

PROPOSED FINDINGS
PURSUANT TO ORS 279C.335 AND OAR 137-049-0610, -0620, -0630, -0645, -0650, -0670
BY THREE RIVERS SCHOOL DISTRICT BOARD OF DIRECTORS FOR
THREE RIVERS SCHOOL DISTRICT FOR THE
THREE RIVERS BOILER REPLACEMENT
AND DOMESTIC HOT WATER (DHW) REPLACEMENT

THREE RIVERS SCHOOL DISTRICT Board of Directors for THREE RIVERS SCHOOL DISTRICT, sitting as a local contract review board for THREE RIVERS SCHOOL DISTRICT pursuant to a designation filed with the THREE RIVERS SCHOOL DISTRICT Board of Directors. On April 19, 2010 THREE RIVERS SCHOOL DISTRICT requested an exemption from the competitive bidding requirements of ORS Chapter 279C.335(1) pursuant to ORS 279C.335(2) for specified projects, known as the Boilers and Domestic Hot Water Upgrade Project 2010 by THREE RIVERS SCHOOL DISTRICT to enable it to utilize the design/build alternative contracting method. The Board, having considered the evidence at the public hearing concerning this request, finds:

1. THREE RIVERS SCHOOL DISTRICT is a common school district organized and existing under the laws of the state of Oregon;
2. THREE RIVERS SCHOOL DISTRICT Board of Directors is the local contract review board for THREE RIVERS SCHOOL DISTRICT.
3. On or about April 21, 2010, THREE RIVERS SCHOOL DISTRICT will issue requests for proposals for a project known as the Three Rivers School District Boilers and Domestic Hot Water Upgrade Project 2010 that includes North Valley High School Boiler Replacement, Fleming Middle School boiler replacement, Illinois Valley High School DHW replacement, Evergreen Elementary School DHW replacement and Madrona Elementary School DHW replacement.
4. The THREE RIVERS SCHOOL DISTRICT has the funds to complete this project.
5. Substantial cost savings to THREE RIVERS SCHOOL DISTRICT and thereby to the Public could be realized by compressing the time required for the project through savings in utility expenditures, savings in related project costs and duplication expenditures by allowing the construction project to be completed in the shortest possible time.
6. The use of the design/build method as an alternative contracting method would allow the general contractor to design and coordinate the various trades shortening the time for completion of the project. Cost savings to the THREE RIVERS SCHOOL DISTRICT will be found with reduced design cost, Design/Builder Value Engineering, compressing 2 months from the construction schedule. These savings provide a benefit of reduced overall project cost to the District.
7. THREE RIVERS SCHOOL DISTRICT has agreed to engage consultants from Willamette Education Service District and others who have substantial training and experience to have the resources knowledgeable in the design/build alternative contracting method so as to ensure that the project using the design/build alternative contracting method will result in appropriate savings and the ability and capacity to manage the design/build process for the THREE RIVERS SCHOOL DISTRICT.
8. THREE RIVERS SCHOOL DISTRICT will utilize a one-step solicitation process. THREE RIVERS SCHOOL DISTRICT anticipates using a compressed time frame for the

request-for-proposals process to select appropriate design/build contractors to administer the process and enable the fairest possible and most competitive selection from the many qualified contractor companies in the contract area. The solicitation of proposals will be formally advertised with public notice and disclosure that the design/build contracting method will be utilized. Competition will be encouraged. The award to the general contractor chosen by the THREE RIVERS SCHOOL DISTRICT will be made based upon selection criteria identified in the solicitation, and an opportunity will be provided to protest the award in accordance with Oregon law.

9. THREE RIVERS SCHOOL DISTRICT anticipates that the subcontractors to be selected for the various aspects of the Three Rivers School District Boilers and Domestic Hot Water Upgrade Project 2010, be selected using request for proposals, or the request for qualifications method by the design/build contractor, if the general contractor does not specifically include the specific subcontract area within the scope of work which it will perform as part of its general contractor duties.
10. THREE RIVERS SCHOOL DISTRICT anticipates that the minimum requirements for prospective design/build contractor applicants to include:
 - a. Substantial experience of the key individuals who comprise the team for the design/build contractor, with a clear identification of the roles to be completed, the relevant qualifications and experiences with the design/build method;
 - b. Substantial relevant experience with the design/build method relating to planning, design and construction of projects of the similar size and complexity;
 - c. A clear description of the overall approach to ensure the project's schedule is met;
 - d. A review of three projects of similar size and complexity and references of owner's representatives and architects on each of the projects;
 - e. An indication of the guaranteed maximum price for the project and any method to determine just compensation for the involvement in the pre-construction process, should a contract not be finally negotiated.

Based upon the findings set forth above, the THREE RIVERS SCHOOL DISTRICT Board of Directors for THREE RIVERS SCHOOL DISTRICT, sitting as local contract review board for THREE RIVERS SCHOOL 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 THREE RIVERS SCHOOL DISTRICT Board of Directors for THREE RIVERS SCHOOL DISTRICT gave an opportunity for any interested party to appear and present comment.
4. Based upon the notice to the public, and the use of Request For Proposals as the manner of selecting the proposed design/build contractor, it is unlikely that an exemption to the public contracting statutes will encourage favoritism in the awarding of public

contract for the THREE RIVERS SCHOOL DISTRICT 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 THREE RIVERS SCHOOL DISTRICT by allowing it and its consultants to collaborate with the project designers and general contractor in designing the Boiler and DHW Systems, in a compressed fashion, to allow coordination of the various trades and interaction with the general contractor and various trades to allow the project to be completed in the least possible time, which will allow THREE RIVERS SCHOOL DISTRICT to occupy the premises with minimum impact on the educational programs or operations of the district and realize energy savings in the shortest time possible.

6. THREE RIVERS SCHOOL DISTRICT is granted an exemption under ORS 279C.335(2) from the competitive bidding requirements of ORS 279C.335(1) for its Three Rivers Boiler and DHW Replacement, so that it can utilize the design/build method as the alternative contract method.

DATED this April 19, 2010

**THREE RIVERS SCHOOL DISTRICT
BOARD OF DIRECTORS**

By: _____
Jim Weaver, Chairperson

By: _____
Leslie Meier, Vice-Chairperson