

PRICE PLUS MULTI-PARAMETER CONTRACT POST-CONSTRUCTION EVALUATION FORM

(as required by ORS 279C.355)

Project Name: The I-5: Interstate Br (NB) Trunnion Shaft Replacement Project		
Key / Contract No: 19651 / 15119	Findings of Fact for Exemption Order Number: 2018-01	
<p>Project Background: The I-5: Interstate Br (NB) Trunnion Shaft Replacement Project ("the project") scope included replacement of the lift-span sheave and trunnion assemblies, and replacement of the counterweight wire ropes on the Northbound (NB) I-5 Interstate Bridge over the Columbia River in Multnomah County, OR and Clark County, WA.</p> <p>The contractor was selected through the alternative section method Price Plus Technical Qualifications Plus Technical Approach, also known as "A+C+D", using the competitive Request for Proposal (RFP) process outlined in the Findings of Fact for Exemption, also known as ("FFE"), Order number 2018-01, which is attached as Attachment A.</p>		
Estimated Construction Cost: \$9,148,869	Actual: \$8,152,571	Savings: \$996,298
GMP: Not applicable for A+C+D	Number of Contract Change Orders Issued: 9	
<p>Project Successes During Construction:</p> <ol style="list-style-type: none"> 1. Hamilton Construction, with their prior experience, demonstrated the ability to complete pre-closure temporary work within the allotted time and complete work during the tight closure window two days ahead of schedule. Opening up the NB I-5 Bridge earlier than anticipated lessened congestion impacts to freight and commuting traffic on I-5 in both NB and SB directions. Further, during the closure of the NB I-5 Bridge, the river was closed to marine traffic since the lift bridge was not operable. Opening the NB I-5 Bridge two days ahead of schedule allowed for marine traffic to resume using the main navigation channel under the bridge earlier than anticipated, thus lessening the impacts to marine traffic. 2. Hamilton's fabricator, G&G Steel, was well qualified and experienced with similar type work. The fabrication was completed well in advance of the on-site work, and no specific problems or fabrication issues were noted during installation. Due to the intricate nature of the fabrication with very tight tolerances and the need to very closely match up to the existing structure, there was a substantial risk for problems to occur. Having an experienced fabricator produce the various bridge lift parts resulted in no mis-fabrication and well-fitting parts shipped to the project site on time. Having the fabrication completed several months in advance of the work allowed for additional planning, mitigated concerns of last-minute problems with fabricated materials and/or changes, and set the stage for a smooth flow of work to replace the NB I-5 Bridge's trunnion and sheave assemblies during the NB I-5 Bridge's closure period. Having an experienced fabricator mitigated potential delaying impacts to the schedule and thus resulted in less impacts to the bridge users, marine traffic, and region wide traffic circulation. 3. Shortly before closing the NB I-5 Bridge for the planned two-week closure, Oregon experienced unprecedented wildfires. To accommodate evacuation traffic, ODOT decided to shift the closure by one week. ODOT and Hamilton were able to quickly react and adjust the schedule and accommodate the unforeseen delay within the overall project schedule. Doing this benefited the multitude of people fleeing the fires as well as providing access to emergency response teams by postponing the closure by one week. 4. Hamilton's original bid amount was \$7.97 million. There was one additive change order for wildfire related delays totaling \$170,000 and one additive change order to change bus-on-shoulder striping and signage from temporary to permanent totaling \$370,000. There were two deductive change orders on the project due to reusing materials from the previous trunnion/sheave replacement project. The credit for reusing the temporary steel counterweight support frame totaled \$142,000. Another deductive change order for \$225,000 allowed the contractor to reuse zipper barrier that had been used on the previous trunnion/sheave project. An anticipated item was included in the original budget amount for incentive payments to the contractor in the event they opened the NB I-5 Bridge 		

to traffic earlier than anticipated. Hamilton was able to open the bridge early and received an incentive payment equal to half the amount in the budget. Overall, ODOT saved \$300,000 of the overall incentive budget. Other adjustments on the Contract account for the final construction Contract amount.

5. The Project included several complex sequences of work including installing a temporary steel counterweight support frame for the bridge's counterweight, removing and replacing the old trunnion/sheave assemblies with new, removing and replacing the bridge's lifting cables with new, and using a zipper barrier machine to open/restrict bi-directional traffic as required for each rush hour period twice daily. Each of these work sequences, if not done correctly, could have had detrimental impacts to the regional commuters, river traffic, and freight along the I-5 corridor. Performing the work required careful planning and execution in tight closure windows to complete the work and avoid costly delays and impacts to the community. Deservingly, the Project won the "People's Choice Award" for 2021 ACEC of Oregon Engineering Excellence.

Project Failures During Construction:

1. A temporary steel counterweight support frame was required to keep the bridge's counterweight in place once the lifting cables were removed. Some complications were experienced with the temporary steel counterweight support frame: the connections to the bridge steel were measured in the summer months when temperatures were hot. Hamilton did not compensate for colder temperatures then they would be when the installation work would be performed. When the steel counterweight support frame contracted due to colder temperatures, adjustments had to be made during the work at the expense of the contractor. The schedule had sufficient float to accommodate corrective work and no other impacts were noted as a result.

Objective Assessment Required by ORS 279C.355.

After an objective assessment of the A+C+D alternative selection process as compared to the Findings in the final FFE approved by the ODOT Director on 8/15/2018, ODOT concludes that use of the A+C+D selection method for this project was a success.

Narrative comparison of the A+C+D method vs. the findings and considerations as required by ORS 279C.335:

1. Operational, Budget and Financial Data: ODOT received Federal, State of Washington, and State of Oregon funding for this project, as noted in Section B.1. of the FFE. (See Appendix A). Granting the exemption did not affect the sources for funding for this project.

Actual construction cost was less than the estimated amount in the FFE by 11%.

2. Did the granting of the exemption result in other substantial cost savings and other substantial benefits to ODOT or the public? Yes: Direct and indirect cost savings were estimated at \$150,000 for every day the project was not delayed. The contractor completing the NB I-5 Bridge closure two days ahead of schedule, saving \$300,000 in road user impacts. See benefits below.

In Section D. of the FFE, (See Appendix A) ODOT estimated a daily direct cost savings of \$150,000 and an indirect costs saving of \$150,000, for a combined total cost savings in excess of \$150,000 for every day project completion was not delayed.

