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PORTLAND COMMUNITY COLLEGE BOARD OF DIRECTORS

Business Meeting

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January 20, 2022



Please print double-sided in support of Board Policy B707 – Sustainable Use of Resources

Board of Directors Goals 2021-2022

Belonging

Strategic Goal: Ensure that the Board of Directors and the President both advance Diversity, Equity and Inclusion in measurable and strategic ways.

- Increase the recruitment, hiring, and retention of employees of color.
- Increase the awarding of contracts to D/M/W/ESB/SDV companies.
- Integrate diversity, equity, and inclusion into its policymaking processes and all board functions.

Delivery

Strategic Goal: The board holds itself and the college president accountable for improving equitable student success.

- Improve access, retention, and completion rates for all students; while reducing and eliminating disparities in these rates for low-income students and students of color.
- Utilize personal and professional networks to establish new strategic partnerships that bring new resources to the goal of improving outcomes for students (e.g., resources that address student housing and food insecurity, the PCC Campaign for Opportunity, etc.).

Enterprise

Strategic Goal: Through the development of policy, a strong relationship with the college president and effective public advocacy, ensure that Portland Community College is well positioned to meet the current and future needs of the communities it serves:

- Hire and on-board PCC's 8th President and communicate the PCC governance structure
- Coordinate and strengthen strategic advocacy with city, county, regional, state, and federal governments.
- Continue strategic oversight of college performance.
- Prepare for the 2022 Bond Measure.
- Engage in Board development by participating in evaluations, professional development and trainings.
- Support and actively contribute to the successful completion of reaccreditation.

Workforce

Strategic Goal: Advocate for workforce development.

- Review strategic-level workforce data to support alignment of pathways to close talent and opportunity gaps and move students into quality, livable wage careers, increasing economic mobility.
- Advocate for state investments in community colleges to promote equitable workforce development.
- Assist in cultivating donors and leveraging private/public partnerships that contribute leading edge training equipment for PCC programs.

The PCC Board of Directors Working Agreement:

- | | |
|------------------------------------------|----------------------------------------|
| • Treat each other with respect | • Call in/Call out |
| • Plan agenda thoughtfully | • Be aware of impact as well as intent |
| • Listen with an empathic mind and heart | • Conduct effective meetings |
| • Be prepared | • Stay true to board goals |
| • Be honest, act with integrity | • Stay engaged |
| • Create a positive working environment | |

Portland Community College
BOARD OF DIRECTORS
PO BOX 19000, Portland, Oregon 97280

January 20, 2022

AGENDA

The Board of Directors meetings are held in accordance with open meeting laws and accessibility requirements. If a person with a disability needs assistance in order to attend or participate in a meeting, please notify the Board of Director's Office at least 48 hours in advance by calling (971) 722-4365 or by email at boardmember@pcc.edu, please use **ACCESSIBILITY** in the subject line.

5:00 PM **EXECUTIVE SESSION** In accordance with ORS 192.660 (2), (d) labor negotiations and (h) litigation

Media Requests to join the Executive Session can be phoned in to 971.722.4365 or emailed to boardmember@pcc.edu by noon of the meeting date. Please use MEDIA REQUEST in the subject line.

5:30 PM **WORK SESSION**

- Accreditation—Katy Ho (10 minutes)
- 2022 Legislative Session Update—Sage Learn (30 minutes)
- Policy—Michael Sonnleitner and Serin Bussell (5 minutes)
- OCCA Update—Michael Sonnleitner (5 minutes)

6:20 PM BREAK

6:30 PM **CONVENE AS LOCAL CONTRACT REVIEW BOARD**

- Public Hearing on Exemption from Competitive Bidding in accordance with ORS 279C.335 (2) and (5)
- CM/GC Updates—Linda Degman
 - 22-076 Adopt Findings - Grant an Exemption from Competitive Bidding - Authorize Use of the Construction Manager/General Contractor (CM/GC) Alternative Contracting Method for Sylvania Campus College Center Re-Roof and Mechanical Upgrades
 - 22-077 Adopt Findings - Grant an Exemption from Competitive Bidding - Authorize Use of the Design Build (D/B) Alternative Contracting Method for Sylvania Campus Health Technologies Building West Side & Pool Renovation Project
 - 22-078 Adopt Findings - Grant an Exemption from Competitive Bidding - Authorize Use of the Construction Manager/General Contractor (CM/GC) Alternative Contracting Method for District Wide Public Safety Space Improvements
- Public Comment on Exemption from Competitive Bidding

6:50 PM **ADJOURN LOCAL CONTRACT REVIEW BOARD**

6:50 PM **BUSINESS SESSION**

Call to Order

- Land Acknowledgment: Laurie Cremona Wagner, Zone 1
- Approval of Agenda—January 20, 2022
- Approval of Minutes— December 16, 2021 (to be added)

6:55 PM **RECOGNITION**

- Commendation of Retiring Employee - Cherie Maas Anderson (34 Years)

7:00 PM **PRESIDENT’S UPDATES**

- COVID-19 Update
- Kudos
- Announcements
- Other

7:20 PM **INFORMATION SESSIONS**

DELIVERY: Redefine time, place, and systems of educational delivery to create a more learner-centric ecosystem

- Limelight on Learning: ESOL/HVAC--Skyler Stearns and Rick Willebrand (15 minutes)

7:35 PM **PUBLIC COMMENT ON AGENDA ITEMS**

Persons wishing to make public comment on agenda items can request a time slot by using this [link](#). Details and directions can be found at the link.

