

FINDING OF FACTS FOR DIRECT APPOINTMENT OF ENGINEER

Before the Board of Directors of the Alsea School District Sitting as Local Contract Review Board Regarding the Alsea West Wing Seismic Rehabilitation Project

The Alsea School District (the District) has been awarded a grant from the State of Oregon to cover the costs associated with seismic rehabilitation of the Alsea School west classroom wing, administrative offices, library and boiler room (the Project). A detailed assessment and approach was completed by ZCS Engineering in order to procure the grant. Design services are needed as soon as the grant agreement is finalized in early August so that construction will be completed over the following summer when school is not in session. The overall project schedule is short duration and completion is critical to occupancy for the following school year.

In consideration of these facts, the District intends to directly appoint ZCS Engineering (the Engineer) for final design of the Project. The guiding applicable statute is ORS 279C.115 which allows a contracting agency to directly appoint a consultant for engineering services if the project is a continuation of the same scope of work.

Finding of Fact

Direct appointment of the Engineer will: (1) enable the Project to be completed on schedule; (2) ensure a quality design is completed in the shortest time possible; (3) provide excellent delivery and coordination during the Project; and (4) not result in additional costs to the Project.

Specific findings which substantiate these conclusions are as follows:

1. Finding: Direct appointment of the Engineer will enable the Project to be completed on schedule. Ordinarily, selection of a design team through a Request for Qualifications process followed by a fee and proposal negotiation takes 2 to 3 months. In this case, that would mean starting design in September or later. Allowing for a 6 to 7 months for design followed by 2 months for permitting, construction procurement could not begin before May next year which means construction could not start until mid-summer. The seismic upgrade work for this Project is very invasive and cannot occur when the building is occupied. Therefore, using a typical procurement process to select the design team will result in students and staff not having access to the gym, offices and adjacent areas for several months after school begins. Additionally, construction noise and activities will disrupt teaching in areas of the building that can be safely occupied. This puts an unreasonable burden on the District and will severely impact their ability to teach students unless design begins as soon as the grant agreement is finalized in early August.

2. Finding: Direct appointment of the Engineer will ensure a quality design is completed in the shortest time possible. The proposed Engineer was selected to prepare the detailed assessment and application for the seismic grant that was awarded to the District. From this assessment and other projects they have recently completed at the school, they are intimately familiar with the scope of work for this Project. In addition, they have proven expertise in successfully completing similar projects for school districts in Oregon. By using this design team versus other potential firms, the District is assured they will receive a high quality design that is consistent with the budget and requirements of the grant. The Engineer's familiarity with the school and the seismic assessment also ensures that design can be completed in the shortest possible schedule.
3. Finding: Direct appointment of the Engineer will provide excellent delivery and coordination during the Project. The proposed Engineer has completed other projects at the school recently. Their performance throughout these projects has been excellent. They are experienced, detailed, thorough, responsive, communicative, consistently meet project deadlines, resolve issues quickly as a team, provide additional services quickly and efficiently, work to minimize change orders and have excellent relationships with the District. The District is assured that, even with a direct appointment, the proposed Engineer will complete this project with excellence which relieves the District of the burden associated with firms who do not perform to this level.
4. Finding: Direct appointment of the Engineer will not result in additional costs to the Project. With approval to directly appoint the Engineer, a fee for design services will be negotiated. This fee will be benchmarked against typical fees for similar services to ensure it is fair. Moreover, the established contract terms from recent agreements with the Engineer will be referenced in the new agreement for this Project so that the District is adequately protected. The District will not pay more for services by directly appointing the Engineer and will save the time and expense associated with using a Request for Qualifications process for selection.
5. Finding: The District has engaged a knowledgeable Owner's Representative and Project Manager to provide the necessary expertise and assistance to the District in managing the design team and negotiating the agreement for this Project to the advantage of the District. This Project Manager has prior experience with the proposed Engineer and is familiar with potential issues and risks so they can be addressed in advance.
6. Finding: There will be no adverse impact on the operation or budget if this exemption is provided. Whether the design team is selected by direct appointment or by a Request for Qualifications process, the operational and budgetary impact to the Project will be similar.

Conclusion of Findings of Fact

BE IT RESOLVED: It is in the best interest of the Alsea School District to directly appoint ZCS Engineering for the Alsea School West Wing Seismic Rehabilitation Project. The direct appointment will: (1) enable the Project to be completed on schedule; (2) ensure a quality design is completed in the shortest time possible; (3) provide excellent delivery and coordination during the Project; and (4) not result in additional costs to the Project.

Chairperson of Board of Directors

Date

