



EVALUATION OF PUBLIC IMPROVEMENT UTILIZING AN ALTERNATIVE CONTRACTING METHOD

Adult Parole and Probation / Sheriff's Office Work Center Remodel and Addition

Issued: April 21, 2025

1. Introduction

ORS 279C.355 requires an evaluation when an agency does not use the competitive bidding process for a public improvement contract in excess of \$100,000. In this particular case, an evaluation of the public improvement shall be prepared and delivered to the Board of County Commissioners, which acts as Deschutes County's Contract Review Board. The Parole & Probation/Sheriff's Office Work Center Remodel & Addition did not use the competitive bidding process and was completed under a Construction Manager/General Contractor (CM/GC) alternative delivery method.

As required, the purpose of these evaluations is to determine whether it was in the County's best interest to use an alternative contracting method in the completion of the project. The evaluation consists of the following:

- 1. Project background and scope of work completed using the alternative CM/GC contract method;
- 2. Financial information for the project consisting of cost estimates, the CM/GC's Guaranteed Maximum Price (GMP), changes to the contract, and the actual costs of the project.
- 3. A summary narrative description of successes and failures during the design and construction of the project.
- 4. An objective summary assessment of the use of alternative construction delivery methods as compared to the Findings required by ORS 279C.335(2) (b).
- 5. A summary review showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition, that the process resulted in substantial cost savings to the public agency as well as other certain information.
- 6. A copy of the project's Findings is attached in Appendix A.

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3. Oregon Revised Statute Exemptions to Competitive Bidding and Requirements for Evaluation

ORS 279C.335 Competitive Bidding Requirement; Exceptions; Exemptions

(2) Subject to subsection (4)(b) and (c) of this section, a local contract review board may exempt a public improvement contract or a class of public improvement contracts from the competitive bidding requirement of subsection (1) of this section after the local contract review board approves the following findings that the contracting agency submits or, if a state agency is not the contracting agency, that the state agency that is seeking the exemption submits:

- (a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.*
- (b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption to the contracting agency or the public. In approving a finding under this paragraph, the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:*
 - *Operational, budget and financial data;*
 - *Public benefits;*
 - *Value engineering;*
 - *Specialized expertise required;*
 - *Public safety;*
 - *Market conditions;*
 - *Technical complexity; and*
 - *Funding sources.*

ORS 279C.355 Evaluation of Public Improvement Projects not Contracted by Competitive Bidding.

(1) Upon completion of and final payment for any public improvement contract, or class of public improvement contracts, in excess of \$100,000 for which the contracting agency did not use the competitive bidding process, the contracting agency shall prepare and deliver to the Director of the Oregon Department of Administrative Services, the local contract review board or, for public improvement contracts described in ORS 279A.050 (3)(b), the Director of Transportation an evaluation of the public improvement contract or the class of public improvement contracts.

(2) The evaluation must include but is not limited to the following matters:

- (a) The actual project cost as compared with original project estimates;*
- (b) The amount of any guaranteed maximum price;*
- (c) The number of project change orders issued by the contracting agency;*
- (d) A narrative description of successes and failures during the design, engineering and construction of the project; and*
- (e) An objective assessment of the use of the alternative contracting process as compared to the findings required by ORS 279C.335.*

4. Project Background

Architect: BLRB Architects

CM/GC: Skanska USA Building, Inc.

Programming Strategy:

The objective of this project was to remedy the space needs for the Deschutes County Community Justice Department Adult Parole & Probation Division (Division) operations in Bend. Several development options were presented to the Board and explored by a committee. The Board approved the option to construct a two-story addition of approximately 8,000 square feet adjacent to and integrated with the Division's current main office and minor renovation of approximately 3,000 square feet within the current main office. The programming required that the project provide training, meeting, and program space on the first level and staff offices and support functions on the second level.

Construction:

Based on the Findings of Fact included in Appendix A, the County contracted with Skanska USA Building, Inc. to complete the expansion and renovation project. The contract exemption allowed Skanska as the CM/GC to be actively involved in design and constructability issues and to have a better understanding of the financial requirements of the project before construction began. It also allowed the CM/GC to mitigate safety concerns with the construction activities in close proximity to an occupied building.

