

**RESOLUTION NO. 2828**

**A RESOLUTION OF THE BEND CITY COUNCIL ACTING AS THE LOCAL  
CONTRACT REVIEW BOARD AUTHORIZING DESIGN BUILD FOR CERTAIN  
PUBLIC IMPROVEMENTS**

Findings

- A. ORS 279C.335 authorizes local contract review boards to exempt certain classes of public improvement contracts from public bidding requirements.
- B. The design/build method of contracting allows the contracting agency to use a formal or informal request for proposal process to select a contractor to both design and build improvements.
- C. The design/build process is particularly appropriate for renovation and upgrade projects where design decisions need to be made during the course of the renovation and remodeling to fit the existing structure.

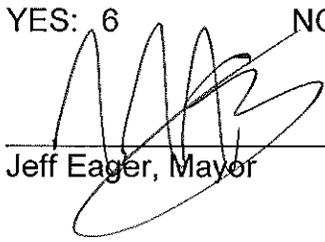
Based on these findings,

THE CITY OF BEND RESOLVES AS FOLLOWS:

- Section 1. The City may award contracts for lighting retrofits at City Hall and the Parking Garage, for new heating and air conditioning at Boyd Acres, and for lighting retrofits at other City buildings using the design/build process.
- Section 2. The findings attached as Exhibit A are adopted.
- Section 3. This resolution takes effect immediately on passage.

Adopted by roll call vote on May 18,, 2011

YES: 6 NO: 0

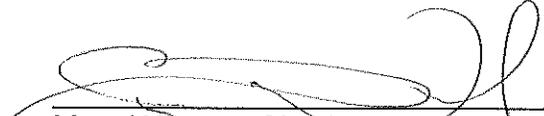
  
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Jeff Eager, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

Approved as to form:

  
Mary Winters, City Attorney

**CITY OF BEND  
ADMINISTRATION DEPARTMENT**

**FINDINGS FOR EXEMPTION**

**FROM USE OF STANDARD LOCAL CONTRACT REVIEW BOARD RULES  
FOR THE DESIGN AND CONSTRUCTION OF  
LIGHTING AND HEATING, VENTILATION AND AIR CONDITIONING  
ENERGY RETROFITS AT CITY FACILITIES**

The City of Bend Administration Department is requesting an exemption from the use of standard Local Contract Review Board Rules to allow the use of an alternative contracting process for lighting retrofits at City Hall and the Parking Garage and for new heating and air conditioning equipment at Boyd Acres Office and, if additional Energy Efficiency Block Grant funds are available, for additional lighting retrofits at other City facilities. The City is requesting authorization to use the Design / Build alternate contracting method for these improvements.

**Background**

In 2010, the Energy Efficiency and Conservation Block Grant (EECBG) funds were awarded to the City through the American Recovery and Reinvestment Act (ARRA). One of the project activities in the grant is energy retrofit improvements to City facilities. Staff are proposing utilizing the Design/Build method of contracting for City facility energy efficiency the retrofit projects specified above.

**Alternative Contracting Process**

In order to use the Design/Build method of contracting, the Local Contract Review Board must direct its use by exception to the traditional public contracting practices by approving findings submitted by the department seeking the exemption. The rules also require that the City provide public notice and hold a public hearing to receive public comment on the findings before taking action on granting an exemption to a public improvement contract from the requirement of competitive bidding. The resulting contract will be treated as a public contract for public improvements and will be subject to all requirements of public improvement contracts, including, but not limited to, hours of labor, retainage and payment, subcontractors, bonds and prevailing wage requirements.

**Findings**

After review of the recommendations from City staff and after receiving public comments, the Local Contract Board adopts all the preceding material in this document as part of its findings and further adopts the following findings:

1. Use of the Design/Build process is expected to accelerate the project schedule compared to a traditional procurement approach. This will assist in meeting the project completion deadline of October, 2012.

2. The Design/Build process will promote competition among suppliers and subcontractors. The Design/Build process allows the City to select the firms best-suited for the project based on factors such as experience, ability to respond in a timely fashion, value engineering ideas, past performance, price and other factors specific to the project.
3. The Design/Build selection process will be publicly advertised to ensure an open and competitive process. Because all major components of the project will be competitively solicited, the Design/Build process will not encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts.
4. The Design/Build process will make value engineering recommendations during the design process that will save costs and improve construction efficiency during the project construction. The awarding of the contracts by this means will likely result in substantial cost savings to the City.