In Section A.1. of the FFE ODOT estimated that construction would be completed October 30, 2020. Construction was completed on December 31, 2020, which was two months beyond the estimated completion date stated in the FFE. The project did not incur any additional direct and indirect costs. The primary benefit of using the A+C+D method of contracting on this project was to mitigate potential inconveniences to the travelling public and marine traffic that traverse the project site. The mandated short 9-day closure window required the contractor to obtain fabricated

trunnion/sheave assemblies that would match up exactly with existing bolt holes in the bridge. Further, the contractor would have a very short window to dismantle the existing parts and install the new parts of the bridge. This required extensive planning and experience with similar work to be ready to react to misalignments or other issues that could have caused the bridge to remain out of service for a longer period of time, causing substantial impacts to vessels, commuters, and freight. The contractor completed the short closure work two days ahead of schedule, avoiding long term impacts to the general public, local businesses, and marine traffic and avoiding any additional direct or indirect costs.

Additional work was added near the end of the Project to convert bus-on-shoulder striping and signage from temporary to permanent. This work added approximately 2 months to the end of the Contract, but did not result in any additional overhead costs or additional delays to the general public, local businesses, and marine traffic.

3. Public Benefits: The project resulted in the following benefits in addition to the benefits noted in Section B.2. of the FFE. (See Appendix A)
 - Ensured ongoing safe and reliable operations of the I-5 Interstate Bridge, a critical connection of I-5 between Oregon and Washington over the Columbia River. Continuing safe and reliable operation of the heavily traveled bridge is paramount for river traffic as well as freight and commuters totaling approximately 130,000 daily road users.
 - Completion of the project benefits the public by supporting regional and statewide economies.
 - The project added permanent bus-on-shoulder facilities to the I-205 (Glenn Jackson) Bridge over the Columbia River.
4. Value Engineering (VE): Was not performed for this project.
5. Specialized Expertise: Expertise for ODOT personnel and the contractor are noted in Section B.4. of the FFE. (See Appendix A).
 - ODOT personnel and ODOT's legal counsel, the Oregon Department of Justice (DOJ) had the necessary experience, expertise and knowledge in using the A+C+D method. ODOT in conjunction with DOJ and ODOT's consultant developed solicitation documents, and selected a contractor that provided the best value in price, qualifications, experience and approach, and awarded, administered and enforced the public improvement contract.
 - The contractor was required to have and did have specialized expertise in the following project work items:
 - Movable bridge experience with emphasis on completing work on-time and within budget.
 - Trunnion and sheave fabrication experience with emphasis on on-time delivery within budget.

- Traffic control experience with emphasis on complex traffic control plans.
- The contractor's expertise and experience provided the following benefits to the project:
 - Fabrication of trunnion and sheave was completed early with no defects.
 - Work within the 9-day full closure of the northbound structure was completed two days early.

6. Cost and availability of specialized expertise:

- Only one contractor submitted technical component part and price component part bids. The contractor that submitted technical component part bids was rated as having adequate or acceptable experience and qualifications by ODOT's Technical Evaluation Committee.

7. Public Safety: Noted in Section B.5. of the FFE. (See Appendix A). Contractor's approach to project safety provided continuous bi-directional flow of traffic on the southbound Interstate Bridge structure during the NB I-5 Bridge closure period by utilizing moveable barrier that was moved twice per day to accommodate peak traffic flows in both directions.

8. Exemption unlikely to encourage favoritism or substantially diminish competition for public improvement contracts: ODOT did not anticipate any measurable difference in market conditions or diminish competition if the project was contracted under the traditional low bid method, as noted in Section B.6. of the FFE. (See Appendix A).

- ODOT anticipated approximately three contractors were available to bid, as noted in Section C.1. of the FFE. (See Appendix A).
- Only one contractor submitted technical component part bids and price component part bids in response to the RFP.

No favoritism was encouraged by granting the exemption and based on the interest shown and the number of contractors that submitted bids, competition was not substantially diminished (note: although only one contractor submitted technical component part and price component part bids, five contractors expressed interest in the project and attended mandatory pre-bid meetings).

9. Did the granting of the exemption result in reduction of any risks to ODOT or the public that were related to the project? Yes

- Risk 1: delay to the project due to mis-fabrication. The risk was mitigated by ensuring a highly qualified fabricator was selected for the work.
- Risk 2: substantial cost increase from the fabrication. The risk was mitigated by ensuring a highly qualified fabricator was selected for the work and extensive measurements of existing structure taken prior to fabrication.
- Risk 3: delay to the project during short closure window causing substantial impacts to regional commuters, freight, and marine traffic. The risk was mitigated by ensuring a

highly qualified contractor was selected for the work. Extensive detailed planning requirements mitigated unknowns and surprises during closure window.

- Risk 4: large traffic delays and congestion due to moveable barrier machine breakdowns. As part of their proposal and overall maintenance of traffic approach, the contractor submitted mitigation strategies to implement in the event of a breakdown. No breakdowns were noted during the closure.

10. Did the granting of the exemption better enable ODOT to control the impact that market conditions may have on the cost of and time necessary to complete the project? Yes:

The A+C+D selection method allowed ODOT to apply weighted level of importance to the bidders' prices and their approaches, which included efficiencies in their schedule and means and methods for performing complex and specialized work.

Selecting the contractor with the best value in price and approach resulted in the project being completed on schedule and efficiently, avoiding cost increases due to delays and additional change orders.

11. Did the granting of the exemption better enable the contracting agency to address the project size and technical complexity? Yes. As part of the design phase, ODOT and its consultant led a series of risk focused workshops to understand the project risks both in terms of likelihood and magnitude. A modified risk register was used to define RFP questions and scoring criteria and the weighted level of importance with which to target RFP questions for the contractor to address technical complexity in several areas including trunnion/sheave fabrication and installation, and traffic control operations.

12. The project was occupied during construction.

13. To address project specific conditions the project required the construction work was completed in a single phase.

14. The following project construction components and aspects worked well and should be considered for use on future projects:

- Use of best value selection worked well to assure experienced contractor and experienced fabricator were selected for the complex work.
- Use of zipper barrier allowed for bi-directional travel on southbound bridge while prioritizing peak travel directions on a daily basis. Zipper barrier would be a good option for limited (staged) roadway widths where directional capacity requirements change daily.
- Use of bus on shoulder allowed for buses to avoid being delayed in traffic along detour routes, specifically I-205, to allow faster bus travel times and to promote public use of buses/transit in lieu of commuting via car.

15. The following project construction components aspects were problematic and should be avoided for use on future projects: There were no problematic construction components or aspects for this project.

Conclusions: The project met the expectations presented in ODOT's exemption findings (the Findings in ODOT's FFE) for estimated cost and time-savings.

Based on the project successes and assessment of the A+C+D selection method for this project when compared to the Findings stated in the FFE and the findings and considerations under ORS 279C.335, ODOT determined that use of the alternative selection method was in ODOT's best interest.

