

DRAFT
MODIFIED FINDINGS OF FACT SUPPORTING AN AMENDED EXEMPTION
FROM COMPETITIVE BIDDING REQUIREMENTS

EXEMPTION # 2007-51 – AMENDMENT #1

Before the Director, Department of Transportation
of the State of Oregon

Amended Exemption Request of the Oregon Department) Amended Findings of Fact
Of Transportation)
For the I-5: Willamette River Bridge, Bundle 220)
on Interstate 5, a National Highway System Highway)
located in Lane County, Oregon)

On August 21, 2007, the Director of the Department of Transportation (ODOT), granted an Exemption Order pursuant to ORS 279C.335(2), upon adoption of specified findings, that granted to the Oregon Department of Transportation an exemption from the competitive bidding requirements of ORS 279C.335(1) and related Oregon Administrative Rules (Order). This Order relates to the I-5: Willamette River Bridge, Bundle 220, CM/GC project described in the approved findings (Project).

The findings adopted in support of this Order are attached and incorporated by reference (Findings).

Now, the Oregon Department of Transportation is requesting an amended Exemption #2007-51, based upon adoption of the following amended findings:

1. Website Address - The website address stated in the original Exemption on which the request for Exemption would be posted has been revised to:
<http://www.oregon.gov/ODOT/HWY/MPB/cmhc.shtml>

2. CM/GC Contract Award Date - The Findings in support of the Order originally stated that the CM/GC Contract would be awarded on or about April 10, 2008. These Findings are hereby amended to state that the proposed date for contract award will be June 15, 2008.

3. Subcontractor Selection – The Findings in support of the Order, under Section III-F), originally contained specific requirements for Subcontractor selection for competitively bid construction work. Section III-F) is replaced in its entirety with the following:

F) Subcontracted Work:

- (1) ODOT will designate in the contract the percentage of construction work that must be subcontracted and may not be self-performed by the CM/GC.
- (2) The CM/GC will be required to self-perform a percentage of all construction phase services work. This percentage will be designated in the contract.
- (3) All subcontractors will be required to be registered with the Construction Contractors Board and/or the State Landscape Contractors Board.
- (4) Prevailing wage rates and selected standard terms and conditions of the CM/GC contract shall apply.

- 4. Letter of Interest Requirement** – The Findings in support of the Order, under Section 3-E) Selection Process, did not include the requirements for submittal of a Letter of Interest. Section III-E) is replaced in its entirety with the following:

E) Selection Process:

The Selection Process will include the following elements:

- (1)** All proposers wishing to submit a proposal in response to this solicitation will be required to submit a Letter of Interest by the due date identified in the RFP. Only those proposers submitting a Letter of Interest will be notified of the mandatory pre-proposal meeting date, time and location, and will be allowed to submit a proposal
- (2)** A mandatory pre-proposal meeting, open to all interested parties, will be held at least ten (10) days prior to the close of the solicitation and will offer the opportunity for potential proposers to ask questions, request clarifications, and suggest changes to the solicitation documents. Only those attending this mandatory meeting will be allowed to submit proposals.
- (3)** The evaluation process will include the following steps:
 - a) Proposals will be evaluated by an Evaluation Committee for completeness and compliance with the requirements listed in the RFP.
 - b) Proposals considered complete and responsive will be evaluated under the criteria of the RFP.
 - c) Members of the Evaluation Committee will independently score the proposals.
 - d) The RFP will identify the number of highest scoring Proposers that will be short-listed through the receipt of an invitation to interview. Only those proposers receiving an invitation to interview will move to the next phase of the evaluation process.
 - e) The Evaluation Committee will conduct interviews of the short-listed proposers.
 - f) After completion of interviews, the Evaluation Committee will perform a final scoring of the proposals. Based upon these revised scores, the Evaluation Committee will rank the Proposers, and provide an award recommendation.
 - g) ODOT will attempt to negotiate a contract with the top ranked firm. If negotiations are not successful, negotiations will be conducted with the next ranked firm. Upon expiration of the mandatory award protest period, ODOT will enter into a contract with the successful CM/GC.
- (4)** Competing proposers will be notified in writing of the selection and be given a copy of their evaluation scores.

Oregon Department of Transportation

All other Findings approved and adopted in support of the Order shall remain in full force and effect.

ORS 279C.330 defines "Findings" and references specific information that should be addressed. Under ORS 279C.335(4) a public hearing must be held before these findings are finally adopted, allowing the opportunity for all interested parties to comment on the draft findings. The hearing for review of these modified findings was held on [REDACTED], 2007, at [REDACTED], in the ODOT Major Projects Branch Conference Room at 680 Cottage St., NE, Salem, Oregon 97301, as published in the public notice in the Daily Journal of Commerce on [REDACTED], and the Reed Business Information on [REDACTED]. There were [REDACTED] comments from the public, either oral or written, during this hearing or during the time for comments on the draft findings.

Respectfully Requested By:

Date

Jane S. Lee, ODOT Advanced Contracting Unit Manager

Reviewed by Department of Justice:

Date

Keith Jones
Assistant Attorney General

Attachments: Findings of Fact Exemption Request #2007-51