

## **DRAFT FINDINGS – STUDENT SERVICES/COMMUNITY COMMONS BUILDING**

### **BACKGROUND**

In November of 2014, the voters within the College district passed Ballot Measure 3-447 resulting in \$90 million of funds to be spent on new facilities and major maintenance items at the college. In addition to those funds, the college has received \$32 million in state legislative match and other grants, bond premiums and interest earnings. College staff have been working on capital and major maintenance projects including the Harmony West building, the Industrial Technology Center, the DeJardin Science Addition, the Barlow Automotive renovations, and elevator and roof replacements to name a few.

This topic addresses the construction delivery method requested to be used for Student Services/Community Commons (SS/CC). The SS/CC is the fourth and final major building to be constructed using bond funds. The facility will provide one-stop student services for the college along with other student centered needs. The college has selected an architectural firm to provide design and construction management services for the SS/CC.

Staff and the College's program manager agree that since this project is complex in nature, requires detail construction phasing for the site work, involves work being completed adjacent to ongoing college student and public activity, and somewhat uncertain in scope, it lends itself to an alternative method of contractor selection; specifically, the Construction Manager/General Contractor (CMGC) procurement method. The CMGC is a modified Design Build process in which Clackamas Community College would hold the contract for both the design consultant and the contractor during the design and construction services. This arrangement contractually places the College in charge of project decisions and keeps any cost savings with the College. The benefits of this type of alternative construction method are control costs, speed of delivery, flexibility, and reduction of risk to the College.

The CMGC procurement method allows the owner (Clackamas Community College) to select a qualified contractor early on in the project to assist with design, provide value engineering and in the end save the project time and expense. To change from the standard design, bid, build construction model, the Board of Education, acting as the Local Contract Review Board (LCRB), must pass a Resolution allowing the change from the standard procurement method. The Oregon Administrative Rule, Division 49 – General Provisions Related to Public Contracts for Construction Services state that an alternative method (specifically) CMGC can be used if found applicable by the LCRB. The rules require fourteen findings (ORS279.335 (2)(B)) to be addressed and a public hearing held prior to approval of the CMGC procurement method by the LCRB.

The findings are draft until after the public hearing and modifications made by the LCRB. The findings are necessary to facilitate discussion and are not intended to be yes/no decision making tools.

The **draft** fourteen findings and the college's responses are as follows.

#### **1. How many persons are available to bid?**

This project is somewhat technical in nature, but not overly specialized. Considering the Portland Metro market and current work backlogs, it could be assumed that 5–10 firms would bid on this project. This delivery method appeals to construction firms who are qualified to build complex construction projects taking place on an active campus.

**2. Construction budget and projected operating costs for the completed public improvement.**

The estimated construction budget for the SS/CC project is \$15 million (\$13 million for the SSCC and \$2 million for the Community Center refresh). The operating cost of the building is roughly estimated at \$50,000 per year and includes utilities and maintenance/custodial personnel.

**3. Public benefits that may result from granting the exemption.**

Public benefits resulting from the CMGC method may include reduced cost from the selected contractor's value engineering and added flexibility of the currently very tight project schedule to complete the project. The target completion date is spring/summer 2021. The CMGC method will help staff and consultants to better determine and manage project scope and costs estimates early in the project ensuring that the overall project schedule and budget is met.

**4. Whether value engineering techniques may decrease the cost.**

CMGC will add a value engineering component to the project. Bringing an experienced contractor on board early in the design phase to identify cost saving opportunities and design modifications will certainly reduce costs. The CMGC selection will focus on the proposing firm's skill in providing cost management and cost reduction solutions.

**5. The cost and availability of specialized expertise that is necessary for the public improvement.**

Designing for and constructing educational facility as this project can be a specialized field requiring expertise in facilities of varying components. The current climate for construction appears high based on preliminary review by staff and CCC program manager. A CMGC can address costs early on in the design process and the design and/or scope can be modified to meet financial constraints. In addition, they can advise on material selection and provide recommendations on materials that are cost effective and steer the team away from expensive materials or material shortages. This will save project costs and reduce schedule risk for the construction of this project.

**6. Likely increases in public safety.**

Utilization of the CMGC method with an experienced contractor should result in safety issues being addressed both during design and construction and long term use of the completed facility. In addition, this facility will be constructed during some occupancy when staff, students and visitors are present. Using the CMGC model will allow a very detailed safety plan not only for the construction materials and workers, but the circulation of students, staff and visitors.

**7. Whether the exemption may reduce risk to the contracting agency or the public.**

The CMGC method will reduce risk to the College by providing accurate cost estimating and allow the College flexibility to modify the project scope and budget as deemed necessary

prior to construction. Additionally, the CMGC will advise on issues that impact schedule and manage the construction and material selection which reduces the schedule risk.

**8. Whether the exemption will affect the sources of funding for the public improvement.**

The exemption will not affect the source of the funding for the SS/CC project. The \$15-million-dollar project is funded using 2014 Bond proceeds and \$8 million in legislative state match.

**9. Whether granting the exemption will “better enable” the contracting agency to control the impact of market conditions on the costs and time necessary to complete the improvements.**

The CMGC process will allow the contractor to procure/order items with long lead times such as difficult to obtain materials and finishes and obtain competitive pricing on other project related materials. In addition, having the contractor on board early in the project will allow them to better prepare for the construction and maximize scheduling, thereby meeting the desired time limits.

**10. Whether granting the exemption will “better enable” the contracting agency to address the “size and technical complexity” of the project.**

An experienced CMGC contractor will have the opportunity to coordinate with design professionals regarding the technical aspects of the project throughout the designing phases.

**11. Whether the public improvement involves new construction or renovates or remodels an existing structure.**

The SS/CC Building project is considered new construction with funds set aside for the refresh of the existing Bill Broad Community Center.

**12. Whether the public improvement will be occupied or unoccupied during construction.**

The existing Bill Broad Community Center will be occupied during the construction of the SS/CC which will be unoccupied until complete. The “refresh” component of the Community Center will occur while the facility is occupied.

**13. Whether the public improvement will require a single phase or multiple phases of construction work.**

It is unknown at this time how the project will be phased. As the architects begin to process design elements, the phasing will be addressed.

**14. Whether the contracting agency has, or has retained under contract, and will use, personnel, staff and lawyers that have expertise in the alternative contracting matters to assist in developing the alternative contracting method and to negotiate administer and enforce the public improvement contract.**

The college will utilize staff, our program managers (the inici Group), and the College attorney (Berry, Elsner, and Hammond), each with expertise in the CMGC model of construction delivery to ensure a complete and comprehensive CMGC contract.

Following approval by the Local Contract Review Board (LCRB) for the CMGC procurement method, staff and the design team will develop a Request for Qualifications for CMGC services. Responses will be reviewed, scored and interviews will be held. Staff will return to the LCRB for approval of the contract with the selected CMGC.

Upon the completion of this project, staff will return to the Board of Education and discuss the post evaluation of the project and determine if the CMGC method was appropriate for this project.