Appendix A – Findings and Signed Order Granting the Exemption from Competitive Bidding No. 2018-01

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EXEMPTION NUMBER No. 2018-01

**FINDINGS
SUPPORTING AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS
AND THE USE OF THE PRICE PLUS QUALIFICATIONS PLUS TECHNICAL
APPROACH (“A+C+D”)
SELECTION METHOD**

Before the Director of Transportation
of the State of Oregon

In the Matter of the Exemption Request by the)
Oregon Department of Transportation for the) FINDINGS,
I-5: Interstate Br (NB) Trunnion Shaft Replacement) CONCLUSIONS AND
Project, on State Highway #1, and Route # I-5) ORDER
located in Multnomah County, OR and Clark County, WA)

ORS 279C.335(1) requires, with certain exceptions, that all public improvement contracts be based on competitive bidding and, under ORS 279C.375, be awarded to the responsible bidder submitting the lowest responsive bid.

ORS 279C.335(2) permits the Director of the Oregon Department of Transportation to grant, under certain conditions, exemptions to the Oregon Department of Transportation (“ODOT”) from the requirement for competitive bidding by issuing an order stating conditions and approving specified findings that comply with ORS 279C.330, ORS 279C.335(2)(a) and (b), ORS 279C.350, and OAR 731-007-0370.

ORS 279C.335(2) and (4) and ORS 279C.350 require findings to support the exemption.

ORS 279C.330(1) defines “findings” as used in ORS 279C.350, and ORS 279C.330(2) defines “findings” as used in ORS 279C.335, and together with ORS 279C.335(2) identify required findings, factors to be considered and specific information to be provided as part of the agency justification for the exemption. ORS 279C.335(2) sets forth exemption criteria that must be addressed in the findings. OAR 731-007-0370 and OAR 137-049-0630 also address the required findings.

ORS 279C.330(2) provides that “findings” as used in ORS 279C.335, “means the justification for a conclusion that a contracting agency or state agency, in seeking an exemption from competitive bidding requirements of ORS 279C.335(1), reaches based on the considerations set forth in ORS 279C.335(2).” ORS 279C.350(1) provides that, with respect to an exemption request for a specific public improvement contract described in ORS 279A.050(3)(b), the Director of Transportation shall issue an order that sets forth findings supporting the decision, and those findings are as described in ORS 279C.330(1).

Under ORS 279C.335(5), a public hearing must be held before the findings are finally adopted, allowing an opportunity for interested parties to comment on the draft findings.

The public hearing and this request for exemption was advertised in the *Daily Journal of Commerce* on July 20, 2018 and the *Construction Market Data Group LLC (CMD)* on July 20, 2018. The request for exemption was posted on the ODOT Procurement Office web site at:

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http://www.oregon.gov/ODOT/Business/Procurement/Pages/Letting_Schedules.aspx

The public hearing for review of these findings was held at 10:30 a.m., on August 6, 2018, in Conference Room A/B at the Department of Transportation Region 1 Headquarters' building, located at 123 NW Flanders, Portland, OR 97209-4037. There were no comments from the public, either oral or written, during this hearing or during the time for comments.

ORS 279A.050(3)(b) provides ODOT with independent contracting authority for public improvement contracts relating to the operation, maintenance or construction of highways, bridges and other transportation facilities.

FINDINGS

A. BACKGROUND

1. Project Description: The project requires replacement of the lift-span sheave and trunnion assemblies, and replacement of the counterweight wire ropes on the northbound I-5 Interstate Bridge over the Columbia River in Multnomah County, OR and Clark County, WA.

ODOT proposes to use the "Price plus Technical Qualifications plus Technical Approach" ("A+C+D") selection method and then enter into a contract on or about December 2018. The project includes construction, quality, and environmental management. The project area is located on State Highway #1 (I-5), in the cities of Portland, OR and Vancouver, WA between mile point 308.08 and mile point 308.59. The individual project components listed below have been combined by ODOT into a single project and placed in the Statewide Transportation Improvement Plan (STIP).

An August 2011 ultrasonic examination of the east sheave trunnion, an axle that helps turn the lift mechanism wheels to lift and lower the bridge in the south counterweight tower of the northbound bridge was performed, indicating that slight changes had occurred in the condition of the trunnion since the previous ultrasonic examinations were performed in 1999 and 2004. During the previous examinations, several discontinuities - including cracks, were identified. Additional crack propagations are suspected in both trunnions. As a result, ODOT has programmed the south tower sheave/trunnion assemblies and counterweight wire ropes for replacement while minimizing the impacts to the traveling public, freight mobility and the Columbia River shipping channel. Through the A+C+D alternative selection method, ODOT will select and award a contract to the contractor that provides the best value in accomplishing the project work while maintaining highway mobility.

The key goal of the A+C+D selection method for this project is to select a construction contractor with necessary and relevant qualifications, expertise and experience that will provide the best value to ODOT, given ODOT's contractor selection criteria and requirements, which include but are not limited to:

- Similar experience on lift-span bridges for trunnion fabrication and installation
- Understanding of the unique construction issues and challenges involved in this project

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- Familiarity with the risks associated with completing the project on time
- An approach that will minimize highway, navigation channel, transit, bicycle, and pedestrian closures

Specific work items for each major project element are noted below:

Project Component Name	Scope of Work
Mobilization and Traffic Control	Provide temporary protection and direction of traffic; temporary signs, concrete zipper barrier, plastic drums, impact attenuators, and reflective pavement markers; changeable message signs; sequential arrows; and flaggers.
Lift-span Rehabilitation	Install new trunnion shafts, sheaves, trunnion bearings and housings.
Counterweight Rehabilitation	Provide new counterweight ropes and temporary counterweight support framing.
Lift-span Testing and Reactivation	Test and reactivate the lift-span.

The estimated value of the contract is \$6,750,000 (*project estimated low-end value*) to \$7,500,000 (*project estimated high-end value*). The project will be funded with a combination of Federal Highway Administration (FHWA), State of Oregon and State of Washington money. The State of Washington, by agreement, will pay 50% of the total project cost.

The fabrication of the trunnion will likely occur in 2019 with the construction phase of the project anticipated to begin in the summer construction season of 2020, with completion by October 30, 2020. The work will include construction, temporary traffic control, environmental and quality management, contract administration, and all necessary support services.

The work will be done in accordance with approved ODOT geometric design standards, performance requirements, and specifications.

In its solicitation, ODOT may reserve the right to include additional related work within the general project vicinity.

