

Council Business Meeting

November 21, 2017

Title: Special Procurement for Pioneer Hall Rehabilitation Plan Development

From: Paula C. Brown P.E. Public Works Director
paula.brown@ashland.or.us

 Kaylea Kathol Project Manager
kaylea.kathol@ashland.or.us

Summary:

Before the Council is a special procurement, direct award, to commission architectural and structural engineering services for the rehabilitation of Pioneer Hall. Services will include the development of plans for modifying the building to achieve compliance with the 2014 Oregon Structural Specialty Code (OSSC), including occupancy, gravity and seismic provisions.

Actions, Options, or Potential Motions:

Move to approve a special procurement, direct award, with Steve Ennis Architect for the development of architectural and structural construction plans for the rehabilitation of Pioneer Hall - Phase 2, as defined in the scope of services.

Staff Recommendation:

Staff recommends approval of the special procurement for professional services with Steve Ennis Architect to advance Phase 2 of the rehabilitation of Pioneer Hall.

Resource Requirements:

The proposed budget for services is \$39,462 and within the current Public Works budget for facilities management.

Policies, Plans and Goals Supported:

- 2.2 Engage boards and commissions in supporting the strategic plan
- 4 Evaluate real property and facility assets to strategically support city mission and goals
 - Maintain existing infrastructure to meet regulatory requirements and minimize life-cycle costs
 - Deliver timely life-cycle capital improvement projects
 - Maintain and improve infrastructure that enhances the economic vitality of the community
 - Evaluate all city infrastructure regarding planning, management, and financial resources

Background and Additional Information:

In 2017 the City commissioned Steve Ennis Architect (Ennis) to evaluate the occupancy, structural, and seismic conditions of Pioneer Hall pursuant to the 2014 OSSC. Ennis and his

subcontractor, Marques Engineering Associates (Marquess) found numerous deficiencies in the structure, some of which were fairly concerning and imminent, including an overloaded roof under snow (and possibly wind) loads, overloaded floor joists and beams under a live load, and multiple seismic deficiencies, including a stone chimney that will not withstand a seismic event. Parts of the structure are more than 100 years old, according to the City's insurance appraisals, so the extent of code variances are not particularly surprising. The full report available upon request from the City's project manager, Kaylea Kathol, kaylea.kathol@ashland.or.us.

Council authorized the City to commission the development of construction plans to implement all corrective actions recommended in the evaluation report during the November 6, 2017 Study Session. The City desires to utilize the Ennis/Marquess team for this second phase of the project, due to their extensive and unpatrolled site-specific knowledge. A scope of work proposal provided by Ennis indicates that phase 2 will cost close to \$40,000, and therefore must be competitively bid pursuant to ORS 279B.070.

Staff believes that it is not in the public best interest to initiate a competitive solicitation for this project, as detailed in the attached Special Procurement Request for Approval. This is a time-sensitive project, with respect to both the severity of the deficiencies *and* the compressed time period for construction (specifically, when the facility is not being used as a cold weather shelter). Staff estimates that a competitive solicitation will set the project schedule back by 4 to 6 months, and would likely result in missing the summer 2018 construction window. Not only is a competitive solicitation time consuming, it also may result in a contract award to a firm that has no site experience. Due to the risk associated with structural work, it is unlikely that any other potential firm would "blindly" accept Ennis's findings. It is much more likely that a new firm would perform their own evaluations and calculations, thereby duplicating many of the previous efforts, resulting in increased project costs and a low likelihood of meeting an aggressive a summer construction schedule.

Ennis and Marquess have completed a labor- and time-intensive evaluation of Pioneer Hall. They've been underneath the building, in the walls, and in the ceilings, in order to develop as-built drawings and perform accurate structural calculations and assessments. The team has site expertise that cannot be matched by any other potential bidder. In addition, they have a proprietary confidence in their observations and calculations. For these reasons, staff believes it makes little sense to enter into a competitive solicitation, and that it is in the public best interest to directly award phase 2 of Pioneer Hall Rehabilitation to Ennis.

Attachments:

Form #9 - Special Procurement
Exhibit A – Scope of Services / Proposal

References:

Final Report on Pioneer Hall Code Evaluation, Ennis October 17, 2017

**SPECIAL PROCUREMENT
REQUEST FOR APPROVAL**

To: City Council, Local Contract Review Board

From: Paula Brown, Director of Public Works P.E.

Date: 11/21/2017

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:** Public Works Department
2. **Department Contact Name:** Paula C. Brown, PE, Director of Public Works
3. **Type of Request:** X Class Special Procurement _____ Contract-specific Special Procurement
4. **Time Period Requested:** From: December 1, 2017 To: October 31, 2018
5. **Total Estimated Cost:** \$39,462
6. **Short title of the Procurement:** Pioneer Hall Rehabilitation – Plan Development

Supplies and/or Services or class of Supplies and/or Services to be acquired:

The City intends to commission architectural and structural engineering services for the rehabilitation of Pioneer Hall. Services will include the development of plans for modifying the building to achieve compliance with the 2014 Oregon Structural Specialty Code, including occupancy, gravity, and seismic provisions. A scope of work is provided in Exhibit A.

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: A 2017 analysis of Pioneer Hall enumerated multiple code, condition, gravity (e.g. loading), and seismic deficiencies in Pioneer Hall, including the finding the roof is overloaded under snow loads. The analysis, performed by Steve Ennis Architect (Ennis), in partnership with Marquess Engineering (Marquess), may be requested from Kaylea Kathol; kaylea.kathol@ashland.or.us.