7:50 PM **CONSENT AGENDA:** (All items will be approved by consent agenda unless an item is withdrawn by request of a member of the Board. A separate motion will then be required to take action on the item in question.)

PERSONNEL

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Academic Professional Appointments:

Jennifer Lucena, Community Resources Coordinator,
Academic Affairs

Administrative Appointments:

Jean Atkinson, Auxiliary Services Manager, Finance and
Administration

Terrell Clark, Dean of Academic Pathways – Academic
Foundations, Essentials & Gateways, Academic Affairs

James Gapinski, Pathways Guidance Manager, Academic
Affairs

Angela McMahon, Director of Academic Affairs/Student
Affairs Application Systems & Support, Academic Affairs

Cheryl Miller, Dean of Learning Support, Academic Affairs

	Virginia Perelson, Student Accommodation Manager, Disability Services, Student Affairs	
	Lindsey Pierce, Pathways Guidance Manager, Academic Affairs	
	Joy Turtola, Dean of Academic Pathways – Public Service, Education & Social Science, Academic Affairs	
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22-076	Adopt Findings - Grant an Exemption from Competitive Bidding - Authorize Use of the Construction Manager/General Contractor (CM/GC) Alternative Contracting Method for Sylvania Campus College Center Re-Roof and Mechanical Upgrades.....	139
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7:55 PM

PUBLIC COMMENT ON NON-AGENDA ITEMS

Persons wishing to make public comment on agenda items
can request a time slot by using this [link](#). Details and directions
can be found at the link.

8:10 PM

REPORTS

- Student Update— Mohasin Biswas Manab, Student Board
Member
- PCC Federation of Classified Employees (AFT Local 3922)—Jeff
Grider, President

- PCC Federation of Faculty and Academic Professionals (AFT Local 2277)—Frank Goulard, President
- Board Members

8:30 PM

ADJOURNMENT

January 20, 2022

22-071

APPROVAL OF PERSONNEL ACTIONS

PREPARED BY: The Human Resources Department Staff

APPROVED BY: Alisa Hampton, Recruitment Manager, Human Resources
Jennifer deLaix, Associate Vice President (Interim), Human Resources
Mark Mitsui, President

STRATEGIC THEMES: Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student
Delivery: Redefine time, place, and systems of educational delivery to create a more learner-centric ecosystem
Workforce: Respond to community and workforce needs by developing a culture of agility
Enterprise: Cultivate a long-term sustainable college enterprise

REPORT: Approval of Personnel Actions

RECOMMENDATION: That the Board of Directors approve the following actions:

A. Approval of new hires, new positions and change of position

Academic Professional Appointment (NonGeneral Fund)– Jennifer Lucena

Community Resources Coordinator

Academic Affairs

Annual Salary: \$57,272

Grade: 4

Step: 3

Effective: December 6, 2021

Applicant Flow:

Gender		Ethnicity	
31	Female	0	American Indian or Alaska Native
13	Male	3	Asian
4	Not Disclosed	3	Black or African American
		4	Hispanic/Latino
		1	Native Hawaiian or Other Pacific Islander
		5	Not Disclosed
		6	Two or More Selections
		26	White
		48	Total

Administrative Appointment– Jean Atkinson

Auxiliary Services Manager

Finance and Administration

Annual Salary: \$94,663

Grade: J

Effective: January 1, 2022

Applicant Flow:

Gender		Ethnicity	
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1	Female	1	American Indian or Alaska Native
0	Male	0	Asian
0	Not Disclosed	0	Black or African American
		0	Hispanic/Latino
		0	Native Hawaiian or Other Pacific Islander
		0	Not Disclosed
		0	Two or More Selections
		0	White
		<hr/>	
		1	Total

Administrative Appointment– Terrell Clark

Dean of Academic Pathways – Academic Foundations, Essentials & Gateways
Academic Affairs

Annual Salary: \$107,000 Grade: O

Effective: January 21, 2022

Applicant Flow:

Gender		Ethnicity	
10	Female	1	American Indian or Alaska Native
16	Male	3	Asian
0	Not Disclosed	2	Black or African American
		3	Hispanic/Latino
		0	Native Hawaiian or Other Pacific Islander
		2	Not Disclosed
		4	Two or More Selections
		11	White
		<hr/>	
		26	Total

Administrative Appointment– James Gapinski

Pathways Guidance Manager

Academic Affairs

Annual Salary: \$71,500 Grade: J

Effective: December 16, 2021

Applicant Flow:

Gender		Ethnicity	
75	Female	2	American Indian or Alaska Native
45	Male	5	Asian
10	Not Disclosed	13	Black or African American
		14	Hispanic/Latino
		0	Native Hawaiian or Other Pacific Islander
		14	Not Disclosed
		9	Two or More Selections
		73	White
		<hr/>	
		130	Total

Administrative Appointment– Angela McMahon

Director of Academic Affairs/Student Affairs Application Systems & Support
Academic Affairs

Annual Salary: \$119,727 Grade: M

Effective: January 18, 2022

Applicant Flow:

Gender		Ethnicity	
4	Female	0	American Indian or Alaska Native
8	Male	1	Asian
21	Not Disclosed	1	Black or African American
		0	Hispanic/Latino
		0	Native Hawaiian or Other Pacific Islander
		2	Not Disclosed
		0	Two or More Selections
		10	White
		14	Total