5. Financial Information

The information in this section is provided in compliance with ORS 279C.355, (2) (a through c):

279C.355 Evaluation of Public Improvement Projects not Contracted by Competitive Bidding.

(2) The evaluation must include but is not limited to the following matters:

(a) The actual project cost as compared with original project estimates;

Original project estimates and actual project costs are listed in the table below:

Description	Initial Estimates	Initial Contract	Actual Project Cost
100 % Design Development Estimate	\$6,221,233		
50% Construction Documents Estimate	\$6,225,035		
Preconstruction Services		\$45,665	
Guaranteed Maximum Price (GMP)		\$6,356,969	
Final GMP Cost			**\$7,698,850

** The original estimates included construction of a two-story addition of approximately 8,000 square feet adjacent to and integrated with the Division's current main office and minor renovation of approximately 3,000 square feet within the current main office. Initial estimates and the GMP did not include the owner-directed change orders that authorized an additional \$1,296,216 of costs, resulting in a higher Final GMP Cost. Those change orders are listed below.

(b) The amount of any guaranteed maximum price

The initial GMP was set at \$ 6,402,634 including Preconstruction Services.

(c) The number of project change orders issued by the contracting agency;

There were five (5) contract amendments on the project amounting to \$1,296,216, or 20.2% of the total for Preconstruction Services and the Guaranteed Maximum Price (GMP). The changes were attributed to Owner requests for additional scope of work beyond the scope included in the GMP. The additional scope of work included the Sheriff's Office secure parking expansion, access control and security, building out the 2nd floor shell space of the new expansion, and remodeling a dormitory into a wellness center for the Sheriff's Office.

Summaries of the GMP, amendment costs and explanations of the amendments follows:

Scope of Work	Initial Amount	Amendment Costs	Final GMP Costs
Preconstruction Services	\$45,665		
Guaranteed Maximum Price (GMP)	\$6,356,969		
Change Order 1 – Authorized owner-directed changes for construction of Sheriff's Office secure parking lot expansion as part of the Public Safety Campus Plan		\$300,243	
Change Order 2 – Authorized owner-directed changes for additional power, data, access control, and security		\$49,681	
Change Order 3 – Authorized owner-directed changes for build-out of the 2 nd floor shell space in the new Parole & Probation addition at Parole and Probation's request		\$191,609	
Change Order 4 – Authorized owner-directed changes to remodel the Sheriff's Office existing dormitory into a new wellness room at Sheriff's Office request and expense		\$717,761 (1)	
Change Order 5 – Authorized changes for owner-added items, exterior building repairs, and GMP reconciliation		\$36,922	
PROJECT TOTALS	\$6,402,634	\$1,296,216	\$7,698,850
(1) Total amendment costs incurred by Deschutes County Sheriff's Office = \$717,761			

6. Successes and Failures

6.1 Successes

There were numerous project successes to report, including:

- (a) The CM/GC selection process enabled Deschutes County to select the most qualified firms based on factors and criteria specific to the project.
- (b) Selecting a CM/GC enabled the County to capitalize on the firms' strengths, experience and capacity to bring the projects to a successful completion.
- (c) The CM/GC contributed significantly to the project with their expertise in budget reconciliation, deep understanding of the project requirements, and constructability issues before construction starting.
- (d) The complexity of constructing an expansion and renovation project on an occupied site was completed with no serious worker injuries or injuries to the public, no unplanned disruption to the building's operations, and no security incidents.

6.2 Failures

The design of site security fencing and access control did not adequately meet the operations of Parole & Probation and the Sheriff's Office. This resulted in a change order for additional access control electronics, security fencing, and gates. Owner contingency was sufficient to pay for these added costs.

7. Assessment of the Use of the Alternative Contracting Method as Compared to the Findings

The information in this section is provided in compliance with ORS 279C.355(2) (e):

279C.355 Evaluation of public improvement projects not contracted by competitive bidding.

