

particular public improvement contract or class of public improvement contracts, the following:

(A) How many persons are available to bid;"

Finding: Based on previous PCC CM/GC contracting processes, the College expects that a substantial number of contractors will be interested in the Sylvania project, and that there will be vigorous competition during the RFP process.

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

Finding: The construction budget is set forth above in the project description. The College has not conducted a detailed analysis of the operating costs, but expects that the improved design resulting from the CM/GC's early participation during the design phase, and particularly the contractor's assistance with energy efficiency improvements designed to meet the College's rigorous energy efficiency goals, will substantially reduce long-term operating cost. This is one of the design goals of the project, and bringing the contractor on board during the design phase will improve the College's ability to achieve this goal.

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

Finding: Unlike a traditional design/bid/build procurement, an RFP process allows the District to review the qualification of the proposed GC's project team, ensuring the selected firm(s) has experience and expertise in development of education and related facilities, including the required City of Portland permitting process. This is important to ensure that the selected contractor has the experience and capacity to build and renovate complex facilities on an operating college campus.

Bringing the CM/GC on during the design phase also promotes an early team approach that leads to better communication, continuous value engineering, and improved constructability review, which results in an improved final design and, consequently, a more streamline construction process. The College's past experience with the CM/GC process has been that this reduces change orders and limit delays during the construction phase. The College also expects that the CM/GC team approach will also allow better monitoring by PCC staff to ensure that the Project stays within budget.

It is vital that the College have a completely operational instructional facility to serve the needs of its staff and students,

and that the time that Sylvania Campus buildings are out of service for renovation is the shortest practical time needed to accomplish the work. Use of a CM/GC process will allow this to happen on a flexible schedule and will reduce the possibility that the College will experience increased costs due to delay and disruption.

The CM/GC process will also enable PCC to work with the contractor to maximize opportunities for participation by minority, women-owned, and emerging small businesses for subcontracting work. This will increase competition among subcontractors. The College's experience with past CM/GC contracts demonstrates that the College achieves higher MWESB utilization and subcontractor participation than it does through traditional contracting methods.

Enhanced teamwork and early participation in the planning process by the Contractor through the CM/GC process will also allow the College to identify multiple internship opportunities for students, and create 'learning lab' opportunities as part of the design and construction process.

Overall, the public benefits of the CM/GC process include cost savings, better achievement of College community goals, and more timely delivery of the project due to fewer changes and disruptions.

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

Finding: Value engineering is a routine practice in public improvement projects regardless of procurement method. The CM/GC delivery method allows for the general contractor to participate in the value engineering process during the design phase, resulting in a more effective and efficient process as compared to value engineering via change orders to a completed design. The inherent flexibility and team approach of the CM/GC process allows the College to more easily change the design and scope of work as necessary to meet the project budget before the final design is fixed. This is not something that the traditional bid process offers.

Value engineering may or may not decrease the contract sum but it will improve the College's ability to be able to manage the project within the budget and will reduce extra-cost change orders and the costs associated with the attendant project delay. PCC also expects to be able to take advantage of reduced architectural and other professional consultant service fees as a result of this more streamlined CM/GC approach.

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

Finding: The Sylvania project is a very complex project and requires a contractor with the expertise and experience to manage multiple subcontractors, to construct the project while the Campus is in use by staff and students, and that understands the particular needs of the College in terms of construction management and project delivery times. The RFP process allows for review of contractor expertise and the particular expertise of the contractor's proposed team not afforded by a low-bid procurement.

"(F) Any likely increases in public safety:"

Finding: The CM/GC process will enhance public safety because PCC will be able to consider the safety record of the contractors selected and because the CM/GC will be integral to planning the construction schedule and safety measures during the design phase. Because the buildings will be occupied and open to the public throughout the Project, this public safety benefit is particularly important.

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

Finding: The scope and magnitude of the work requires long-term planning and scheduling around the college's academic calendar. The public interest will be best served by establishing a construction methodology that encompasses that capability over the long duration of the Program. Directly involving the contractor in development of these key plans during the design phase will result in a more realistic, achievable, and expeditious schedule.

In addition, the CM/GC process allows the contractor to discover and help address complicated technical issues during the document design process, which facilitates advanced problem-solving. The risks are better understood and are addressed early in the process, reducing financial and schedule risks as a result.

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

Finding: This project will be funded by the 2017 Bond. There will be no impact on this funding source due to the CM/GC process.

"(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:"

Finding: Because the CM/GC process results in the selection of the general contractor early in the design phase, the College is better able to take advantage of market prices by facilitating early purchase of certain project elements. The essential added value of the CM/GC process is the real time market job costing from projects around the Portland market and the West Coast. This knowledge allows the contractor and architect time to consider less costly complementary or alternative items.

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

Finding: The Sylvania Bond Program is complex and will require careful planning and coordination of multiple projects in potentially several buildings, logistics for relocation of programs out of the HT, interior renovation work, and infrastructure work affecting the entry, circulation and parking lots. One of the biggest advantages of the CM/GC method is the ability to coordinate all technical work before the start of construction and more accurately establish a construction schedule. Being able to apply best practices as a team will make for a better product within the budget constraints.