ODOT proposes to use the A+C+D selection method for the solicitation process for the project as a proposed alternative to the competitive (low) bid process. In accordance with the applicable statutes and administrative rules, ODOT will use a selection process utilizing a one-step Request for Proposals (RFP) competitive procurement as described in Section A.3 Procurement Process of this document.

The project is being procured using the A+C+D selection method as described herein, for the reasons and considerations stated herein.

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2. Agency Considerations: ODOT has been contracting road improvement projects since 1914. ODOT's Construction Contracts Section contracts approximately 120 to 140 highway and bridge construction projects per year, at a cost of approximately \$300 to \$400 million.

The Oregon Transportation Commission is mandated to "encompass economic efficiency" (ORS 184.618), and therefore, ODOT strives to continually improve its procurement and project delivery approaches. One of the improvements that encompasses economic efficiency is appropriate use of alternative selection (and contracting) methods.

ODOT performed an internal evaluation of the delivery goals and alternative selection and contracting delivery mechanisms for this project. ODOT traditionally uses a competitive low bid process, but has concluded that using that project delivery method entails unacceptable risks which include delivery of the project in an untimely manner. For this project, ODOT reviewed other available procurement options that could provide maximized benefit to the public. ODOT determined that an alternative selection process that considers key elements for success beyond price is most appropriate for this project, specifically the A+C+D method.

ODOT has determined that the most cost effective approach for this project, with the lowest risk of delays, involves a detailed schedule and timeline for fabrication of components and for construction; installation of the crane equipment; installation of the temporary counterweight support framing; removal and replacement of the sheave/trunnion assemblies; connection of counterweight wire ropes; and removal of the temporary counterweight support structure and crane. For each of these milestones, any restrictions to marine or vehicular traffic that are required to accommodate the work would be detrimental to the Oregon and Washington economies.

ODOT proposes to use an alternative selection process that addresses project needs by evaluating components that include the contractor's technical qualifications and technical approach components as well as price, resulting in a best value selection. This selection method encompasses the Oregon Legislature's focus on economic efficiency and stimulation. This method also provides recognition of the value to the public in employing enhanced selection methods which will accomplish the required work in the most effective manner.

There are various "multi-parameter" alternative selection methods that may be used that assign weight to price as well as specified non-price factors that are important to the success of a project, including schedule, qualifications and technical approach. These are commonly referred to as "A + B", "A + C", or "A + D", with "A" referring to "Price" and "B" "C" and "D" referring respectively to "Time", "Technical Qualifications", and "Technical Approach" evaluation components. For this project, ODOT proposes using the A+C+D selection method that is expressed as "Price Plus Technical Qualifications Plus Technical Approach. The procurement process for this method includes the evaluation and scoring of a price component, (A element) plus a technical component, which includes both a technical qualifications component (C element) and a technical approach component (D element). The technical qualifications component covers a proposer's qualifications, experience and history. The technical approach component covers how a proposer addresses important project features such as staged bridge

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construction, traffic staging and accommodations, and overall completion. A contract is awarded to the contractor whose proposal is most advantageous to the owner, and gives the most quality per price.

The purpose for using the "A+C+D" method is to best meet project requirements by using a knowledgeable and experienced contractor that will perform this highly technical and complex work under a price proposal that will realistically deliver the best value project to the state. Some of the features of this approach beyond price are reduction in contract time or time needed to achieve critical milestones; focus on the execution of complex technical aspects and planning for technical constraints; encouraging innovations; and integration of the locally-affected and traveling public's needs into the execution of projects. This method will reduce the potential for work delays, including the possibility of large cost overruns, and will encourage innovation and avoid or minimize adverse impacts to the environment, local communities, and the traveling public.

ODOT has used multi-parameter (or A +) selection methods since 1997. These methods allow ODOT to consider factors besides price when selecting the construction contractor. For multi-parameter selection, ODOT determines which technical components to use with the price component to evaluate and score contractor proposals for construction contracts. ODOT uses key factors to select the proposal that provide the best value in meeting project objectives - such as schedule and scope, and that overcomes technical complexities and constraints.

To date, ODOT has completed eight (8) projects using A + multi-parameter selection method:

(a) Columbia River (I-5) Bridge Northbound Lift-span Trunnion Replacement Project: The A+C method was used to obtain highly specialized manufacturing and construction services to replace the counterweight cable sheaves, shafts, bearings, and cable assemblies on the north tower of the historic, circa 1916, northbound Interstate 5 crossing of the Columbia River (Bridge No. 1377A). The use of the A+C method for this project resulted in fewer traffic issues, with less adverse impact on local jurisdictions and businesses than would have been expected from a low bid process. The project was completed approximately two weeks earlier than the original schedule anticipated. The reduced construction time on this project was extremely beneficial to the traveling public due to reduction of the number of days the northbound bridges were closed to highway and river traffic. ODOT learned that quality can be sought and found through a competitive alternative selection and contracting method. This project was completed on December 1, 1997. This project was very similar to the project that is the subject of this exemption request, but ODOT has determined that using the A+C+D method to include technical approach as well as technical qualifications will be even more beneficial.

(b) St. John's (Portland) Suspension Bridge Rehabilitation Project: The A+C method was used to manage complex traffic staging issues, replacement of the deck, damaged suspender cables, the frozen truss bearing, and lead-based paint waste on the historical and culturally significant structure. The project was completed in summer 2005, and was profiled in The Oregonian newspaper as a highly successful project. The results of the St. John's Bridge project led ODOT's

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Bridge and Contracts Sections to conclude that ODOT was in a far better position to work with the contractor than if the project had been low bid. ODOT also concluded that this method reduces risks on critical projects. This project was completed on March 30, 2006.

(c) OR58: Salt Creek Half Viaducts Phase 2: The A+D method was used to complete the project under a second contract and to select a construction contractor with a technical approach that supported fast-track scheduling for competing the project that included complex traffic staging and traffic control. The completed scope of work included removing and replacing the existing half viaduct structures, removing portions of the existing electrical building and installing a new roof, constructing maintenance access, and installing new tunnel lighting, power control equipment and a backup generator system. This work was performed within one construction season. The project was completed on time per the final contract as modified by the contract change orders, and under budget by approximately \$1,846,630. This phase of the project was completed on October 27, 2015.

(d) OR99E: Martin Luther King Jr. Blvd Viaduct Replacement Project: The A+C+D method was used for this large highly technical and complex project. The scope of work included restoration of the MLK structure, with traffic staging and detours in an urban environment with high traffic volumes, and a confined work space. There were additional challenges on the project including shoring requirements on the MLK structure with unusual soil properties (wood waste, unconsolidated industrial fill), unique architectural finishes, demolition/construction over the main Union Pacific Railroad line, and noise and vibration considerations for businesses and neighborhoods in the area. This project was completed on September 20, 2011.