(2) The evaluation must include but is not limited to the following matters:

(e) An objective assessment of the use of the alternative contracting process as compared to the findings required by ORS 279C.335.

279C.335 Competitive bidding; exceptions; exemptions.

(2) Subject to subsection (4)(b) and (c) of this section, a local contract review board may exempt a public improvement contract or a class of public improvement contracts from the competitive bidding requirement of subsection (1) of this section after the local contract review board approves the following findings that the contracting agency submits or, if a state agency is not the contracting agency, that the state agency that is seeking the exemption submits:

(a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.

Assessment: Conforming with the selection process outlined in the Findings of Fact (Appendix A), the CM/GC was selected through a competitive process in accordance with a qualifications-based Request for Proposals authorized by the Board of Commissioners. Pursuant to ORS 279C.360, a CM/GC solicitation was advertised in the Daily Journal of Commerce in addition to The Bulletin in order to maximize exposure. The CM/GC proposals and interviews were rated based on a predetermined list of

criteria as required by ORS 279C.337 and the Attorney General's Model Contract Rules. The County entered into contract negotiations with the highest-ranking firm, Skanska USA Building, Inc.

(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption to the contracting agency or the public. In approving a finding under this paragraph, the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

Assessment: The CM/GC participated in the design phase of the work and was thereby able to obtain a complete understanding of the County's needs, the architect's design intent, the scope of the project, and the operational needs of Parole & Probation/Sheriff's Office Work Center staff & stakeholders. This alleviated some of the financial risk to the County and the reduced risk resulted in cost savings.

(A) How many persons are available to bid;

Assessment: There were several contractors within Central Oregon able and qualified to bid this type of project. However, the climate that was present during bidding within the Oregon construction industry created a backlog of work in such an overloaded condition that it made attracting qualified contractors to bid very difficult, if not impossible. The County received proposals from two (2) general contractors in response to the request for proposals.

(B) The construction budget and the projected operating costs for the completed public improvement;

Assessment: The difference in operating costs was not projected to be significant whether the project was competitively bid or if the CM/GC process was used for contracting. However, the CM/GC process added the general contractor to the design team and that helped to ensure the budget was maintained. Additionally, the CM/GC process was beneficial for subcontractor bidding. The CM/GC was encouraged to receive a minimum of three (3) competitive bids for each discipline of construction. Competitively bid trade work ensured the County received the best value.

(C) Public benefits that may result from granting the exemption;

Assessment: The qualifications-based selection of the CM/GC allowed for a more informed contractor and for the County to award the contract to the firm it believed was most technically capable of managing the project. The CM/GC was part of the design team and was actively involved in design and constructability issues and had a better understanding of the financial requirements of the project. This resulted in better decision making by the project construction team, thereby saving time and money. Construction activities in close proximity to an occupied building can result in safety concerns unless proper planning is undertaken prior to work starting; early selection provided better assurance that the planning will be coordinated with other activities, thereby making for a safer environment. Safety, cost savings, and the better assurance of completion on the desired date will be of public benefit.

(D) Whether value engineering techniques may decrease the cost of the public improvement;

Assessment: The design and construction teams had numerous means to help control costs and maintain the overall construction budget. Rigorous value engineering efforts conducted during the Design Development phase identified potential savings and provided opportunities to reduce costs.

(E) The cost and availability of specialized expertise that is necessary for the public improvement;

Assessment: The CM/GC was required to have proven expertise in the construction of public buildings, access control, security requirements and remodel/retrofit projects. This experience assisted the project team in determining the best and safest logistics to pursue.

(F) Any likely increases in public safety;

Assessment: It was understood that employees would be present within the adjacent building during much of the construction process. The safety and security of all persons was a primary concern and the CM/GC was able to work with the entire team to develop the overall construction plan that integrated the needs of the adjacent building and staff increases public safety.

(G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;

Assessment: Including the Contractor in the planning process increased safety and thereby, reduced risk. The CM/GC contract reduced risk by allowing for coordination and evaluation of constructability ahead of final project design. This process is not necessarily present under the Design-Bid-Build method of contracting.

(H) Whether granting the exemption will affect the sources of funding for the public improvement;

Assessment: The exemption had no effect on the funding sources.

