

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Exempting the )  
Construction Contract for the Proposed )  
New Columbia County Transfer Station )  
and Recycling Facility from the ) ORDER No. 22-2004  
Competitive Bidding Requirements of )  
ORS 279.015(1), and the Columbia )  
County Public Contracting Rules )

WHEREAS, ORS 279.015 (2) and Section 7.D of the Columbia County Public Contract Review Board Ordinance authorize the Board of County Commissioners to exempt certain public contracts or classes of contracts from the competitive bidding requirements of ORS 279.015(1) upon approval of the following findings: (a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and (b) The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contracting agency. In making such findings, the Board may consider the type, cost, amount of the contract, number of persons available to bid and such other factors as may be deemed appropriate; and

WHEREAS, ORS 279.015(6) provides that in granting exemptions pursuant to ORS 279.015(2), the local contract review board shall, where appropriate, direct the use of alternate contracting and purchasing practices that take account of market realities and modern or innovative contracting and purchasing methods, which are also consistent with the public policy of encouraging competition; and

WHEREAS, the County has determined that the existing transfer station is inadequate to meet the County's future solid waste disposal needs, and has obtained funds to build and operate a solid waste transfer station which will be owned by the County; and

WHEREAS, the County desires to contract for Construction Management/ General Contractor services to construct the new Transfer Station; and

WHEREAS, the Construction Manager/General Contractor (CM/GC) method involves selecting a firm to act as both the construction manager and general contractor for the project; and

WHEREAS, the Construction Manager/General Contractor method of contracting offers several benefits for large construction projects. The method allows the County to shift the risk that the project comes in on-time and within the budget onto the CM/GC. The method also sets a guaranteed maximum price (GMP) which cannot be exceeded except by mutual agreement of the parties. Furthermore, in order to agree on a GMP, the GM/GC is brought on-board early on in the design phase of the project and forms a team with the

architect, project manager and other key players; and

WHEREAS, the Board of County Commissioners finds that:

(a) It is unlikely that exempting the transfer station Construction Manager/General Contractor contract from the screening and selection procedures of ORS 279.015(2) and the Columbia County Public Contracting rules will encourage favoritism in the awarding of public contracts or substantially diminish competition for these contracts because the process remains very competitive. The RFP will be advertised in one or more trade journals and will seek proposals from all qualified Construction Manager/General Contractor firms;

(b) The awarding of the construction contract pursuant to the exemption will result in substantial cost savings to the County because the successful proposal will offer the best services at the least cost. Having the CM/GC involved early in the project lends construction expertise in the area of value engineering. Having recent construction cost information and up to date construction materials and methods will assist the design team. In addition, the costs of design are much less because there are fewer billable hours to prepare bid documents and specifications;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Contract for the construction of the Columbia County Transfer Station and Recycling Facility is exempted from the competitive bid requirements in ORS 279.015(1), and the Columbia County Public Contracting Rules. The Contract shall be let as a Construction Manager/General Contractor Contract.

DATED this 21st day of April, 2004.

Approved as to form

By: Sarah Tyson  
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard  
Rita Bernhard, Chair

By: Anthony Hyde  
Anthony Hyde, Commissioner

By: Joe Corsiglia  
Joe Corsiglia, Commissioner