

Draft Findings Regarding Using a Special Solicitation Method for the Combs Flat Road Segment
1A Project

City Staff recommends that the Council make the following findings as their basis for approval, if they approve, a special solicitation method for the NE Combs Flat Road Extension, Segment 1A Project (“Project”). If approved, the City would utilize a Request for Proposal method rather than an Invitation to Bid.

1. The nature of the contract for which the exemption is requested:
 - Public Improvement Contract. The Project will extend Combs Flat Road from its northerly terminus at NE Whistle Way north to the terminus of NE Peters Road. The project also includes piping and rerouting approximately 1.7 miles of existing Ochoco Irrigation District (“OID”) irrigation ditch that currently crosses the proposed roadway alignment and traverses the Barnes Butte Recreation Areas. The canal would be decommissioned and piped in an 86-inch outside diameter irrigation pipe, paralleling the roadway extension. This project includes the installation of the pipe and decommissioning of the canal within the identified project area.
2. The estimated contract price is \$16,818,311.20.
3. Findings to support the substantial costs savings, enhancement in quality or performance, or other public benefit anticipated by the proposed solicitation method:
 - The new roadway alignment and irrigation piping will cross a designated wetland associated with the Barnes Butte Reservoir overflow drainage. Significant dewatering efforts will be required to place the irrigation pipe below and construct the roadbed across the wetland.
 - This piping and roadway project cannot compromise the delivery or interfere with the operation of the existing canal during the 2024 irrigation season. A fully functioning irrigation piping system must be provided for delivery of the 2025 irrigation season.
 - Due to the substantial work to be completed within specific dates, the need for a highly qualified contractor to minimize the construction duration and has significant experience with de-watering operations is critical.
4. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or would otherwise substantially promote the public interest in a manner that could not practically be realized by complying with the solicitation requirements that would otherwise be applicable:
 - Previous projects in Central Oregon utilizing a Request for Proposal method have been successful in meeting the specific project challenges and have also demonstrated their ability to identify alternate approaches to value engineer and potentially reduce overall

costs and/or schedule. Such considerations and input from the contractor are not as readily available or evaluated with the traditional competitive bidding process, however would be evaluated and scored if exemption granted and competitive proposal method utilized.

5. A description of the proposed alternative contracting methods to be employed:
 - Request for Proposal would include a publicly advertised request for sealed competitive proposals that will be awarded through a selection process based on an objective scoring system involving additional factors than just costs.
6. The estimated date by which it would be necessary to let the contract is May 28, 2024.