(e) OR43: Willamette River Bridge Repair (Oregon City) Rehabilitation Project: The A+C+D method was used to ensure successful rehabilitation of this historic bridge, specifically maintaining the bridge's historic significance and meeting contractual environmental requirements and completion times. The bridge is listed on the National Register of Historic Places and required specialized construction and material expertise to be rehabilitated. Construction required closure of the structure, but the project finished two months ahead of the final contract date of March 31, 2013. This project was completed on February 1, 2013.

(f) US26 Dennis L. Edwards Tunnel Rehabilitation Project: The A+C+D method was used for this highly complex project. Challenges included significant technical, specialized, and complex work access approaches, and required highly specialized expertise in tunnel lining rehabilitation and traffic staging. The consequences of relatively small errors in planning and accomplishing the work could have extended the project schedule. The prime contractor was successful in keeping traffic flowing through the tunnel on a daily basis with nighttime closures for construction. Success was due to a coordinated effort between the ODOT construction crew, the prime contractor, and the flagging company which included a traffic control supervisor. The final cost for the project was \$5.5 million, approximately \$4.6 million lower than ODOT's estimated project cost. This project was completed on July 1, 2011.

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(g) I-84: Sandy River - Jordan Rd Bundle 210: The A+C+D method was used for this project to select a qualified contractor that had experience building bridges with complex traffic control, substantial in-water work, and diverse subcontractors. The work included constructing a bridge with steel box girders and drilling eight-foot diameter shafts with post-grouting, neither of which have been commonly used in Oregon. The prime contractor employed an innovative approach by using a gantry crane system to deliver bridge beams across the river, and the project team avoided the need for a work bridge and additional pilings in the river. Construction was complete December 29, 2014, on time per the final contract, and under budget by approximately \$15.9 million. This project was completed on February 28, 2015.

(h) OR18: Newberg Dundee Bypass (Phase 1G) (Springbrook Rd) Project: The A+C+D method was used to select a contractor with qualifications and a technical approach that supported development and execution of an accurate work plan to complete the complex staged construction of the project. Phase 1G included the east connection to the Newburg Dundee Bypass project as well as the last of the four major construction phases for Phase 1. This phase was a critical component of the overall Phase 1 project, as the bypass would not be functional until construction of this project was completed. The A+C+D method contract was awarded on March 9, 2016. The use of the A+C+D method reduced the potential for work delays, which included the possibility of large cost overruns, and encouraged innovation in avoiding and minimizing adverse impacts to the environment, local communities and the traveling public. This project was completed January 4, 2018.

By using the A+C+D selection method, ODOT has had, and continues to have, success selecting construction contractors with the necessary qualifications, experience, and technical approach to successfully deliver complex projects. ODOT believes that the A+C+D selection method is appropriate for the selection of the construction contractor for the I-5: Interstate Br (NB) Trunnion Shaft Replacement Project.

ODOT personnel, and ODOT's legal counsel, the Oregon Department of Justice (DOJ), have gained the necessary experience, expertise, and knowledge in using alternative selection and contracting methods to successfully deliver multiple projects varying in scope, size, and complexity, and within schedule and budget constraints.

For this project, ODOT's project team will consist of ODOT personnel, third-party consultant personnel and Oregon DOJ legal counsel that have the necessary experience, expertise and knowledge to develop the A+C+D procurement documents and process and the resulting contract. Upon this foundation, ODOT will select the contractor, negotiate (to the extent negotiations - if any - are permitted by ODOT), award the contract, and administer the contract.

3. Procurement Process: This is a request to the Director of the Oregon Department of Transportation, on behalf of ODOT, for a contract-specific exemption from competitive bidding requirements. The exemption would allow ODOT to solicit proposals for the construction of the project described above using the alternative A+C+D selection method through a one-step Request for Proposal ("RFP") procurement process. (ODOT will use its standard Invitation to Bid procurement documents as a base, modified, in coordination with the Department of Justice, to become an RFP.)

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An RFP will be issued for the project, and proposals must be submitted by a date specified in the RFP. The proposals submitted will be required to contain a price proposal component (the Price - A element) and a technical component (the Technical Qualifications - C element, and Technical Approach - D element). The Price component presents the total cost to ODOT for delivering the project. The technical component, including Technical Qualifications and Technical Approach, will benefit the project by providing a prospective proposer's relevant qualifications and experience. The technical component will also detail methods for successfully completing the project relative to the complex work elements, and achieving the mandated completion timeline as described in the project's RFP.

The Technical Qualifications and Technical Approach elements of the technical component of each proposer's proposal will be reviewed and scored by the scoring members of the technical evaluation committee. The scoring members will consist of individuals from ODOT personnel, and possibly from key stakeholders. ODOT's third-party consultant personnel and other personnel may act as observers, technical support, or facilitators during evaluation and scoring, but will be non-scoring members during the scoring process.

Once the scoring of each proposer's technical component proposal is completed, the price component proposals will be publicly opened, and the total price for each price component and the preliminary technical component consensus scores for each proposer will be read publicly. The preliminary scores will be calculated using the formula set forth in the RFP, and the preliminary total scores for each proposer will be read publicly. After ODOT has verified the preliminary total results, ODOT will publish the preliminary total scores. The final scores and rankings, and notice of intent to award, will be announced by ODOT in accordance with the procedures set forth in the RFP. Based on the final scores and rankings, the top-ranked responsive and responsible proposer will be selected for contract award and finalization of contract terms and conditions. In the event that, prior to contract execution, the selected proposer is found to be non-responsive or not responsible, or contract negotiations and finalization prove unsuccessful, at ODOT's discretion, negotiations will be conducted with the next highest-ranked proposer and so on, until ODOT has successfully negotiated a contract or determined that further contract negotiations would not be in the best interest of the State and that the RFP process must be terminated.

The contract form to be used will be the standard ODOT Construction Contract form, modified to facilitate the A + multiple-parameter selection method and corresponding requirements for the contract. Development of the modified contract will be coordinated with the Oregon DOJ.

