SPECIAL PROCUREMENT
REQUEST FOR APPROVAL

To: City Council, Local Contract Review Board
From: Don Robertson, Director, Ashland Parks and Recreation
Date: 11-13-13
Subject: REQUEST FOR APPROVAL OF A SPECIAL PROCUREMENT

In accordance with ORS279B.085, this request for approval of a Special Procurement is being presented to the City Council for approval. This written request for approval describes the proposed contracting procedure and the goods or services or the class of goods or services to be acquired through the special procurement and the circumstances that justify the use of a special procurement under the standards set forth ORS 279B.085(4).

1. Requesting Department Name: Ashland Parks and Recreation

2. Department Contact Name: Rachel Dials, Recreation Superintendent

3. Type of Request: _____ Class Special Procurement  X__ Contract-specific Special Procurement


5. Total Estimated Cost: $88,499.04

6. Short title of the Procurement: Special Procurement for OBEC for Construction Phase of Calle Guanajuato Project

Supplies and/or Services or class of Supplies and/or Services to be acquired: Construction project management, inspection of demolition and construction activities, design consultation during construction, review of shop drawings and submittals, preparation of month progress payment estimates and updates and preparation of As-built Plans.

7. Background and Proposed Contracting Procedure: Provide a description of what has been done in the past and the proposed procedure. The Agency may, but is not required to, also include the following types of documents: Notice/Advertising, Solicitation(s), Bid/Proposal Forms(s), Contract Form(s), and any other documents or forms to be used in the proposed contracting procedure. Attach additional sheets as needed.

Background: Utilization of project management is a practice for bigger projects within the department that staff does not have the expertise to manage.
**Proposed procedure:** Directly award public contract for final construction project management, inspection of demolition and construction activities, design consultation during construction, review of shop drawings and submittals, preparation of month progress payment estimates and updates and preparation of As-built Plans.

8. **Justification for use of Special Procurement:** Initial contract for Phase 1 & 2 were awarded by direct appointment. Seeking an exemption for the competitive bid process to award final construction phase to OBEC Engineering.

9. **Findings to Satisfy the Required Standards:** This proposed special procurement:

   X ___ (a) will be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts because:
   This proposed special procurement would be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts because OBEC Engineering has been involved in the first 2 Phases of the project and has detailed knowledge that if we were hiring another engineering firm, would require extra staff time. The company also has knowledge of the project and previously worked on the Calle project after the 1997 flood
   
   X ___(b)(i) will result in substantial cost savings to the contracting agency or to the public because:
   Staff does not have the expertise to project manage the details and requirements of this project.

   (Please provide the total estimate cost savings to be gained and the rationale for determining the cost savings); or

   _______ (b)(ii) will otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the requirements of ORS 279B.055, 279B.060, 279B.065, or 279B.070, or any rules adopted thereunder because:

   (Please provide specific information that demonstrates how the proposed Special Procurement meets this requirement.)
Public Notice:

Pursuant to ORS 279B.085(5) and OAR 137-047-0285(2), a Contracting Agency shall give public notice of the Contract Review Authority's approval of a Special Procurement in the same manner as a public notice of competitive sealed Bids under ORS 279B.055(4) and OAR 137-047-0300. The public notice shall describe the Goods or Services or class of Goods or Services to be acquired through the Special Procurement and shall give such public notice of the approval of a Special Procurement at least seven (7) Days before Award of the Contract.

After the Special Procurement has been approved by the City Council, the following public notice will be posted on the City’s website to allow for the seven (7) day protest period.

Date Public Notice first appeared on www.ashland.or.us – November 20, 2013

PUBLIC NOTICE
Approval of a Special Procurement

First date of publication: November 20, 2013

A request for approval of a Special Procurement was presented to and approved by the City Council, acting as the Local Contract Review Board, on November 19, 2013

This is a Contract-specific special procurement” to directly award a contract to OBEC for the Construction Phase of the Calle Guanajuato Project which includes: construction project management and engineering services, surveying, final inspection of project and contract administration.

The estimated cost and amount budgeted is $88,499.04

The timeline of the intended contract and Final Construction Phase will be November 20, 2013 through April 30, 2014.

It has been determined based on written findings that the Special Procurement will be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts, and result in substantial cost savings or substantially promote the public interest in a manner that could not be realized by complying with the requirements that are applicable in ORS 279B.055, 279B.060, 279B.065, or 279B.070.