(I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;

Assessment: The County's ability to accurately estimate the cost of this project was complicated by the multitude of construction market conditions that existed at the time in Oregon (e.g., competition of other projects, environmental issues that limited construction materials, shortage of qualified craftsman, Covid-related supply chain issues, etc.), as well as the difficulty in establishing the best work sequence. Because the project had a limited budget, it was essential to reduce the risk of cost overruns.

A CM/GC contract allowed for more control over these market forces because the CM/GC assisted in developing design documents, a work plan, and contingencies that best accommodated both the County and contractor/subcontractors; identifying the best grouping of bid packages that will help ensure better trade coverage; designing the most efficient construction staging area on the site; identifying supply chain issues, charting the most cost effective route through the site for the various utilities; and adjusting the work plan when needs change along the way.

(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;

Assessment: The nature of this project required remodel of existing space and an expansion adjacent to occupied space during construction. The CM/GC method allowed the contractor to be a part of the planning team in developing a construction plan that coordinated the needs of the existing operation of the Parole & Probation Center with the construction. Having the CM/GC involved in the construction plan enabled the County to avoid temporary facilities during construction and to control the complexity and uncertainties of the project.

(K) Whether the public improvement involves new construction or renovates or remodels an existing structure;

Assessment: The public improvement for the Parole & Probation/Sheriff's Office Work Center was both new construction (addition) and remodel of an existing structure.

(L) Whether the public improvement will be occupied or unoccupied during construction;

Assessment: The remodel and addition to the Parole & Probation/Sheriff's Office Work Center occurred in an occupied building.

(M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and

Assessment: Multiple phases of construction were required in the interest of public safety and to meet the needs of the existing operation of the Parole & Probation Center with the construction.

(N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract;

Assessment: The County has legal counsel that is very familiar with Oregon construction and Public Contracting law as well as employees on staff that have many years of experience administering alternative contracting method contracts.

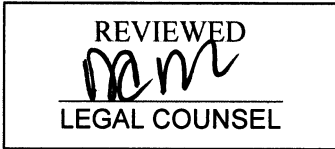
8. Summary Conclusion

Following a thorough and objective evaluation, the Deschutes County Facilities Department has concluded that the use of the CM/GC project delivery method for the Parole & Probation/Sheriff's Office Work Center Remodel and Addition was successful. The CM/GC delivery method proved to be an excellent tool for managing the scopes, schedules, budgets, and risks associated with the construction and remodeling of an existing, occupied facility under continuous operation.

Furthermore, the Facilities Department concludes that the requirements set forth in ORS 279C.335 (2) were fully met. In some cases, the outcomes resulting from the CM/GCs' specialized and technical expertise, budget oversight, true value engineering and quality control exceeded expectations and provided a better-than-imagined environment for the public and staff alike. Utilizing the exemption for the CM/GC method of alternative contracting on the project was a sound decision and there were many benefits to the project. Close team collaboration, open-book financial record-keeping and true value engineering provided demonstrable benefits and enabled the stakeholder teams to remain flexible and nimble with an eye on quality and costs.

9. Appendix A – Findings of Fact

Order 2019-023 Findings of Fact is attached, which granted exemption from competitive bidding and authorized the construction of the Adult Parole & Probation / Sheriff's Office Work Center Remodel and Addition project by means of a Construction Manager/General Contractor and authorized selection by request for proposal.



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ORDER GRANTING EXEMPTION FROM
COMPETITIVE BIDDING, AUTHORIZING
THE CONSTRUCTION OF THE PAROLE
& PROBATION/SHERIFF'S OFFICE
WORK CENTER REMODEL/ADDITION BY
MEANS OF A CONSTRUCTION
MANAGER / GENERAL CONTRACTOR
AND AUTHORIZING SELECTION BY
REQUEST FOR PROPOSAL.