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

Finding: As noted above, the Sylvania project involves substantial remodeling and renovation of HT building as well as throughout the Sylvania campus. Remodeling structures is typically much more complex than greenfield development because there are always surprises, sometimes unpleasant, once the project is underway. Conducting such work on an operating campus significantly increases that complexity. Use of the CM/GC process will ensure that the selected contractor has the experience and expertise to do the job.

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

Finding: As noted above, the Sylvania Campus will operating as usual throughout the four-year construction schedule requiring careful and accurate project scheduling.

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

Finding: There are a number of separate but related projects that are included in the Sylvania Project that will have to be carefully scheduled and implemented.

"(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."

Finding: The College's Bond Program Office has extensive experience in implementing successful CM/GC contracting processes, including the successful Cascade, Rock Creek, Southeast, and Sylvania projects from the 2008 Bond Program. The design team lead by Hacker Architects, which worked with the College on the 2008 Bond CM/GC project at Cascade, also has extensive experience with CM/GC contracting. The District's outside legal counsel, Miller Nash Graham & Dunn LLP, has extensive experience with the CM/GC alternative contracting methods and has represented the College on multiple CM/GC projects arising from past bond programs.

Ultimate Finding: For these reasons, use of the CM/GC Alternative Contracting Method for the Sylvania Campus projects is likely to result in substantial cost savings and deliver other significant public benefits as compared to use of the standard/bid/build process within the meaning of ORS 279C.335(2)(b).

RECOMMENDATION: That the Board of Directors, acting as the Local Contract Review Board for the College, adopt the findings presented and grant an exemption from competitive bidding for the capital upgrades projects at the Sylvania Campus. Also, that the use of a CM/GC process be authorized as the alternative contracting method for the Project. Funding for this project will be from the general obligation bond issue passed by voters in November 2017.

January 18, 2018

18-081

AUTHORIZE DEDICATION OF RIGHT OF WAY AND EASEMENT
TO WASHINGTON COUNTY AT THE ROCK CREEK CAMPUS

PREPARED BY: Linda Degman, Director, Bond Program

FINANCIAL
RESPONSIBILITY: Linda Degman, Director, Bond Program

APPROVED BY: Sylvia Kelley, Executive Vice President
Mark Mitsui, College President

REPORT: As part of the development plan for North Bethany, which Rock Creek Campus is part of, Washington County is widening Springville Road from 185th Avenue east to 178th Avenue. As the campus continues to grow there is a need for a traffic signal at our entrance; this would provide for a safer entrance to the campus for vehicles, bicyclists, and pedestrians.

Washington County requires that the campus entry line up with 178th Avenue before a signal would be approved. Staff has been in discussion and negotiations with Washington County to relocate the campus entrance with a cost share approach.

The following is presented as beneficial for both PCC and the County:

- 1) The County needs additional right of way dedicated from PCC to build the required two eastbound left turn lanes into the new entrance. PCC would be entitled to any eligible Transportation Development Tax (TDT) credits.
- 2) PCC will grant an additional public utility easement.
- 3) PCC will pay the County \$500,000 for the relocation project.
- 4) The County will manage the development, design, and construction of the project and pay for anything beyond the \$500,000.

RECOMMENDATION: That the Board authorize the dedication of right of way to Washington County and dedication of an easement for public utility on the campus frontage for construction and relocation of the Rock Creek Campus. That the Board further delegates to the president or designee the authority to execute all necessary documents to complete these transactions.



Board of Directors Goals 2017-2018

Board members recognized during discussion that several goals from previous goal-settings are not time-specific but are, rather “legacy priorities” that will apply, with a degree of contemporary variation, in any year. Other priorities and goals were identified that are specific to the 2017-2018 planning cycles.

Legacy Goals

- Ensure an environment of success that encourages access and timely completion
- Prioritize the college’s commitment to the creation of a nationally renowned culture for diversity, equity and inclusion
- Track and evaluate Portland Community College operations and execution of the Strategic Plan.
- Be an engaged advocate for Portland Community College in:
 - Governmental affairs and governmental advocacy
 - In support of fundraising strategies targeting the advancement of important initiatives (e.g. Future Connect, PCC Foundation efforts, etc.)
- Continue communication between the Board of Directors and the President

Board Priorities

- Support implementation of the strategic enrollment plan and the Achieving the Dream Initiative.
- Track data regarding efforts to enhance district-wide efforts to make PCC an employer of choice, encouraging recruitment, hiring and retaining of faculty, staff, vendors and contractors from historically underrepresented groups while promoting employee engagement and professional development opportunities.
- Increase awareness of role that PCC plays in our community through outreach and education.
- Support implementation of strategic initiatives and moving people out of poverty (opportunity and student success).

The College prohibits unlawful discrimination based on race, color, religion, national origin, sex, marital status, disability, veteran status, age, sexual orientation, or any other status protected by federal, state, or local law in any area, activity or operation of the College. The College also prohibits retaliation against an individual for engaging in activity protected under this policy, and interfering with rights or privileges granted under anti-discrimination laws. In addition, the College complies with applicable provisions of the Civil Rights Act of 1964 (as amended), related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 (as amended), Uniformed Services Employment and Reemployment Rights Act ("USERRA"), and all local and state civil rights laws. Under this policy, equal opportunity for employment, admission, and participation in the College's programs, services, and activities will be extended to all persons, and the College will promote equal opportunity and treatment through application of this policy and other College efforts designed for that purpose.