Administrative Appointment– Cheryl Miller

Dean of Learning Support

Academic Affairs

Annual Salary: \$135,000 Grade: O

Effective: February 7, 2022

Applicant Flow:

Gender		Ethnicity	
28	Female	1	American Indian or Alaska Native
33	Male	6	Asian
4	Not Disclosed	7	Black or African American
		5	Hispanic/Latino
		0	Native Hawaiian or Other Pacific Islander
		8	Not Disclosed
		3	Two or More Selections
		35	White
		65	Total

Administrative Appointment– Virginia Perelson

Student Accommodation Manager, Disability Services

Student Affairs

Annual Salary: \$95,000 Grade: K

Effective: January 4, 2022

Applicant Flow:

Gender		Ethnicity	
23	Female	2	American Indian or Alaska Native
9	Male	1	Asian
3	Not Disclosed	3	Black or African American
		4	Hispanic/Latino
		0	Native Hawaiian or Other Pacific Islander
		4	Not Disclosed
		2	Two or More Selections
		19	White
		35	Total

Administrative Appointment– Lindsey Pierce

Pathways Guidance Manager

Academic Affairs

Annual Salary: \$73,105

Grade: J

Effective: December 13, 2021

Applicant Flow:

Gender		Ethnicity	
75	Female	2	American Indian or Alaska Native
45	Male	5	Asian
10	Not Disclosed	13	Black or African American
		14	Hispanic/Latino
		0	Native Hawaiian or Other Pacific Islander
		14	Not Disclosed
		9	Two or More Selections
		73	White
		130	Total

Administrative Appointment– Joy Turtola

Dean of Academic Pathways – Public Service, Education & Social Science

Academic Affairs

Annual Salary: \$123,000

Grade: O

Effective: January 21, 2022

Applicant Flow:

Gender		Ethnicity	
11	Female	0	American Indian or Alaska Native
14	Male	0	Asian
0	Not Disclosed	2	Black or African American
		2	Hispanic/Latino
		0	Native Hawaiian or Other Pacific Islander
		0	Not Disclosed
		4	Two or More Selections
		17	White
		25	Total

**ETHNIC AND GENDER DESCRIPTION OF STAFF
PROPOSED TO BE HIRED IN THE JANUARY 20, 2022 PERSONNEL REPORT**

Female	6	American Indian/Alaskan Native	1
Male	3	Asian	0
Not Disclosed	0	Black or African American	1
	9	Hispanic/Latino	2
		Native Hawaiian/Pacific Islander	0
		Not Disclosed	1
		Two or More Selections	1
		White	3
			9

January 20, 2022

22-072

COMMENDATION OF RETIRING EMPLOYEE -
CHERIE MAAS ANDERSON (34 YEARS)

PREPARED BY: Melissa Morton, HRIS Specialist, Human Resources

APPROVED BY: Jennifer deLaix, Associate Vice President (Interim), Human Resources
Mark Mitsui, President

STRATEGIC THEME: Belonging: Transform our learning culture toward reating a sense of belonging and well-being for every student by developing and supporting a culture where all faculty and staff feel regularly acknowledged, inspired, engaged, and supported by each other and the college.

REPORT: Cherie Maas-Anderson has performed faithfully in her duties as Instructional Administrative Assistant III, Budget Operations Assistant II, Personal Assistant and Secretary for Portland Community College since October 7, 1987. She retires effective December 31, 2021.

RECOMMENDATION: That the Board commend her for her service to Portland Community College and wish her well in her retirement years.

January 20, 2022

22-073

COMMENDATION OF RETIRING EMPLOYEE -
HENRY SHAMBRY (10 YEARS)

PREPARED BY: Melissa Morton, HRIS Specialist, Human Resources

APPROVED BY: Jennifer deLaix, Associate Vice President (Interim),
Human Resources
Mark Mitsui, President

STRATEGIC THEME: Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student by developing and supporting a culture where all faculty and staff feel regularly acknowledged, inspired, engaged, and supported by each other and the college.

REPORT: Henry Shambry has performed faithfully in his duties as Custodian for Portland Community College since January 22, 2011. He retires effective December 30, 2021.

RECOMMENDATION: That the Board commend him for his service to Portland Community College and wish him well in his retirement years.

January 20, 2022

22-074

COMMENDATION OF RETIRING EMPLOYEE -
DAVID TAMEZ (11 YEARS)

PREPARED BY: Melissa Morton, HRIS Specialist, Human Resources

APPROVED BY: Jennifer deLaix, Associate Vice President (Interim),
Human Resources
Mark Mitsui, President

STRATEGIC THEME: Belonging: Transform our learning culture toward creating a sense of belonging and well-being for every student by developing and supporting a culture where all faculty and staff feel regularly acknowledged, inspired, engaged, and supported by each other and the college.

REPORT: David Tamez has performed faithfully in his duties as Custodian for Portland Community College since May 26, 2010. He retires effective November 30, 2021.

RECOMMENDATION: That the Board commend him for his service to Portland Community College and wish him well in his retirement years.

