BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 20-01-28-07

IN THE MATTER OF ADOPTING FINDINGS
AND APPROVING EXEMPTION OF THE
LANE EVENTS CENTER CHILLER
REPLACEMENT PROJECT FROM THE
COMPETITIVE BIDDING REQUIREMENT OF
ORS CHAPTER 279C AS AN
ALTERNATIVE PROJECT DELIVERY PILOT
PROJECT PURSUANT TO ORS 279C.335

WHEREAS, Lane Manual chapter 20 sets forth the County's policies regarding public contracting and competition, and the Public Contracting Code of the State of Oregon sets forth the requirements for public contracting and construction of public improvements; and

WHEREAS, both the Lane Manual and the Public Contracting Code provide for an exemption to direct price competition for public improvements if constructed on a design build basis pursuant to ORS 279C.335; and

WHEREAS, the County has not used the design build alternative contracting method prior to this time, and the proposed chiller replacement and HVAC upgrades for the Lane Events Center provide a clear opportunity for a design build pilot project; and

WHEREAS, the proposed findings clearly support the exemption of the project; and

WHEREAS, the County has advertised and held a public hearing for receipt of comments on the proposed action and provided the opportunity for persons interested in the project to appear;

NOW, THEREFORE, the Board of County Commissioners of Lane County, acting as the Local Contract Review Board, ORDERS as follows:

1. That the Findings in Support of Design Build Procurement for the Lane Events Center HVAC listed in Exhibit A – Findings for Design Build Exemption are hereby adopted, and
2. An exemption for the above-named project from from the competitive bidding requirement of subsection (1) of ORS 279C.335 is hereby granted.

ADOPTED this 28th day of January, 2020.

Heather Buch, Chair
Lane County Board of Commissioners
Lane County, Oregon

Lane Events Center HVAC Improvements

Findings in Support of Design Build Procurement

Project

Lane Events Center requires improvements to their existing HVAC system in order to accommodate continued service to the public under current usage of the facilities. The project will require design and construction of HVAC system installations and modifications, and coordination of project delivery to minimize disruption to Events Center programming.

Exemption Background

ORS 279C.335 (1) requires, with certain exceptions, that all public improvement contracts be based on competitive bidding and, under ORS 279C.375, awarded to the lowest responsible bidder. Historically, the proposed HVAC improvements for the Lane Event Center would be constructed on a design-bid-build basis, where the County would hire an engineering firm to prepare a complete set of construction documents, and then would bid the project and make award to the lowest bidder. However, the nature of this project and the conditions of the current market for both design and construction services suggest that the County can minimize disruptions to Events Center programs, and save time and cost by letting a single contract for both design and construction. ORS279C.335(2), permits the use of a design-build contracting method if it will result in cost savings or other benefits, and does not encourage favoritism or diminish competition.

ORS 279C.335 authorizes the Board of Commissioners, acting as the Local Contract Review Board, to approve use of an alternative contracting method such as design-build contracting upon findings that support its use, following notice and a public hearing. The County has not undertaken a design-build contract of this nature prior to this time, and County staff recommend this project as a pilot project authorized under ORS 279.335(2)(c), and that this project be used to "determine whether using the alternative contracting method actually results in substantial cost savings," at the completion of which project County staff will prepare a report on the results of the contract and any cost savings and other efficiencies that resulted.

Summary

Utilizing a design build proposal method for Lane Events Center HVAC improvements is supported by an informal survey of the current market, including discussing the alternatives with local engineering firms and likely design-build contractors, and will allow Lane County to determine whether design build results in the required cost savings and other efficiencies when compared to design-bid-build project delivery estimates. Upon conclusion of the project, staff will compile and make available to the Board of Commissioners and public findings to determine cost savings, per ORS 279C.355.