An affected person may protest the request for approval of a Special Procurement in accordance with ORS 279B.400 and OAR 137-047-0300. A written protest shall be delivered to the following address: City of Ashland, [Ashland Parks and Recreation, Rachel Dials, 340 S. Pioneer St. Ashland OR 97520]. The seven (7) protest period will expire at 5:00pm on November 26, 2013

This public notice is being published on the City’s Internet World Wide Web site at least seven days prior to the award of a public contract resulting from this request for approval of a Special Procurement.
CONSTRUCTION ENGINEERING (CE) & CONTRACT ADMINISTRATION (CA)
CALLE GUANAJUATO RESURFACING PROJECT
CITY OF ASHLAND PARKS
STATEMENT OF WORK (SOW)

The purpose of this SOW is to add the necessary tasks related to Construction Engineering (CE) and Contract Administration (CA) for the Calle Guanajuato Resurfacing Project (the “Project”).

This agreement does not delete, revise, or replace the tasks or requirements for previous phases of the Project unless otherwise specifically provided in this Contract. Consultant shall provide Construction Engineering (CE) services and Contract Administration (CA) necessary to meet the following requirements:

CE and CA work tasks include the following:
- All construction Project Management
- Inspection of demolition and construction activities
- Design consultation during construction
- Review of shop drawings and submittals
- Preparation of monthly progress payment estimates
- Preparation of As-built Plans

TASK 1 – CONSTRUCTION PROJECT MANAGEMENT & COORDINATION

Consultant shall perform the following services as part of Task 1, Construction Project Management and Coordination. The major objective of this Task is to establish the lines of communication, and set forth the priorities between the City of Ashland Parks Department and the Consultant. As the work progresses, the Consultant shall keep the City informed of the Project work progress and aware of changes affecting the Project including schedule and related costs. Consultant shall prepare and provide monthly Project invoice with progress reports to the City of Ashland Parks Department.

Consultant shall:
- Immediately after receipt of the NTP, schedule and conduct a preconstruction conference in order to discuss with the Construction Contractor (CC) and City of Ashland Parks Department the construction schedule, utility involvement, required documentation submittals, materials testing, surveying, and other items relevant to the construction of the Project.
- Prepare an agenda for the preconstruction meeting.
- Prepare and distribute minutes for the meeting within five (5) business days after the meeting.

Up to five (5) Project team meetings may be held with the CC and the City of Ashland Parks Department to discuss the Project schedule and other outstanding issues for the Project.
Consultant's resident inspector must attend these meetings. Consultant's Project Manager (PM) shall attend one (1) meeting per month up to five (5) meetings.

**Task 1 - Deliverables:**
Consultant shall:

♦ Develop agenda for the preconstruction meeting and distribute to City of Ashland Parks Department and CC.
  **Schedule:** Three (3) business days prior to the meeting.

♦ Prepare minutes to document the meeting to the CC and City of Ashland Parks Department.
  **Schedule:** Within five (5) business days after the meeting.

♦ Prepare minutes to document up to five (5) progress conferences with the CC, and City of Ashland Parks Department staff.
  **Schedule:** Within five (5) business days after the meeting.

♦ Provide monthly progress reports with invoices to the City of Ashland Parks Department.
  **Schedule:** Monthly in the normal billing cycle.

**TASK 2 – CONSTRUCTION SURVEYING**

Consultant shall provide all surveying control data required to control all phases of work and to construct the Project to the lines and grades as shown, specified, or established. Consultant shall provide all supporting computations and field notes required for the construction contractor to control the work and as required to establish the correct position, orientation, and elevation of the work from control stations, including furnishing and setting construction stakes and marks, reference marks, and additional control stations.

Consultant shall:

- Verify all initial horizontal and vertical control stations in the proximity of the project.
- Provide calculations, field notes, and survey drawings for the layout and control of the work as are required to construct the project as specified.
- Prepare horizontal and vertical alignment construction grade data from the Contract Plans and Specifications.

**Task 2 - Deliverables:**
Consultant shall:

♦ Provide calculations, field notes and survey drawings for the layout and control of the work.
  **Schedule:** As required periodically throughout the project.

**TASK 3 – CONSTRUCTION ENGINEERING AND INSPECTION**
Consultant shall perform engineering and inspection required to ensure conformance of the Project with the plans and specifications for the Project. The engineering and inspection must take place concurrently with the CC’s operations. For budgeting purposes, it is assumed that construction will be limited to 16 weeks and that OBEC’s inspector will be needed for an average of 35 hours per week for up to ten weeks and 24 hours per week for up to six weeks. The general order and nature of inspection will be as follows:

Consultant shall:

- Inspect erosion and sediment control measures.
- Inspect removal of existing structures and obstructions and miscellaneous items.
- Inspect underground and above ground utility installation.
- Inspect surfacing removal.
- Inspect structure installation.
- Inspect wearing surface installation.
- Inspect electrical system material and placement.
- Inspect water main replacement.
- Inspect planting and irrigation installation.