January 20, 2022

22-075

CONTRACT APPROVAL FOR SOUTHEAST CAMPUS
SECURITY CAMERA INSTALLATION TO CACHE VALLEY
ELECTRIC COMPANY

PREPARED BY: John MacLean, Finance & Procurement Manager, Planning
& Capital Construction

FINANCIAL
RESPONSIBILITY: Linda Degman, Director, Planning & Capital Construction

APPROVED BY: Eric Blumenthal, Vice President, Finance and Administration
Mark Mitsui, President

STRATEGIC THEME: Enterprise: Cultivate a long-term sustainable college
enterprise

REPORT: The 2017 Bond Program included funding for Phase 1 of
physical improvements to the College's security camera
system.

Planning & Capital Construction staff, in conjunction with
Public Safety, determined that the Southeast Campus
should be the first to receive these upgrades. The project
consists of upgrades to the IT hardware supporting the
cameras as well as installation of new cameras across the
campus.

On October 22, 2021 the Invitation to Bid (ITB) was
advertised in the Daily Journal of Commerce, State of
Oregon (OregonBuys), Portland Observer, and the Portland
Business Tribune. In addition, P&CC staff reached out to all
identified COBID registered firms who could provide these
services. A total of thirty-one (31) firms registered and
received a copy of the ITB document. At the proposal
closing time of 2:00 PM December 7, 2021, the College
received two (2) valid bids. Neither valid bidder was a firm
registered with Oregon COBID.

Bids were ranked on price with the lowest responsive bidder
recommended for the contract.

P&CC staff recommends that the contract be awarded to
Cache Valley Electric Company whose bid of \$1,147,460
was the lowest responsive bid.

Cache Valley is aware of the College target of 20% COBID participation. P&CC staff will work with the contractor to maximize COBID usage.

RECOMMENDATION: That the Board of Directors authorize PCC to execute a contract with Cache Valley Electric Company for up to \$1,262,206 which includes a 10% contingency. Funding will be from the 2017 Bond funds.

January 20, 2022

22-076

ADOPT FINDINGS - GRANT AN EXEMPTION FROM
COMPETITIVE BIDDING - AUTHORIZE USE OF THE
CONSTRUCTION MANAGER/GENERAL CONTRACTOR
(CM/GC) ALTERNATIVE CONTRACTING METHOD FOR
SYLVANIA CAMPUS COLLEGE CENTER RE-ROOF AND
MECHANICAL UPGRADES

PREPARED BY: John MacLean, Finance & Procurement Manager, Planning
& Capital Construction

FINANCIAL
RESPONSIBILITY: Linda Degman, Director, Planning & Capital Construction

APPROVED BY: Eric Blumenthal, Vice President, Finance and Administration
Mark Mitsui, President

STRATEGIC THEME: Enterprise: Cultivate a long-term sustainable college
enterprise

REPORT: The Sylvania Campus College Center (CC) building
needs a full roof replacement ("CC Roofing Project"). It is
past its useful life and there are significant leaks and other
issues that need to be addressed. The roof replacement is
also challenging because there are several cell phone
antennas and other mechanical equipment located on the
roof. Mechanical equipment, also on the roof has reached,
or is close to, the end of its usable life will also be replaced
as part of the project.

The roof is also very large and can only be done in the
summer time when less students and staff are in the
building. The building will have to remain open during the
replacement because there are critical services in the
building; such as food service and student services.

Design and pre-construction services on this project will be
funded from the 2017 Bond. Proceeding to an agreed
Guaranteed Maximum Price (GMP) and the subsequent
construction phase will be contingent on the College
successfully obtaining voter approval for a 2022 bond
program. This approach will ensure that if the bond program
is approved work can take place in Summer 2023.

The College has several critical needs related to the work going forward for the project:

- The timeline is schedule critical due to the impact of the building use;
- Work will need to be coordinated with building users and after-hours work;
- Imperative that the work happens during a summer timeframe;
 - The service to staff, faculty and students in the CC Building must, to the maximum extent possible, continue unimpeded through construction;
- Public, student, faculty, and staff safety must be protected in a complex, construction environment;
- Disruptions, delays, and unplanned events must be kept to an absolute minimum.

At its December 2018 meeting the Board approved Resolution 19-053 to grant an exemption from competitive bidding to allow the use of the design/build contracting process for this project.

An RFP was carried out and Kirby Nagelhout Construction Company was selected. A contract was agreed for the conceptual design of the project. At the end of this phase it became clear that the project was more complex than initially thought and would exceed the available project budget. The College and Kirby Nagelhout mutually agreed to terminate this contract.

Subsequently the College engaged Hacker Architects to prepare a roofing master plan for the Sylvania Campus.

The College is now ready to move forward with the project and staff have determined that the Construction Manager/General Contractor (CM/GC) is the most appropriate contracting method for the project.

The estimated project budget is between \$10-\$12M.

The Construction Manager/General Contractor (CM/GC) form of contracting is a competitive request for proposal

process that requires the contractors to provide detailed information and examples from past projects that demonstrate how they are able meet the criteria the college sets forth. One of the criteria is utilization of MWESB contractors and subcontractors. They have to demonstrate their commitment, prepare an outreach plan, share utilization from past projects, and their engagement has to be above and beyond the minimum of phone calls and emails. Using a CM/GC process allows for higher MWESB utilization. Without the CM/GC contracting process the college will have little to no input into the selection criteria of the subcontractors as the decision would be made solely on price.