8. Proposed procedure: The City requested Ennis to develop a budgetary proposal for the development construction drawings for implementing the recommended upgrades detailed in Exhibit A. The City proposes to award the design contract directly to Ennis.

9. Justification for use of Special Procurement: Describe the circumstances that justify the use of a Special Procurement. Attach relevant documentation.

The initial assessment of Pioneer Hall was a labor-intensive project that required the development of as-built drawings, three to four "rounds" of inspections and surveys, and extensive structural and seismic calculations. As a result, Ennis and Marquess (subcontractor) now have an unparalleled familiarity with the building. In addition, and perhaps more importantly, these firms have confidence of ownership in the assessment's findings and calculations. Directly awarding the Design phase to Ennis is in the City's best interest, in terms of budget and schedule. Ennis will not need to familiarize his firm and subcontracts with the site, will not need to repeat any inspections, or redo any calculations. Due to the risk associated with structural work, it is unlikely that any other potential firm would "blindly" accept Ennis's findings. It is much more likely that a new firm would perform their own evaluations and calculations, thereby duplicating many of the previous efforts, resulting in increased project costs and a low likelihood of meeting an aggressive a summer construction schedule.

10. 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 request for special procurement is not based on favoritism, but rather on a consultant's level of site-specific knowledge and expertise that currently cannot be equaled. It should also be noted that the project manager (Kaylea Kathol) developing this request has commissioned numerous and varied local engineering and architectural firms within the past year. Kathol's contracting record is publically available and indicates no tendencies toward favoritism.

(Please provide specific information that demonstrates how the proposed Special Procurement meets this requirement.); **and**

 x (b)(i) will result in substantial cost savings to the contracting agency or to the public because:

(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:

The duplication of services that may result from a competitive bid process is not in the public interest. The schedule setbacks that will certainly result from a competitive bid are not in the public interest. The staff time consumed by coordinating with a consultant who has no site history or familiarity is not in the City's interest.

(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 22, 2017

PUBLIC NOTICE

Approval of a Special Procurement

First date of publication: *November 22, 2017*

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 21, 2017*.

The City of Ashland will directly award a contract for professional services associated with Pioneer Hall structural, seismic, and occupancy rehabilitation to Steve Ennis Architect and the sub consultant, Marquess Engineering. This team performed the initial code evaluations of Pioneer Hall, has developed as-built drawings and load calculations, and has unparalleled site expertise and familiarity with the building. According to the site-specific knowledge, the Ennis/Marquess team will be directly awarded a contract for the development construction plans, specifications, and estimates. The contract will be awarded as a class-specific special procurement, as the City may desire additional assistance during construction administration. The cost of the contract is \$39,462. The work will be performed within the currently adopted City of Ashland FY18/19 Biennium Budget.

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, *Public Works Department, Paula Brown, P.E., 20 E. Main St. Ashland, OR*. The seven (7) protest period will expire at 5:00pm on November 28, 2017.

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.

STEVE ENNIS ARCHITECT

CITY OF ASHLAND

PIONEER HALL

ARCHITECTURAL & ENGINEERING FEE WORKSHEET

November 9, 2017

	<u>ARCHITECT</u>	<u>DRAFTSMAN</u>
<u>A SCHEMATIC DESIGN PHASE (DONE)</u>		
<u>B DESIGN DEVELOPMENT PHASE</u>		
1 Scope Review Meeting with Owner	2	
2 Cover Drawing & Site Plan (enlarged site plan)	2	5
3 Outline Scope of Work on Floor Plan, Building Sections & Ext. Elevs.	3	8
4 Draw up Roof Plan	1	3
5 Draw Interior Elevations	3	8
6 Coordination with Historic Commission & SHPO	8	
7 Coordination with Cost Estimator	4	
8 Approval Meeting with Owner	3	
9 Coordination with Owner & Engineers (6 Weeks @ 2)	12	
SUBTOTAL	38	24
<u>C CONSTRUCTION DOCUMENTS PHASE</u>		
10 Details at Porch, Chimney & Cabinets	4	16
11 Meetings with Owner (75% & 95% Meetings @ 3 Each)	6	
12 Specifications	16	
13 Complete Cover Drawing, SP, FP, BS, RP, EE & IE	4	16
14 Coordination with Owner & Engineers (8 Weeks @ 2)	16	
SUBTOTAL	46	32
<u>D PERMITTING PHASE</u>		
15 Coordinate Permit with City	3	
16 Approvals from Historic Commission & SHPO	16	
17 Reply to Contractor Questions & Issue Addendums	8	
18 Coordination with Owner & Engineers (6 Weeks @ 2)	12	
SUBTOTAL	39	0
<u>E CONSTRUCTION PHASE (Not in Contract)</u>		
TOTAL HOURS	123	56
HOURLY RATES	\$94	\$70
SUBTOTAL	\$11,562	\$3,920
ARCHITECTURAL FEE	\$15,482	
DESIGN DEVELOPMENT COST ESTIMATE (ACC Cost Consultants)	\$3,000	
CIVIL ENGINEERING (Marquess & Associates)	\$1,200	
STRUCTURAL ENGINEERING (Marquess & Associates)	\$13,100	
MEP ENGINEERING (Marquess & Associates)	\$6,680	
ARCHITECTURAL & ENGINEERING FEE	\$39,462	