B. FINDINGS REGARDING REQUIRED INFORMATION

ORS 279C.330(1) provides that as used in ORS 279C.350: *"findings" means the justification for a contracting agency conclusion that includes, but is not limited to, information regarding: (1) Operational, budget and financial data; (2) Public benefits; (3) Value Engineering; (4) Specialized expertise required; (5) Public safety; (6) Market conditions; (7) Technical complexity; and (8) Funding sources.*

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ODOT finds that many of these criteria support the decision to use the A+C+D selection method best value contracting process. This request for exemption is supported by the following:

1. Operational, Budget, and Financial Data: The project was approved in the 2018-2021 Statewide Transportation Improvement Plan. The project is anticipated to be funded with a combination of state and federal funding resources. ODOT considers completing the project a high priority. The total project construction cost is estimated to be approximately \$6,750,000 to \$7,500,000.

In ODOT's view, the A+C+D selection method is the best available procurement and contracting method that allows this project to begin in the next construction season and to be completed on time, while ensuring that ODOT will not incur additional costs beyond those budgeted. This method stresses technical expertise and quality while minimizing construction time delays.

The multi-parameter A+C+D method is a recognized mechanism for agencies to obtain more value for their money, not necessarily at the lowest original contract price, but over the life cycle of a project. It is also a means of contracting for technically complex projects that require assurance of special knowledge, past experience or innovative approaches.

The A+C+D method will reduce ODOT's risk in selecting a contractor that might not be able to construct the project within budget, or within technical and/or schedule constraints. A contractor with demonstrated qualifications and a sound technical approach will provide better overall value, which is expected to support a reduction in change orders and overruns. As a result, cost savings to ODOT and the public are anticipated by using this method.

2. Public Benefits: The A+C+D method focuses on project components that are most valuable to ODOT through the ability to evaluate proposers based on their technical approaches, and therefore contributes toward meeting project goals and schedule. Proposers' technical approach will include their means and methods for efficiently staging and completing the I-5: Interstate Br (NB) Trunnion Shaft Replacement Project, which involves the replacement of the trunnion and counterweight wire ropes. This project meets the goals and objectives of the 1999 Oregon Highway Plan, including amendments from November 1999 through May 2015, by ensuring ongoing safe and reliable operations of this vital bridge, linking Oregon and Washington and for its use by nearly 130,000 daily users. Completion of the project will also benefit the public by supporting regional and statewide economies.

3. Value Engineering: Value Engineering (VE) is encouraged on all projects by ODOT and FHWA, and has resulted in both initial savings as well as long-term savings for other ODOT projects. VE is the systematic application of recognized techniques by multi-disciplined teams that identifies the function of a product or service, proves a worth for that function, generates alternatives through creative thinking, and provides the needed functions at the lowest overall cost.

VE studies may be conducted during one or more of the project development stages and during construction. VE has proven to be an effective tool for product value improvement and design enhancement, and assisting ODOT in obtaining its goal of

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providing cost-effective projects and procedures, and improved productivity and efficiency. VE can be used in all aspects of transportation such as design, traffic operations, construction, maintenance, specifications, standard drawings, and planning.

ODOT screens all STIP projects based upon established criteria, to determine the need to do a formal VE study. Based on the results of ODOT's screening of this project, a VE study was not performed. However, in 2016, ODOT completed an independent review of the ODOT plans and specifications for the Trunnion Replacement Columbia River (I-5) Bridge, NB Section Project that completed in 1997. In addition, the review included a detailed review of the structural adequacy of the designs prepared by Christie Construction Company, who was the contractor for the 1997 project and its contractor's engineer, with special emphasis on the removal and replacement of temporary structures and methods used. This included the following tasks:

- Evaluation of the counterweight support system used by Christie;
- Determination of the required lifting capacity of the tower crane;
- Evaluation of the adequacy of the concrete pier for support of the tower crane.

In addition, ODOT considered the temporary in-water work platform as shown in the original 1997 design drawings; the use of the tower crane mounted on the lift-span pier as actually implemented during the 1997 construction; and an alternative method or modification of the previously considered - or used - methods of sheave/trunnion replacement to minimize service closures of the bridge to marine and vehicular traffic.

Going into this new project, ODOT has the benefit of having successfully completed the replacement of the north tower sheaves and trunnions in 1997.

4. Specialized Expertise Required: By using the A+C+D selection method ODOT, will ensure that the prospective prime contractor has the necessary understanding of the project site conditions and the specific construction and staging methodologies to successfully complete work elements in the allotted time. The proposer's technical approach proposal is deemed highly important in ODOT's selection of a contractor and ensuring the success of this project.

This project will involve critical construction activities within this high-traffic volume freight and shipping corridor which could have major impacts to the public. For that reason ODOT performed an analysis of a potential proposer's approach to counterweight support framing; placement of a tower crane on pier; using a barge as a temporary work platform; schedule; and restrictions to vehicular and marine traffic. All project rehabilitation of the trunnion and counterweight wire ropes must be completed within a limited number of consecutive calendar days (which will be specified in the RFP) from when that specific work begins.

The consequences of construction issues with staging, scheduling or quality will increase traffic impacts, direct costs and the likelihood of failing to meet the completion deadline. It is imperative that the construction contractor proactively develops and completes a reliable approach plan for accomplishing the necessary interrelated work elements.

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The A+C+D selection method emphasizes innovation in management and coordination, providing scheduling and estimating, assessing risk, managing mobility, public relations, safety and quality needs, and providing a complete project that is sensitive to wide public participation by all in contracting opportunities. As is typical of most, but not all multi-parameter selection methods, the most qualified prime construction services are sought, rather than just simply contracting with the lowest bidder. In addition, specialized expertise and understanding is required to successfully address the public safety issues noted below.

Three bidders submitted bids on the I-5 Columbia River Bridge NB Trunnion Replacement Project (Key No. 07192) completed in December 1998. ODOT learned that a project of this type required a contractor that could manage and provide qualified personnel with specialized expertise to perform complex project staging and highly technical work. For this project, proposers will need to demonstrate that they have the necessary understanding of construction work similar to the project completed in 1997, and the specific approaches to completing the complex and challenging work elements within the schedule constraints. The selected contractor will be well qualified in efficient construction and staging methodologies, and traffic management.

ODOT and the public will benefit from ODOT acquiring a contractor that has established experience, and specialized expertise to manage and perform the work for this project. A low bid process does not provide an opportunity for ODOT to obtain the most qualified and experienced contractor with the specialized expertise needed for this project.

ODOT personnel and ODOT's legal counsel, the Oregon DOJ, have gained the necessary experience, expertise and knowledge in using multi-parameter methods to successfully deliver multiple projects varying in scope, size, complexity, and within schedule and budget constraints.

For this project, ODOT's project team will consist of ODOT personnel, third-party consultant personnel and Oregon DOJ legal counsel that have the necessary expertise, experience and knowledge to develop the A+C+D selection process, which includes both procurement and contract documents. ODOT will use this process to select the contractor, negotiate and award the contract, and administer the contract.