This project will also have workforce participation and apprenticeship goals and this process allows the contractors plans to meet these goals to be part of the selection criteria. The contractor will also be required to have a PCC approved respectful workplace program in place,

Because of the size and complexity of this project, Staff recommends that the Construction Manager/General Contractor (CM/GC) process be utilized. The CM/GC alternative contracting process is authorized for procurement of construction services under ORS 279C.337 provided that the Local Contract Review Board (the Board of Directors for PCC under ORS 297A.060) approves an exemption from competitive bidding. Under the CM/GC contracting method:

- Prospective contractors are solicited prior to completion of the design phase pursuant to a competitive request for proposals (RFP) process, where selection is based upon criteria relating to the experience and expertise of the contractor rather than low bid.
- The contractor works with the owner and architect during the design phase to develop the final design with the goals of improved constructability and value engineering, which results in fewer change orders and the ability to expedite the construction schedule. It also enables the contractor to be involved in development of the construction program, including implementation of the College's inclusivity goals. (Under the standard design/bid/build method, the design is completed before the project is bid, award is based upon low bid, and the

contractor comes on board at that point.)

- At the end of the design phase, the owner and contractor negotiate and agree on a guaranteed maximum price ("GMP") and the construction schedule for the construction phase of the project. Execution of the GMP Amendment starts the construction phase of the project.

The CM/GC alternative contracting method is commonly used by public contracting agencies for complex projects such as the CC Building roof.

Findings:

ORS 279C.335(2), implementing ORS 279C.330, requires the Board to make certain findings in order to grant an exemption, as follows:

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

Finding: The requested exemption will not encourage favoritism or substantially diminish competition. The College will utilize a competitive RFP process to select the CM/GC firm. The procurement will be formally advertised with public notice. Full competition will be encouraged and all qualified contractors will be invited to submit a proposal. The award will be based upon an objective review and scoring of proposals by a qualified College review committee based on identified selection criteria. Once selected, the CM/GC will select subcontractors via competitive process in accordance with PCC Contracting Rules and as required by ORS 297C.337(3). This competitive process will include outreach to and solicitation of diverse and small contractors pursuant to the College's inclusivity goals. The CM/GC process should increase competition by maximizing the opportunity for all interested large, small, and/or diverse contractors to participate in the project.

"(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency . . . that seeks the exemption. 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:

(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 CC Building 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 estimated project 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. Replacement of the roof and mechanical equipment will reduce the on-going maintenance costs of the building. 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 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 limits 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 minimizes the disruption to the services provided at the CC Building and that the project is completed in 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.

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: This project is complex and requires a contractor with the expertise and experience to manage multiple subcontractors, to construct the project while the existing building 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 adjacent PCC buildings will be occupied and open to the staff, faculty, and students 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: Design and pre-construction services will be funded by the 2017 Bond. Construction will be contingent on a 2022 Bond Program obtaining voter approval. 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 CC Building Roof project is complex and will require careful planning and coordination to reduce the impact on users of the CC Building and surrounding buildings. 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 CC Building roof project involves substantial impact to a heavily used building on

the Sylvania Campus. Complex roof replacements are typically much more complex than greenfield development because there are typically issues that arise 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 CC Building will be operating as usual throughout the 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: The construction may be done in one or two phases depending on recommendations from the design and construction teams.

"(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 Office of Planning and Capital Construction has extensive experience in implementing successful CM/GC contracting processes, including the successful Rock Creek, Cascade, Southeast, and Sylvania projects from the 2008 Bond Program. The District's outside legal counsel, Miller Nash 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 CC Building Roof Replacement project 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 Sylvania CC Center Roof Replacement and Mechanical Upgrades Project to authorize the use of a CM/GC alternative contracting method for the project. Funding for the design and pre-construction phases of the project will be from the 2017 Bond Program. Funding for the construction phase will be contingent on the 2022 Bond Program obtaining voter approval.

January 20, 2022

22-077

ADOPT FINDINGS - GRANT AN EXEMPTION FROM
COMPETITIVE BIDDING - AUTHORIZE USE OF THE
DESIGN BUILD (D/B) ALTERNATIVE CONTRACTING
METHOD FOR SYLVANIA CAMPUS HEALTH
TECHNOLOGIES BUILDING WEST SIDE & POOL
RENOVATION PROJECT

PREPARED BY: John MacLean, Finance & Procurement Manager, Planning
& Capital Construction

FINANCIAL
RESPONSIBILITY: Linda Degman, Director, Planning & Capital Construction

APPROVED BY: Eric Blumenthal, Vice President, Finance and Administration
Mark Mitsui, President

STRATEGIC THEME: Enterprise: Cultivate a long-term sustainable college
enterprise

REPORT: As part of the 2017 Bond Program the Sylvania Campus
Health Technologies (HT) Building East Side is undergoing
a comprehensive renovation. The west side of the building
and the pool area are also in need of a similar renovation
project.

This will be a complex project that includes the need to
keep the east side of the building operational during
construction. In addition, swing space will need to be
identified and prepared before construction can start.

Design and pre-construction services on this project will be
funded from the 2017 Bond. Proceeding to an agreed
Guaranteed Maximum Price (GMP) and the subsequent
construction phase will be contingent on the College
successfully obtaining voter approval for a 2022 bond
program.

The College has several critical needs related to the work
going forward for the project:

- The timeline is schedule critical due to the impact
of the building use;

- Work will need to be coordinated with building users and after-hours work;
- The service to staff, faculty and students in the HT building must, to the maximum extent possible, continue unimpeded through construction;
- Public, student, faculty, and staff safety must be protected in a complex, construction environment;
- Disruptions, delays, and unplanned events must be kept to an absolute minimum.