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ORDER NO. 2019-023

WHEREAS, the Board of County Commissioners of Deschutes County is the Local Contract Review Board for the County and in that capacity has authority to exempt certain contracts from competitive bidding requirements of ORS 279C and associated county code provision; and

WHEREAS, the Board of Commissioners has determined that the construction of the Parole & Probation / Sheriff's Office Work Center Remodel / Addition should be constructed by a CM/GC process; and

WHEREAS, the Board of Commissioners adopts the Findings of Fact and Conclusions of Law attached hereto and marked Exhibit 1; and

WHEREAS, the Findings of Fact and Conclusions of Law demonstrate that an exemption from competitive bidding for the identified project complies with the requirements of ORS 279C.335 (2) and the Attorney General's Model Contract Rules, OAR 137-049-0630 (2) for exemption of the project from competitive bidding; now therefore,

THE BOARD OF COUNTY COMMISSIONERS FOR DESCHUTES COUNTY, OREGON
ORDERS as follows:


1. The contract for the construction of the Parole & Probation / Sheriff's Office Work Center Remodel / Addition by a Construction Manager/General Contractor process is exempted from traditional competitive bidding models.
2. The CM/GC shall be selected by the Request-for-Proposals (RFP) method in accordance with the Attorney General's Model Contract Rules, applicable DCC and the process described in the attached Exhibit 1.

DATED this 3 day of June, 2019.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



PHILIP G. HENDERSON, CHAIR



PATTI ADAIR, VICE CHAIR



ANTHONY DEBONE, COMMISSIONER

ATTEST:



Recording Secretary

EXHIBIT 1

**FINDINGS OF FACT FOR THE USE OF
THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC)
CONSTRUCTION OF THE PAROLE & PROBATION/SHERIFF'S
OFFICE WORK CENTER REMODEL & ADDITION
Before The Deschutes County Board of Commissioners**

FINDING OF FACTS AND CONCLUSION OF LAW

The Oregon Revised Statutes generally require that public improvement contracts be based upon competitive bids. Any exception to competitive bids must be justified by "Findings" as stated in ORS 279C.330 and ORS 279C.335. The following is a list of those required "findings" and the conditions and information regarding those "findings."

FINDINGS

WILL NOT SUBSTANTIALLY DIMINISH COMPETITION OR ENCOURAGE FAVORITISM

1. **Finding:** The CM/GC will be selected through a competitive process in accordance with a Request for Proposals authorized by the Board of Commissioners. Pursuant to ORS 279C.360, a CM/GC solicitation will be advertised in the Daily Journal of Commerce in addition to The Bulletin in order to maximize exposure. The CM/GC proposals and interviews will be rated based on a predetermined list of criteria as required by ORS 279C.337 and the Attorney General's Model Contract Rules. The County will enter into contract negotiations with the highest-ranking firm. Should negotiations fail, the County will have the right to negotiate with the second highest-ranking firm.

COST SAVINGS

2. **Finding:** The CM/GC will participate in the design phase of the work and thereby be able to obtain a complete understanding of the County's needs, the architect's design intent, the scope of the project, and the operational needs of the PAROLE & PROBATION/SHERIFF'S OFFICE WORK CENTER Staff & Stakeholders. This will alleviate some of the financial risk to the County and reduced risk will likely result in cost savings. In making this finding, ORS 279C.335 (2)(b) requires the following issues be considered:

(A) How many persons are able to bid;

There are several contractors within Central Oregon that are able and qualified to bid the planned project. However, the present climate within the Oregon & Washington construction industry has the backlog of work in such an overloaded condition that it has made attracting qualified contractors to bid very difficult if not impossible.

(B) The construction budget and the projected operating costs for the completed public improvement;

The difference in operating costs will not be significant whether the project is competitively bid or the CM/GC process is used for contracting. However, the CM/GC process will add the contractor to the design team and that will help ensure the budget will be maintained.

Subcontractor bidding; We will encourage that the CM/GC receive a minimum of (3) competitive bids for each discipline of construction.

Schedule: Increased efficiencies with final design documents and submission for Permits will result in an overall schedule reduction, resulting in less project duration, temporary structures, Contractor General Conditions and Architect Contract Administration.

