

December 11, 2014

15-069

DECLARATION OF AN EMERGENCY TO AUTHORIZE  
USE OF THE EXPEDITED ALTERNATIVE  
CONTRACTING PROCESS FOR THE REPAIR OR  
REPLACEMENT OF THE NEWBERG CENTER ROOF

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FINANCIAL  
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APPROVED BY: Wing-Kit Chung, Vice President, Administrative Services  
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REPORT: ORS 279C.320(1) and ORS 279B.080 permit the College Board of Directors, acting as the Local Contract Review Board, to approve an expedited contracting process in order to address emergency circumstances. ORS 279A.010(1)(f) defines "emergency" as circumstances that could not have been reasonably foreseen, that create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety, and require prompt execution of a contract to remedy the condition.

The roof of the College's Newberg Center, 135 Werth Boulevard, Newberg, Oregon, was constructed using structural insulated panels (SIPs). Through forensic building investigation, the College has discovered significant water damage to many of the panels, which provide the basic structure of the roof as well as its insulation. The damage appears to be of greatest concern at the joints between panels. This damage may threaten the capacity of affected panels to provide structural integrity for the roof. The extent of the damage, the cause of the damage, and the most adequate and cost-effective fix will not be fully known until the roof cover is removed and the entire roof structures are exposed. Once the roof is opened, however, permanent roof repairs will be required at once to avoid (a) leaving the interior of the building exposed to the elements, (b) additional expense and (c) additional

time during which the building will be out of service. For safety and other concerns, the Center must be closed during repairs.

Because the SIPs are structural, the water does not only risk further damage to the building, it is a potential safety hazard if it further deteriorates. The interior reflected ceiling and other fixtures are attached to or are dependent upon affected panels and may be compromised if individual panels or groups of panels fail. Failure would expose the interior of the Center directly to the weather. In order to repair the damage, prevent further deterioration to the building and avoid potential interruption of services to the Newberg area, the roof needs to be repaired or replaced during the summer of 2015.

In order to meet this schedule, the College needs to get a contractor, and perhaps other design professionals, under contract as soon as possible to work with the College to first determine the extent of the damage, which will require the removal of all or parts of the roof, and then work with the College and the College's engineers to determine the most appropriate and cost-effective fix. The fix could include repair or replacement of all or part of the roof and related elements.

Once the appropriate fix is determined, the College can then proceed with the design work and permitting necessary to get the project under construction and completed during the summer of 2015. In order to ensure that the College can begin construction follow close of Spring Term 2015, the College would need final design plans prepared to submit for permitting by March 2015.

In order to bring a contractor on board during the design phase under a non-emergency procedure, the College would have to obtain an exemption from competitive bidding to utilize the CM/GC alternative contracting method, conduct a formal request for proposals process, and bring the contract back to the Board for approval. Given the notice and timeline requirements for this process, it is unlikely that the College would have a contract in place until the end of March 2015, at the earliest. Given the need to first determine what the appropriate fix should be, and then design and permit the fix, such a delay would create a substantial risk that the

project could not be completed in summer 2015. This could result in the College having to close the Newberg Center during all or part of the 2015-2016 school year, substantially disrupting services. (Because the SIPs are structural, the building cannot be occupied during construction).

ORS 279B.080(2) requires that solicitation of an emergency contract for construction services utilize a competitive process for the emergency work that is "reasonable and appropriate under the emergency circumstances." Staff proposes to use an informal request for proposals process by contacting at least three potential contractors, with the goal of having a contract or contracts in place shortly after January 1, 2015. The form of a contract is likely to be a construction manager/general contractor or design-build form of agreement so that the College could bring on a contractor during the design/determination phase and then negotiate a guaranteed maximum price to construct the appropriate fix. As required by state law, any subcontracts under the general contract would be competitively solicited.

#### Findings:

For the reasons stated above, the Board finds:

- a. The extent of the water damage to the roof at the Newberg Center was unforeseen. New information indicates that it is extensive and requires bringing a contractor and other design professionals on board as soon as possible to do the work necessary to determine the extent of the damage and to assist in determining the best and most cost-effective fix.
- b. If the fix is not implemented during the summer of 2015, it will result in further deterioration to the building, creating potential safety hazards and significant disruption of services if the College is required to close the building during the school year. This qualifies as an "emergency" as defined by ORS 279A.010(1)(f).

- c. These emergency circumstances require prompt execution of a contract or contracts in order to be able to determine the appropriate fix and then design and permit that fix so that construction can begin at the end of Spring Term 2015 and be completed before the beginning of Fall Term 2015.

RECOMMENDATION: That the Board of Directors, acting as the Local Contract Review Board for the College, declare an emergency, adopt the findings presented, and approve use of the above-referenced alternative contracting process for the repair or replacement of the Newberg Center roof and any necessary related work, and delegate to the College President or designee the authority to negotiate and execute the necessary contract or contracts.