The estimated project budget is between \$20-\$25M depending on options for the future of the pool.

The Design/Build (D/B) form of contracting is a competitive request for proposal process that requires the contractors to provide detailed information and examples from past projects that demonstrate how they are able meet the criteria the college sets forth. One of the criteria is utilization of MWESB contractors and subcontractors. They have to demonstrate their commitment, prepare an outreach plan, share utilization from past projects, and their engagement has to be above and beyond the minimum of phone calls and emails. Using a D/B process allows for higher MWESB utilization. Without the D/B contracting process the college will have little to no input into the selection criteria of the subcontractors as the decision would be made solely on price.

This project will also have workforce participation and apprenticeship goals and this process allows the contractors plans to meet these goals to be part of the selection criteria. The contractor will also be required to have a PCC approved respectful workplace program in place,

Because of the size and complexity of this project, Staff recommends that the Design/Build (D/B) process be utilized. The D/B alternative contracting process is authorized for procurement of construction services under ORS 279C.337 provided that the Local Contract Review Board (the Board of Directors for PCC under ORS 297A.060) approves an exemption from competitive bidding. Under the D/B contracting method:

- Prospective contractors are solicited at the start of the project using a competitive request for proposals (RFP) process, where selection is based upon criteria relating to the experience and expertise of the contractor rather than low bid.
- The contractor is the lead and partners with an architectural firm as part of the team during the design phase, assisting in design development, constructability review, value engineering, scheduling, and estimating. It also enables the contractor to be involved in development of the construction program, including implementation of the College's inclusivity goals. (Under the standard design/bid/build method, the design is completed before the project is bid, award is based upon low bid, and the contractor comes on board at that point.)
- At the end of the design phase, the owner and contractor negotiate and agree on a guaranteed maximum price ("GMP") and the construction schedule for the construction phase of the project. Execution of the GMP Amendment starts the construction phase of the project.

The D/B alternative contracting method is commonly used by public contracting agencies for complex projects such as the HT Westside Renovation.

Findings:

ORS 279C.335(2), implementing ORS 279C.330, requires the Board to make certain findings in order to grant an exemption, as follows:

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

Finding: The requested exemption will not encourage favoritism or substantially diminish competition. The College will utilize a competitive RFP process to select the D/B firm. The procurement will be formally advertised with public notice. Full competition will be encouraged and all qualified contractors will be invited to submit a proposal. The award will be based upon an objective review and scoring of proposals by a qualified College review committee based on identified selection criteria.

The selection criteria includes the experience and qualifications of the proposed design team.

Once selected, the D/B will select subcontractors via competitive process in accordance with PCC Contracting Rules and as required by ORS 297C.337(3). This competitive process will include outreach to and solicitation of diverse and small contractors pursuant to the College's inclusivity goals. The D/B process should increase competition by maximizing the opportunity for all interested large, small, and/or diverse contractors to participate in the project.

"(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency . . . that seeks the exemption. 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:

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

Finding: Based on previous PCC D/B contracting processes, the College expects that a substantial number of contractors will be interested in the HT West 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 estimated project 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 integration of the contractor and the design team 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 project team including the design 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 renovate complex facilities on an operating college campus.

Utilizing the D/B process 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 D/B process has been that this reduces change orders and limits delays during the construction phase. The College also expects that the D/B team approach will also allow better monitoring by PCC staff to ensure that the Project stays within budget.

It is vital that the College minimizes the disruption to the services provided at the HT Building and that the project is completed in the shortest practical time needed to accomplish the work. Use of a D/B 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 D/B 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 D/B contracts demonstrates that the College achieves higher MWESB utilization and subcontractor participation than it does through traditional contracting methods.

Overall, the public benefits of the D/B 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 D/B 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 D/B 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 any 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 D/B approach.

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

Finding: This project is complex and requires a contractor with the expertise and experience to manage multiple subcontractors, to construct the project while the existing building 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 D/B process will enhance public safety because PCC will be able to consider the safety record of the contractors selected and because the D/B will be integral to planning the construction schedule and safety measures during the design phase. Because the adjacent PCC buildings will be occupied and open to the staff, faculty, and students 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 D/B 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: Design and pre-construction services will be funded by the 2017 Bond. Construction will be contingent on the 2022 Bond Program obtaining voter approval. There will be no impact on this funding source due to the D/B 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 D/B process results in the selection of the general contractor before the design phase commences, 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 D/B 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 HT West project is complex and will require careful planning and coordination to reduce the impact on users of the HT Building and surrounding buildings. One of the biggest advantages of the D/B 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 HT West project involves substantial impact to a heavily used building on the Sylvania Campus. Occupied building renovations are typically much more complex than greenfield development because there are typically unforeseen issues that arise once the project is underway. Conducting such work on an operating campus significantly increases that complexity. Use of the D/B 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 east side of the HT Building will be operating as usual throughout the duration of the construction 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: The construction may be done in one or two phases depending on recommendations from the design and construction teams and what works best for the students, staff, and faculty.

"(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 Office of Planning and Capital Construction has experience in implementing successful D/B contracting processes, including the successful OMIC project and the ongoing Sylvania AM Building renovation. The District's outside legal counsel, Miller Nash LLP, has extensive experience with the D/B alternative contracting methods and has represented the College on previous D/B projects.

