

## **MOLALLA RIVER SCHOOL DISTRICT**

**RESOLUTION AUTHORIZING AN EXEMPTION FROM THE COMPETITIVE BID PROCESS AND AUTHORIZING A REQUEST FOR PROPOSAL COMPETITIVE PROCUREMENT PROCESS TO SELECT A CM/GC CONTRACTOR FOR THE MULINO ELEMENTARY SCHOOL SEISMIC REHABILITATION PROJECT (THE “PROJECT”).**

**WHEREAS**, ORS 279C.335 generally requires that all contracts for public improvements be let to the lowest responsible bidder; and

**WHEREAS**, ORS 279C.335(2) nonetheless allows certain exemptions to the general requirement for competitive bidding upon the making of certain findings by the local contract review board of a public agency; and

**WHEREAS**, by adoption of Resolution, the Molalla River School District Board of Directors (“Board”) was established as a local contract review board under former ORS 279.055; and

**WHEREAS**, after due notice, Molalla River School District staff held a public hearing on February 12<sup>th</sup>, 2026, to receive comments on the draft findings for this exemption as required by ORS 279C.335(5)(a), which draft findings were available to any interested party, and

**WHEREAS**, as stated in these findings dated January 28<sup>th</sup>, 2026 (“Findings”), technical complexities and complex time-constrained schedule associated with the Projects dictate that a contract be negotiated with a contractor for the Project which will result in increased efficiency and cost savings to Molalla River School District and will help ensure that the majority of the work of the Project is completed before the scheduled opening date for school, and

**WHEREAS**, the Project must be completed on or before the start of the 2027-2028 school year, and

**WHEREAS**, as stated in the Findings, the proposed qualifications-based Request for Proposal (“RFP”) process for selection of a contractor for the Project will not encourage favoritism in the awarding of the contract and will not substantially diminish competition for the contracts, because Molalla School District will use the alternative qualifications-based RFP method to openly procure competitive proposals from contractors, and

**WHEREAS**, the RFP process is widely used for exempted projects, for which the contracting agency believes that the technical complexity and time constraints dictate the consideration of factors such as least cost, firm and personnel experience on similar projects, adequacy of equipment, sources of supply, availability of key personnel, financial capacity, past performance, safety records, project understanding, proposed methods of construction, references, service and other related matters that affect cost or quality; now, therefore, be it

**RESOLVED** that, based upon the information stated in this Resolution and the Findings, which are adopted and incorporated herein, the Board hereby finds that granting an exemption to the competitive bidding requirement of ORS 279C.335 and permitting the Board to select a single

contractor for the Project through a qualifications-based RFP process that will not encourage favoritism in the awarding of public contracts, will not substantially diminish competition for the contracts, will result in substantial cost savings and other benefits to Molalla River School District, and will meet other policy objectives; and be it

**FURTHER RESOLVED** that, based upon the Findings, a specific exemption to exempt the competitive bidding requirements of ORS Chapter 279C is hereby granted to allow the use of the qualifications-based RFP process to award a contract to a contractor for the Project, the final terms and conditions of which are subject to Board approval; and be it

**FURTHER RESOLVED** that, the CM/GC procurement be conducted in accordance with the model rules the Attorney General adopted under ORS 279A.065(3); and be it

**FURTHER RESOLVED** that this Resolution shall become effective immediately upon its adoption.

**ADOPTED by the Molalla School District Board of Directors on February 12<sup>th</sup>, 2026.**

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Board Chair

ATTEST:

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Lauree Nelzen