

IN THE BOARD OF COMMISSIONERS OF THE
HOUSING AND COMMUNITY SERVICES AGENCY
OF LANE COUNTY, OREGON

ORDER 22-23-02-01H

In the Matter of the Joint Order of the Board of Commissioners and Local Contract Review Board Exempting the Construction of the Lazy Days Mobile Home Park and Blue River Drive Interim Housing developments from Competitive Bidding Requirements and Directing the Use of the CM/GC Alternative Contracting Method.

WHEREAS, the Board of Commissioners of Homes for Good Housing Agency, Oregon (Agency) acts as the Agency's Local Contract Review Board (LCRB) (collectively, "Boards"), pursuant to ORS 279A.060; and

WHEREAS, pursuant to Oregon Revised Statutes (ORS) 279C.335(1), all public improvement contracts shall be based on competitive bids except those exempted by the LCRB; and

WHEREAS, pursuant to ORS 279C.336(2), the LCRB may exempt certain contracts from the traditional competitive bidding process after holding a public hearing and adopting findings demonstrating that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in substantial cost savings to the public agency; and

WHEREAS, the Construction Manager/General Contractor (CM/GC) is an alternative contracting method that provides project delivery in which the owner executes a single contract with one entity to provide construction management and general contractor services; and

WHEREAS, the CM/GC is selected before design is complete, and as a result can provide valuable advice from a construction perspective to help ensure a design that fosters smooth and cost-effective construction; and

WHEREAS, the Agency is in the predevelopment process for both projects referenced above;

WHEREAS, the Public Contracting Code divides powers and duties for contracting into two categories, those that must be performed by the LCRB, and those that must be performed by the "Contracting Agency"; and

WHEREAS, to make use of a CM/GC alternative contracting method, ORS 279C.335 and Agency Rule 137-049-0620 require the Board of Commissioners to submit findings to the LCRB which support the LCRB exempting the Project from competitive bidding requirements; and

WHEREAS, as provided in ORS 279C.335(5), the Agency published notice of the public hearing where the Boards would consider this Order once in the Daily Journal of Commerce, not less than 14 days before the hearing; and

WHEREAS, the LCRB considered the findings presented by the Board of Commissioners, as set forth in the attached Exhibit A, supporting the use of the CM/GC alternative contracting method.; and

WHEREAS, the Boards, being fully advised, find and conclude as follows:

1. It is unlikely that the use of the CM/GC method will encourage favoritism in the awarding of a public improvement contract or will encourage favoritism in the awarding of a public improvement contract or will substantially diminish competition for a public improvement contract;
2. The use of the CM/GC process ensures early contractor input during the design construction planning processes and is expected to contribute to the ability to manage the costs of construction against approved budgets; and
3. The Agency has complied with all procedures under ORS 279C.335.

NOW, THEREFORE, it is hereby resolved as follows:

1. Findings. The above recitals, and those set forth on the attached Exhibit A, are hereby adopted by the Agency Board of Commissioners, sitting as the LCRB, as findings of fact supporting approval of the Agency Board of Commissioner's request for use of a CM/GC alternative contracting method for Agency's Project.

2. CM/GC Exemptions. Use of a CM/GC alternative contracting method is found to be in the Agency's best interests. The requested exemption is, therefore, approved and the Executive Director, Jacob Fox, is hereby authorized to enter into a CM/GC contract for the projects referenced above.

DATED this 23rd day of February, 2022.


Chair,
Board of Commissioners


President,
Local Contract Review Board

ATTEST:

Secretary,
Board of Commissioners

ATTEST:

Secretary,
Local Contract Review Board