Ultimate Finding: For these reasons, use of the D/B Alternative Contracting Method for the HT West Renovation project 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 Sylvania HT West & Pool Renovation Project to authorize the use of a D/B alternative contracting method for the project. Funding for the design and pre-construction phases of the project will be from the 2017 Bond Program. Funding for the construction phase will be contingent on the 2022 Bond Program obtaining voter approval.

January 20, 2022

22-078

ADOPT FINDINGS - GRANT AN EXEMPTION FROM
COMPETITIVE BIDDING - AUTHORIZE USE OF THE
CONSTRUCTION MANAGER/GENERAL CONTRACTOR
(CM/GC) ALTERNATIVE CONTRACTING METHOD FOR
DISTRICT WIDE PUBLIC SAFETY SPACE
IMPROVEMENTS

PREPARED BY: John MacLean, Finance & Procurement Manager, Planning
& Capital Construction

FINANCIAL
RESPONSIBILITY: Linda Degman, Director, Planning & Capital Construction

APPROVED BY: Eric Blumenthal, Vice President, Finance and Administration
Mark Mitsui, President

STRATEGIC THEME: Enterprise: Cultivate a long-term sustainable college
enterprise

REPORT: The 2017 Bond Program included the replacement of the
existing Public Safety Building at the Cascade Campus.
After extensive community outreach and a review of Public
Safety needs, College staff have determined that the most
appropriate path forward is to renovate the existing building
and create a new dispatch center elsewhere on the
campus. It has also become clear that the existing dispatch
center at the Sylvania campus requires upgrading. There
are also public safety space needs at the other campuses
and centers that are currently being assessed.

The College has several critical needs related to the work
going forward for the project:

- Public Safety Dispatch Centers design and construction
should be consistent across the district to allow for
seamless transfer of operations during an emergency.
- Work on the Dispatch Centers and any related swing
space needs will have to be coordinated with building
users and after hours work may be needed.
- Imperative that as much of the work happens during a
summer timeframe as possible to reduce impact to staff,
faculty, and students.

College staff have determined that the Construction

Manager/General Contractor (CM/GC) form of contracting is the most appropriate contracting method for the project.

The estimated project budget is between \$3-\$4M.

The Construction Manager/General Contractor (CM/GC) form of contracting is a competitive request for proposal process that requires the contractors to provide detailed information and examples from past projects that demonstrate how they are able meet the criteria the college sets forth. One of the criteria is utilization of MWESB contractors and subcontractors. They have to demonstrate their commitment, prepare an outreach plan, share utilization from past projects, and their engagement has to be above and beyond the minimum of phone calls and emails. Using a CM/GC process allows for higher MWESB utilization. Without the CM/GC contracting process the college will have little to no input into the selection criteria of the subcontractors as the decision would be made solely on price.

This project has several opportunities for a mentorship program for MWESB firms and use of the CM/GC procurement method will allow the College to factor proposed mentorship opportunities into the scoring criteria.

This project will also have workforce participation and apprenticeship goals and this process allows the contractor's plans to meet these goals to be part of the selection criteria. The contractor will also be required to have a PCC approved respectful workplace program in place.

The College has several critical needs related to this project:

- The service to staff, faculty and students in the affected buildings, to the maximum extent possible, continue unimpeded through construction;
- General public, student, faculty, and staff safety must be protected in a complex, construction environment;
- Disruptions, delays, and unplanned events must be kept to an absolute minimum.

Because of the complexity of this project and the need for

standardization across the district, Staff recommends that the Construction Manager/General Contractor (CM/GC) process be utilized. The CM/GC alternative contracting process is authorized for procurement of construction services under ORS 279C.337 provided that the Local Contract Review Board (the Board of Directors for PCC under ORS 297A.060) approves an exemption from competitive bidding. Under the CM/GC contracting method:

- Prospective contractors are solicited prior to completion of the design phase pursuant to a competitive request for proposals (RFP) process, where selection is based upon criteria relating to the experience and expertise of the contractor rather than low bid.
- The contractor works with the owner and architect during the design phase to develop the final design with the goals of improved constructability and value engineering, which results in fewer change orders and the ability to expedite the construction schedule. It also enables the contractor to be involved in development of the construction program, including implementation of the College's inclusivity goals. (Under the standard design/bid/build method, the design is completed before the project is bid, award is based upon low bid, and the contractor comes on board at that point.)
- At the end of the design phase, the owner and contractor negotiate and agree on a guaranteed maximum price ("GMP") and the construction schedule for the construction phase of the project. Execution of the GMP Amendment starts the construction phase of the project.

The CM/GC alternative contracting method is commonly used by public contracting agencies for complex projects such as the District Wide Campus Public Safety Renovations.

Findings:

ORS 279C.335(2), implementing ORS 279C.330, requires the Board to make certain findings in order to grant an exemption, as follows:

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

Finding: The requested exemption will not encourage favoritism or substantially diminish competition. The College will utilize a competitive RFP process to select the CM/GC firm. The procurement will be formally advertised with public notice. Full competition will be encouraged and all qualified contractors will be invited to submit a proposal. The award will be based upon an objective review and scoring of proposals by a qualified College review committee based on identified selection criteria. Once selected, the CM/GC will select subcontractors via competitive process in accordance with PCC Contracting Rules and as required by ORS 297C.337(3). This competitive process will include outreach to and solicitation of diverse and small contractors pursuant to the College's inclusivity goals. The CM/GC process should increase competition by maximizing the opportunity for all interested large, small, and/or diverse contractors to participate in the project.