5. Public Safety: Safe traffic flow on I-5 and river traffic on the Columbia River must be maintained while construction proceeds. It is crucial that all work be carefully coordinated to avoid unnecessary delay and safety risks to the traveling public and commercial traffic, and to ensure efficiency in construction. A contractor with a strong approach to the challenging project elements will minimize additional traffic impacts, as described in Section B.4. Specialized Expertise Required. The most complicated staging, and cause for delays at the bridge work site, requires maximizing the number of travel lanes in each direction during the morning and afternoon peak hours. This will require the contractor to provide a reversible lane at various times during the day. Lane capacity must be managed in such a way that any delays caused by congestion are minimized to avoid unnecessary costs to freight and recreational traffic. Seamless execution of a thorough staging plan is necessary to address these concerns.

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The selected contractor will perform and stage all work necessary so that the areas within the project's footprint can be safely occupied and used by the traveling public, motor freight, and river traffic for the duration of the project.

The relationship between ODOT and the contractor will ensure coordination of work within the project site, resulting in mitigation of potential safety hazards to the traveling public.

6. Market Conditions: ODOT does not anticipate any measurable difference in market conditions if this project is contracted under the traditional low bid or the A+C+D method. As described in Section A, BACKGROUND, contractors have some experience with alternative contracting methods in Oregon, and have become more accepting of alternative contracting processes, in particular when bidding technically complex projects with specialized needs, ensuring adequate competition.

The Oregon Governor and the Legislature have encouraged ODOT to contract projects quickly to improve employment. Economic studies have shown that highway construction projects nationally create between 30 and 40 jobs per million dollars spent.

7. Technical Complexity: To be successful in completing this project, the contractor must be able to develop and execute an accurate work plan for completing the trunnion and counterweight wire rope rehabilitation, as noted in Section B.4. Specialized Expertise Required. The construction schedule will be best achieved by a contractor who comes into the project with a strong understanding of the project and its physical constraints. Due to the short closure window constraint, the consequences of relatively small errors in planning, construction staging work, and problems with addressing the rehabilitation work elements have the potential to delay the project work with detrimental effects to the public. Further, missing the completion deadline would likely result in cost overruns. The project's work activities present a complex technical challenge to the construction contractor and ODOT.

8. Funding Sources: As mentioned earlier, this project is anticipated to be funded with state and federal funds; the use of which has been approved by the Oregon Transportation Commission.

C. FINDINGS ADDRESSING COMPETITION

ORS 279C.330(2) states that "findings" as used in ORS 279C.335 "means the justification for a conclusion that a contracting agency in seeking an exemption from the competitive bidding requirement of ORS 279C.335(1) reaches based on the considerations set forth in ORS 279C.335(2)." ORS 279C.335(2) also requires that a public agency make certain findings as a part of exempting public improvement contracts or classes of public improvement contracts from competitive bidding requirements.

ORS 279C.335(2)(a) requires an agency to find that: *"The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts."* It is anticipated that competition for the project's contract will be similar to that expected of other large ODOT highway and bridge projects.

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ODOT finds that selecting a contractor through an exempted A+C+D alternative selection method is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts. This finding is supported by the following:

As outlined below, ODOT anticipates that competition may be similar to that experienced with other ODOT projects. ODOT has observed early indications of interest and intent to participate in the procurement process for this project, and ODOT processes for procurement of a contractor using alternative methods have been developed with maintenance of competition in mind.

1. The competition remains open to all qualifying proposers. The contracting community is aware of ODOT's use of alternative contracting processes and success with contractors on similar past projects. ODOT expects that with this experience, normal competition will prevail. Based on the level of contractor participation for the previous trunnion project completed in 1997, ODOT anticipates approximately three (3) contractors will submit proposals in response to the RFP, based on the number of proposers for the 2017 Multnomah County Broadway Bridge Rail Wheel Replacement Project that is similar in nature to this project.
2. ODOT, through direct contacts and at scheduled ODOT/Associated General Contractors meetings, has been communicating regularly with the construction contracting community about multi-parameter selection and contracting and other non-traditional selection and contracting methods.
3. The A+C+D evaluation and selection process ODOT intends to employ for this project is summarized in Section A.3. Procurement Process. The process is open and impartial, competition will be obtained, and proposers will be equally evaluated based on criteria that is reflective of the significant work elements of this type of project. Selection will be made on the basis of final proposal scores derived from a price component, and a technical component that includes technical qualifications and technical approach elements, as described in Section A. BACKGROUND and Section A.3 Procurement Process. This method expands the grounds of competition in the evaluation process beyond price alone to include consideration of the technical qualifications and technical approach components, timely completion of previous work, and past experience with similar work in order to deliver the best value project to the state.
4. Pursuant to ORS 279C.360, the project solicitation (RFP) will be formally advertised in the *Daily Journal of Commerce* and *Construction Market Data Group LLC (CMD)*, and posted on ODOT's Electronic Bidding Information Distribution System (eBIDS) website at:

<https://ecm.odot.state.or.us/cf/EBIDS/>
5. The objective of using the A+C+D selection method is to select the construction contractor most likely to successfully deliver this difficult project, with very effective execution of the staged construction, effective management of very challenging traffic staging, and a maximum degree of safety to the public as it travels through the project area, and completion of the work while ensuring a competitive price.

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6. In-addition to the information that is provided in Section A.3 Procurement Process, the procurement process will include the following elements:

(a) A mandatory pre-proposal meeting, open to all interested parties, will be held at least one week after the release of the RFP 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.

(b) The technical component proposal evaluation process will include the following steps:

(1) Technical component proposals will be evaluated by an ODOT's evaluation and selection committee for completeness and compliance with the requirements listed in the RFP.

(2) Technical component proposals considered complete and responsive will be evaluated under the criteria set forth in the RFP.

(3) Scoring members of the evaluation and selection committee will independently score the technical component proposals.

(4) After completion of scoring of technical component proposals, the evaluation and selection committee will perform a consensus meeting to obtain a consensus on the final technical component scores for each proposer.

If determined to be necessary or appropriate, adjustments may be made in the details of the procurement process.

D. FINDINGS REGARDING SUBSTANTIAL COST SAVINGS AND OTHER SUBSTANTIAL BENEFITS

ORS 279C.335(2) also requires that a public agency make certain findings as part of exempting public improvement contracts or classes of public improvement contracts from competitive bidding.

ORS 279C.335(2)(b) requires an agency to find that: *Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or, if the contract is for a public improvement described in ORS 279A.050(3)(b) [such as this project], to the contracting agency or to the public.* This finding, therefore, considers whether cost savings accrue directly to ODOT as the contracting agency or indirectly to the general public (particularly for highway and river users). ODOT finds that on this project, substantial cost savings and other substantial benefits will likely accrue to ODOT and the general public.