**Task 3 - Deliverables:**
Consultant shall provide:
- General daily progress reports.
- Photos (as necessary)
- Field notes, measurements, and general documentation.
**Schedule:** As requested.

**TASK 4 – REVIEW AND APPROVAL OF SHOP DRAWINGS AND SUBMITTALS**

Consultant shall review details for shop drawing submittals and other product data submittals. Shop drawings and submittals will be stamped, signed, and dated by EOR and marked as either “Approved”, “Approved As Noted”, ”Returned for Correction” or “Rejected” for non-engineered shop or working drawings. Engineered shop or working drawings will be stamped either “Reviewed” or “Reviewed with Comment.”

Consultant shall also perform review of CC submittals for project schedule, and erosion and pollution control plans. Consultant shall maintain a record of submittals including dates received, forwarded, and returned. Consultant shall process shop drawings in a timely manner so as not to delay the CC operations.

**Task 4 - Deliverables:**
Consultant shall:
- Maintain submittal log.
  **Schedule:** Within the twenty-one (21) day period identified in most recent version of the Supplemental Oregon Standard Specifications for Construction.
TASK 5 – DESIGN CONSULTATION AND PLAN CHANGES DURING CONSTRUCTION

Consultant shall provide consultation and technical services regarding design issues raised during construction of the Project. Consultant shall clarify construction contract documents; respond in writing to Requests for Information (RFI’s), and monitor design assumptions. In conjunction with the above, Consultant shall provide written responses to RFI’s as well as prepare design modifications and issue plan changes as required to assure conformance to the final product. The design consultation will occur only as required and may be ongoing throughout the construction contract.

Engineering work will be prepared under the direction of the Consultant’s Oregon registered Professional Engineer. Revisions to final drawings and specifications must bear the stamp of the Consultant’s professional engineer responsible for, or for the oversight of, the preparation of the drawings and specifications.

Task 5 – Deliverables:
Consultant shall provide:

♦ Three (3) hard copies of written responses to RFI’s – one (1) each to CC, and City of Ashland Parks Department.
  Schedule: Within five (5) business days after receiving the RFI from CC, or City of Ashland Parks Department.

♦ Two (2) hard copies of draft design/plan changes – one (1) each to City of Ashland Parks Department.
  Schedule: As required to eliminate or minimize impacts to CC’s schedule, but no later than five (5) business days after City of Ashland Parks Department agrees that a design/plan change is required.

♦ Two (2) hard copies of final design/plan changes – one (1) each to CC, and City of Ashland Parks Department.
  Schedule: As required to eliminate or minimize impacts to CC’s schedule, but no later than ten (10) business days after City of Ashland Parks Department agrees that a design/plan change is required.

TASK 6 – CHANGE ORDERS AND EXTRA WORK ORDERS

Consultant shall prepare Construction Contract Change Orders (CCOs) and extra work orders for CC as necessary if changes arise during Project construction. Construction CCOs may include but are not limited to modification to the contract plans, specifications, and contract time.
Note: Construction CCOs require approval and execution of the City of Ashland Parks Department prior to implementation.

Consultant shall process extra work orders for “Force Account” billings from CC. Consultant shall process extra work orders only after “Force Account” work has taken place and only after CC has submitted the appropriate invoice with all the appropriate documentation to Consultant. Time spent dealing with Quality or Quantity Assurance documentation related to a CCO or Extra Work is included under this task.

**Task 6 - Deliverables:**
Consultant shall:

♦ Submit CCOs for approval and execution by City of Ashland Parks Department prior to implementation.
   
   **Schedule:** As required periodically throughout the Project. Construction CCOs must be written executed and approved prior to performance of the work. Approval (E-mail acceptable) from the City of Ashland Parks Department is required prior to proceeding with changed or extra work.

♦ Submit to the City of Ashland Parks Department work orders for “Force Account” billings from CC.
   
   **Schedule:** As required periodically throughout the Project with the next monthly Project pay estimate.

**TASK 7 – AS-CONSTRUCTED PLANS**

Consultant shall make revisions to the existing plans and provide complete “As Constructed” contract drawings to the City of Ashland Parks Department for final records. Changes to the drawings will be provided on mylars.

**Task 7 - Deliverables:**
Consultant shall:

♦ Provide two (2) copies each of completed “As-Constructed” markups of the contract drawings for the Project in 11x17 (half-size) mylar format – for delivery to the City of Ashland Parks Department.
   
   **Schedule:** Within sixty (60) business days of completion of all contract related work and final inspection of the Project.