"(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency . . . that seeks the exemption. 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:

(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 Public Safety 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 estimated project 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, will substantially reduce long- term operating cost.

"(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 qualifications 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 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 limits 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 minimizes the disruption to the services provided by Public Safety and that the project is completed in 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.

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: This project is complex and requires a contractor with the expertise and experience to manage multiple subcontractors, to construct the project while the existing building 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 adjacent PCC buildings will be occupied and open to the staff, faculty, and students 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: Funding is available from the 2017 Bond Program. 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 Public Safety project is complex and will require careful planning and coordination to reduce the

impact on the service provided by Public Safety staff. 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: This project will involve renovation and remodels to multiple buildings across the district. Conducting such work on an operating campus significantly increases 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: Public Safety services will be operating as usual throughout the 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: The construction may be done in one or two phases depending on recommendations from the design and construction teams for the schedule.

"(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 Office of Planning and Capital Construction has extensive experience in implementing successful CM/GC contracting processes, including the successful Rock Creek, Cascade, Southeast, and Sylvania

projects from the 2008 Bond Program. 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 Public Safety Renovations Project 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 District Wide Public Safety Renovations Project to authorize the use of a CM/GC alternative contracting method for the project. Funding for the project will be from the 2017 Bond Program.

January 20, 2022

22-079

BP 2322 – NOTICE OF MEETINGS REVISIONS

PREPARED BY: Jeannie Moton, Executive Coordinator, Office of the President

APPROVED BY: Mark Mitsui, President

STRATEGIC THEME: Enterprise: Cultivate a long-term sustainable college enterprise

REPORT: After review of policy, it was noted that a few updates needed to be made to BP 2322—Notice of Meetings.

The current policy is:
BP 2322—Notice of Meetings

The secretary of the Board shall give written notice of all annual, regular, special or Executive Sessions of the Board in accordance with ORS 192.640. The written notice shall state the time and place of the meeting and the agenda, or a summary thereof, setting forth the subject matter to be considered at the meeting. In the case of annual or regular meetings, the notice should be distributed not more than seven (7) days or less than twenty-four (24) hours prior to the time of the meeting. Notice of Executive Sessions may be included in a notice of an annual, regular or special meeting, or if the meeting is to be solely an executive session notice shall be distributed not less than 24 hours prior to the time of the meeting.

Notice of an Executive Session shall not set forth the specific subject matter to be considered, but may describe in general terms the subject matter. Notice of an Executive Session shall set forth the statutory authority for the Executive Session. Notice of meetings shall be distributed to interested organizations or persons who have requested notice of meetings of the Board. These organizations or persons may include, but not limited to, major newspapers published within the district, radio and television stations located within the district. The Secretary of the Board may make additional distribution as deemed necessary or desirable to insure maximum notice to the public of meetings of the Board.

Updates and changes are in red:

BP 2322 – Notice of Meetings

The **support staff** for the Board of Directors shall give written notice of all annual, regular, special or Executive Sessions of the Board in accordance with ORS 192.640. The written notice shall state the time and place of the meeting and the agenda, or a summary thereof, setting forth the subject matter to be considered at the meeting. In the case of annual or regular meetings, the notice should be distributed **at least six (6) calendar days and a final version not less than forty-eight (48) hours prior to the time of the meeting. Modifications (including additions) to any agenda can be made by a majority of voting members present at any meeting.**

Notice of Executive Sessions may be included in a notice of an annual, regular or special meeting or, if the meeting is to be solely an executive session, notice shall be distributed not less than 24 hours prior to the time of the meeting. Notice of an Executive Session shall not set forth the specific subject matter to be considered, but may describe in general terms the subject matter. Notice of an Executive Session shall set forth the statutory authority for the Executive Session.

Notice of meetings shall be distributed to interested organizations or persons who have requested notice of meetings of the Board. For directions on how to receive Notice of Meetings, please visit www.pcc.edu/board/meetings. These organizations or persons may include, but not limited to, major newspapers, radio and television stations located within the district. Additional distribution may be necessary or desirable **as deemed by the Board or President to ensure** maximum notice of the public of meetings.

(January 2022)

ORS 192.640

This policy replaces Board Policy BP 2322 Notice of Meetings (May, 2016)

RECOMMENDATION: That the board approved BP 2322 as presented.

It is against the College's policy for any manager, supervisor, faculty member, staff member, or student to engage in prohibited harassment or discrimination of any member of the College community. PCC adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in public institutions of higher education, including 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; Titles I and II of the Americans with Disabilities Act of 1990 (as amended); the Age Discrimination in Employment Act, the Uniformed Service Employment and Reemployment Rights Act, and all applicable federal, state, and local civil rights laws. PCC does not discriminate against any employee, applicant for employment, student, or applicant for admission on the 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 including protections for those opposing discrimination or participating in any resolution process on campus, with the Equal Employment Opportunity Commission or other human rights agencies. This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the PCC community who acts to deny, deprive, or limit the educational or employment and/or social access, benefits, and/or opportunities of any member of the PCC community, guest, or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of PCC's policy on nondiscrimination.