(C) Public Benefits that may result from granting the exemption;

Selection of the CM/GC allows for a more informed contractor. The CM/GC will be part of the design team and will have a better understanding of the financial requirements of the project. This should result in better decision making by the project construction team, thereby saving time and money. Construction activities in close proximity to an occupied building can result in safety concerns unless proper planning is undertaken prior to work starting; early selection will provide better assurance that the planning will be coordinated with other activities thereby making for a safer environment. Safety, cost savings and the better assurance of completion on the desired date will be of Public Benefit.

(D) Whether value engineering techniques may decrease the cost of the public improvement;

The CM/GC will become a part of the total project team with the responsibility of leading the “Value Engineering” process. The selected CM/GC should have considerable experience in the construction of public buildings and the requirement for occupancy; therefore, that experience will be of great importance in determining the best use of the dollars available. When the contractor participates, the team can render the most comprehensive evaluation of all factors that affect the cost, quality, and schedule of the project.

(E) The cost and availability of specialized expertise that is necessary for the public improvement;

It is very important that the contractor selected have experience in the construction of public buildings, access control, security requirements and remodel/retrofit projects. This experience will assist the project team in determining the best and safest process to pursue. This process will allow the County to solicit local expertise to participate.

(F) Any likely increases in public safety;

It is understood that employees will be present within the adjacent building during much of the construction process. The safety and security of all persons is a primary concern and selection of a CM/GC to work with the entire team to develop the overall construction plan that integrates the needs of the adjacent building and staff increases Public Safety.

(G) Whether granting the exemption may reduce risks to the contracting agency or the public that are related to the public improvement;

Including the Contractor in the planning process increases safety and thereby, reduces risk. CM/GC contracts reduce risk by allowing for coordination and evaluation of constructability ahead of final project design. Including the contractor in the design process results in a Guaranteed Maximum Price (GMP) that is within the project budget, which also reduces risk. This process is not necessarily present under the Design-Bid-Build method of contracting.

(H) Whether granting the exemption will affect the sources of funding for the public improvement;

The exemption will have no effect on the funding sources. With increased efficiencies in overall project schedule, the Parole & Probation/Sheriff's Work Center will minimize temporary facilities and increase overall efficiencies.

(I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;

The County's ability to accurately estimate the cost of this project is complicated by the multitude of construction market conditions that exist today in Oregon (e.g., competition of other projects, environmental issues that limit construction materials, shortage of qualified craftsman, etc.), as well as the difficulty in establishing the best work sequence. Because the project has a limited budget, it is essential to reduce the risk of cost overruns.

The CM/GC allows for more control over these market forces because the CM/GC can assist in developing design documents and a work plan that best accommodates both the County and contractor/subcontractors; identifying the best grouping of bid packages that will help ensure better trade coverage; designing the most efficient construction staging area on the campus; charting the most cost effective route through the site for the various utilities; and adjusting the work plan when needs change along the way.

(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;

The nature of this project will require remodel of existing space adjacent to occupied space or relocation of operations to a temporary facilities during construction. The CM/GC method allows the contractor to be a part of the planning team in developing a construction plan that coordinates the needs of the existing operation of the Parole & Probation Center with the construction and temporary facilities setup. Having the CM/GC involved in the construction plan will better enable the County to control the complexity and uncertainties of the project.

(K) Whether the public improvement involves new construction or renovates or remodels an existing structure;

The public improvement for the Parole & Probation/Sheriff's Office Work Center is both new construction (addition) and remodel of an existing structure.

(L) Whether the public improvement will be occupied or unoccupied during construction;

The remodel and addition to the Parole & Probation/Sheriff's Office Work Center will occur in an occupied building.

(M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions;

The present plan calls for all work to be phased construction, with the Parole & Probation completed by end of year 2020.

(N) Whether the contracting agency has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

The County has legal counsel that is very familiar with Oregon construction and Public Contracting law as well as employees on staff that have many years of experience administering alternative contracting method contracts.

CONCLUSIONS OF LAW

The above "Findings" show that the CM/GC process for the Construction of the Parole & Probation/Sheriff's Office Work Center Remodel/Addition complies with the requirements of ORS 279C.335(2) for exemption of the project from competitive bidding.