This finding is supported by the following:

1. Direct Cost Savings: In general, initial contract prices are expected to be comparable between the A+C+D method and conventional contracting methodologies,

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but great confidence in completion of complex work and timely overall completion can be reasonably anticipated using the A+C+D method. Through the A+C+D method, ODOT will select the contractor that is most capable of handling specialized work identified for this project based on the comprehensive set of tasks and cost presented in the bid packages, which will become part of the contract. Cost savings will be realized in the reduction of change orders, inspections, and potential claims. The current estimated cost of this project is between \$6,750,000 and \$7,500,000. Project-related delays in user costs are estimated at \$150,000 per day (A. Number of vehicles using the bridge per weekday x \$1 = \$147,000. B. ODOT Daily Road User Cost Spreadsheet = \$156,000 per day. Average of the two calculations rounded to \$150,000).

2. Indirect Cost Savings: Indirect savings are real and recognizable by the public and for this project. By awarding to a contractor that can realistically meet ODOT's experience, technical approach, and safety, quality and schedule expectations, the state and the contractor can jointly save the traveling public significant inconvenience due to traffic delays, detours and slower posted speeds. ODOT uses these factors, based on its experiences with other projects, to judge impacts of construction on road users. The I-5 traffic volumes and river traffic are fairly consistent throughout the year in accommodating commuter and freight traffic. ODOT estimates that it can avoid an estimated road user cost for traffic of \$150,000 per day by avoiding extension of construction completion beyond the original contract completion date. In addition, the potential exists for a contractor to complete the work early, ultimately saving the traveling public detour costs.

3. Total Expected Savings: The competitive nature of selecting a contractor for an alternative method will maximize total expected savings to ODOT for the project. There is an estimated savings to ODOT and the public by not delaying the scheduled project completion date. The total minimum estimated daily savings, based on the direct and indirect savings described above, is expected to exceed \$150,000 due to selection of a contractor with the appropriate experience, most efficient technical approach, and a schedule that allows for completion of the work within the constrained timelines for this project.

E. ADDITIONAL CONSIDERATIONS UNDER ORS279C.335(2)(b)

In approving a finding under ORS 279C.335(2)(b), the Director of the Oregon Department of Transportation must consider the type, cost, and amount of the contract (see Sections A, B and D above), and the following factors to the extent applicable to this particular public improvement contract:

1. How many persons are available to propose. See Section C.1 above.
2. The construction budget and the projected operating costs for the completed public improvement. See Section B.1 above.
3. Public benefits that may result from granting the exemption. See Section B.2 and D above.
4. Whether value engineering techniques may decrease the cost of the public improvement. See Section B.3 above.

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5. The cost and availability of specialized expertise that is necessary for the public improvement. See Section B.4, C.1 and D above.
6. Any likely increases in public safety. See Section B.5 above.
7. Whether granting the exemption may reduce risks to the contracting agency or the public, that are related to the public improvement. See Sections A.2, B.1, B.2, B.4 and B.5 above.
8. Whether granting the exemption will affect the sources of funding for the public improvement. See Section B.1 above.
9. 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. See Section B.6 above.
10. Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement. See Section B.4 and B.7 above.
11. Whether the public improvement involves new construction or renovates or remodels an existing structure. See Section A.1 above.
12. Whether the public improvement will be occupied or unoccupied during construction. See Section B.5 above.
13. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions. See Section A.1 above.
14. Whether the contracting agency has - or has retained under contract - and will use contracting 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 will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract. See Sections A.2 and B.4 above.

F. Post-Project Evaluation Process

This project will be evaluated in accordance with the requirements of ORS 279C.355, including analysis of project cost and savings. In addition to the matters to be evaluated under ORS 279C.355(2), the A+C+D method will be evaluated based upon the accomplishment of ODOT's primary objectives as noted below:

- The project was executed using a high level of technical quality expected of a contractor team experienced in the work (specifically lift-span construction).
- The project was successful in safely moving traffic, including trucks, through the project area on a daily basis during the duration of total road closures for construction.

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- The project met the completion date, including allowed closure and delay impacts.
- The project met budget with a minimum of modifications based on a final analysis of the project change orders.

CONCLUSIONS

Findings have been developed in compliance with ORS 279C.330, 279C.335(2) and 279C.335(4) and 279C.350, applying the criteria required by ORS 279C.330 and 279C.335(2), and the additional considerations under ORS 279C.335(2)(b). (ODOT will also perform the post-project evaluation required by ORS 279C.355.) Based upon these findings and the following conclusions, ODOT has determined that an exemption from competitive bidding requirements is justified for the described public improvement contract:

1. Following the described selection process, an exemption is unlikely to encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; and
2. Award of a public improvement contract pursuant to the exemption will likely result in substantial cost savings and other substantial benefits to ODOT and the public.

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ORDER OF DIRECTOR

An exemption from public competitive bidding requirements is hereby granted to the Oregon Department of Transportation to enter into the described public improvement contract using the alternative contracting method as described in the preceding findings. This order is subject to the following conditions:

1. To the extent feasible, and consistent with this exemption, this procurement will follow the applicable provisions of ORS Chapter 279A and 279C; ORS Chapter 291; OAR Chapter 731, Division 5 (ODOT Public Contract Rules; Highway and Bridge Projects) and Division 7 (ODOT Public Improvement Contracts; Highway and Bridge Construction).
2. ODOT, in concert with the Oregon DOJ, shall establish and follow standards for evaluating proposals under this procurement and for making a contract award.
3. ODOT shall work with the Oregon DOJ to develop suitable contract language for the contract, and shall incorporate into the contract such additional or substitute terms that ODOT and the Oregon DOJ may determine to be necessary for compliance with Oregon law and other applicable law or otherwise appropriate for the protection of the State.


THE PRECEDING FINDINGS AND CONCLUSIONS AND CONSIDERATION OF OTHER FACTORS SUBMITTED IN SUPPORT OF THIS REQUEST ARE HEREBY INCORPORATED, APPROVED AND ADOPTED.



Matt Garrett, Director of Oregon Department of Transportation

8-15-2018

Date



Marie Wright, Procurement Oversight & Construction Manager,
ODOT Procurement Office

8-14-2018

Date

REVIEWED BY THE DEPARTMENT OF JUSTICE

/s/ Rob Gebhardt
Rob Gebhardt, Sr. Assistant Attorney General

By email dated 8-9-2018

Date