no favoritism through an objective point-scoring system. The District will administer an openly-advertised Design Build process in a manner that will attract competition.

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

Finding: The process used by the 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 District.

Analysis:

- i. Public benefits

The renovated District facilities will facilitate better working environments, providing safer and more efficient buildings. The Design Build firm (s) will help to maximize the quality and amount of construction items that can be delivered, within budget, and on schedule.

- ii. Value engineering

The Design Build process provides many benefits and opportunities for cost savings. During the preconstruction phase, the Design Build firm will be evaluating the budget and making suggestions for cost-saving changes and value enhancements. The Design Build firm will evaluate major systems and make design recommendations to the project team about which systems are most cost-effective while being durable, long lasting and easy to maintain. Use of the Design Build process will likely result in substantial benefit to the District by facilitating and coordinating the most efficient use of limited project funds.

The Design Build firm also identifies whether project sequencing is viable and design elements can be built as drawn. All of these beneficial actions by the Design Build Contractor 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.

THREE RIVERS SCHOOL DISTRICT
ENERGY CONSERVATION PROJECTS
FINDINGS OF FACT
FINDINGS

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 District:

The Design Build firm (s) 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 District:

The total maximum allowable construction budget for the District Wide program is approximately **\$X,XXX,XXX**

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

Information considered by the District:

The upgraded District facilities will facilitate better working environments, providing safer and more efficient buildings. Design Build firm 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 District:

During the design phase prior to material and subcontractor bidding, the Design Build firm 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 Design Build firm 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 Design Build 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 Design Build process will likely result in substantial cost savings by minimizing costly change orders through Design Build value engineering, constructability review, scheduling, and estimating during the design process.

Use of the Design Build 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 Design Build process will likely result in substantial benefit to the District by facilitating and coordinating the most efficient use of limited bond funds.

THREE RIVERS SCHOOL DISTRICT
ENERGY CONSERVATION PROJECTS
FINDINGS OF FACT
FINDINGS

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

Information considered by the District:

The contractor ultimately selected as Design Build firm or firms will be required in the RFP process to demonstrate experience and expertise in providing Design Build 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 Design Build firm is hired at the beginning of the project to assist with master planning, design, administrative coordination, scheduling, budget estimating, constructability review, and value engineering.

(F) Any likely increases in public safety.

Information considered by the District:

All work during the construction will be done in accordance with OR-OSHA safety regulations. The Design Build firm (s) 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 upmost importance during construction. The Design Build firm'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 District:

The project includes technical and logistical complexities, the risks of which will be addressed with the Design Build firm working with the District to solve specific challenges identified during the pre-construction phase. Technical complexity relates to planning, design, engineering 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 District:

Funding for this project is provided through multiple funding sources. The Design Build method of contracting provides cost controls for limited budgets and therefore benefits the District. The team approach to 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 District:

The Design Build contracting process is a modern construction delivery method used by both public and private organizations. The Design Build firm is tasked with keeping the project team up-to-date on the latest construction techniques and products. The Design Build firm will inform the project team of current market conditions, labor and materials

THREE RIVERS SCHOOL DISTRICT
ENERGY CONSERVATION PROJECTS
FINDINGS OF FACT
FINDINGS

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 District:

The project must be delivered within strict technical and logistical parameters. The Design Build firm will work with the District to solve specific challenges identified during the pre-construction phase. Technical complexity relates to planning, design 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 District:

The primary scope of work at Three Rivers School District Dalles Campus involves addressing: Energy Conservation Projects consisting of upgrades to energy consuming systems such as Mechanical, Direct Digital Controls, Lighting, and other.

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

Information considered by the District:

The Project will be occupied during the work.

(M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; **and**

Information considered by the District:

The Projects may consist of multiple phases.

(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 District:

Yes, the District working with an Owner's Representative, legal counsel, and architecture firm that have extensive experience with the Design Build delivery method. The District is also proactively working with legal counsel experienced in construction and with Design Build, design-build, and alternative contracting methods. The District intends to retain such consultants as may be necessary to affect the Project.

THREE RIVERS SCHOOL DISTRICT
ENERGY CONSERVATION PROJECTS
FINDINGS OF FACT
FINDINGS

Based upon the findings set forth above, the Board, sitting as the local contract review board for the District on its request for exemption from the public contracting rules under ORS 279C.335(2), concludes:

1. Notice of public hearing was published in at least one trade newspaper of general statewide circulation a minimum of 14 days prior to the hearing.
2. A copy of the notice is attached hereto as Exhibit "A" and incorporated by this reference.
3. At the public hearing, the Board gave an opportunity for any interested party to appear and present comment.
4. Based upon the notice to the public, and the use of the Design Build process as the manner of selecting the proposed contractor for the Project, it is unlikely that an exemption from the competitive bidding requirements of the public contracting statutes will encourage favoritism in the awarding of a public contract for the Project, or substantially diminish competition for public contracts of the like nature.
5. It is reasonably anticipated that the awarding of a public contract using the alternative method of Design Build Contractor pursuant to an exemption under ORS 279C.335(2) will result in a substantial cost saving to the District by increasing the efficiency and accuracy of the contractor's performance of its work on the Project, by reducing the District's administrative costs and burden for the Project, and by reducing the time required for completion of the Project, which will allow the District to occupy the premises with minimum impact on the educational programs or operations of the District.
6. The District is granted an exemption under ORS 279C.335(2) from the competitive bidding requirements of ORS 279C.335(1) for the Project, so that it can utilize the construction manager / general contractor method as the alternative contract method.

DATED _____.

**THREE RIVERS SCHOOL DISTRICT
BOARD OF DIRECTORS**

By: _____
Its Chairperson

By: _____
Its Vice-Chairperson