

EXHIBIT B TO BOARD RESOLUTION

**PROPOSED FINDINGS
PURSUANT TO ORS 279C.335 AND OAR 137-049-0610, -0620, -0630, and -0690
BY THE THREE RIVERS SCHOOL DISTRICT FOR
LINCOLN SAVAGE MIDDLE SCHOOL SEISMIC RETROFIT PROJECT**

On October 15, 2025, the Three Rivers School District (the "District") requested an exemption from the competitive bidding requirements of ORS Chapter 279C.335(1) pursuant to ORS 279C.335(2) for the specified project, known as the Lincoln Savage Middle School Seismic Retrofit Project by the District to enable it to utilize an alternative contracting method for construction of the Project. The specific alternative contracting method which the District wishes to utilize is a Construction Manager | General Contractor (CM|GC) selection process.

District is seeking experienced CM|GC contractors for the Lincoln Savage Middle School Seismic Retrofit Project.

ORS 279c.335(2)(b)-- In approving a finding under this paragraph, the...local contract review board shall consider the type, cost and amount of the contract...

OAR 137-049-0630 Descriptions. Findings supporting a competitive bidding exemption must describe with specificity any Alternative Contracting Method to be used in lieu of competitive bidding, including, but not limited to, whether a one-step (request for Proposals), two-step (beginning with a Request for Qualifications, followed by a request for Proposals) or other solicitation process will be utilized. The Findings may also describe anticipated characteristics or features of the resulting Public Improvement Contract. However, the purpose of an exemption from competitive bidding is limited to a determination of the Procurement method. Any unnecessary or incidental descriptions of the specific details of the anticipated Contract within the supporting Findings are not binding upon the Contracting Agency. The parameters of the Public Improvement Contract are those characteristics or specifics that are announced in the Solicitation Document.

The Board is requested to approve the following findings:

The School Board, having considered the evidence at the public hearing concerning this request, finds:

1. The School District is a local government body organized and existing under the laws of the State of Oregon.
2. The School Board is the local contract review board for the District.

With regards to ORS 279C.335, the School Board has considered the following in its decision to exempt the Project from competitive bidding and use the CM|GC method:

1. The exemption is unlikely to encourage favoritism in the awarding of the public improvement contract or substantially diminish competition for the public improvement contract.

Analysis:

- a. The District will select the CM|GC through a competitive request for proposals process that fosters competition and focuses on delivering value to the District with no favoritism through an objective point-scoring system. The District will administer an openly-advertised CM|GC process in a manner that will attract competition.

"Subcontractable" work will be procured by the CM|GC firm, with the oversight of the District through a bid process. Should the CM|GC firm choose to bid any of the

subcontractable work, then bids will need to be submitted to the District or an independent third party a minimum of 2 hours prior to bid closing.

Finding:

- a. The process used by the District makes the exemption unlikely to encourage favoritism in the awarding of the Project or substantially diminish competition for the Project.
2. Awarding a public improvement contract under the exemption is likely to result in substantial cost savings and other substantial benefits to the District.

Analysis:

a. Public benefits

The renovated District facilities will facilitate better working environments, providing safer and more efficient buildings. The CM|GC will help to maximize the quality and amount of construction items that can be delivered, within budget, and on schedule.

b. Value engineering

The CM|GC process provides many benefits and opportunities for cost savings. During the preconstruction phase, the CM|GC will be evaluating the budget and making suggestions for cost-saving changes and value enhancements. The CM|GC will evaluate major systems and make design recommendations to the project team about which systems are most cost-effective while being durable, long lasting and easy to maintain. Use of the CM|GC process will likely result in substantial benefit to the District by facilitating and coordinating the most efficient use of limited project funds.

The CM|GC also identifies whether project sequencing is viable and design elements can be built as drawn. All of these beneficial actions by the CM|GC will improve design, expedite construction and eliminate the potential for costly change orders. The benefits of value engineering are not available with the low bid process.

Findings Under ORS 279C.335(2)(b)

Information related to each of the requirements of ORS 279C.335(2)(b) is as follows:

- (A) How many persons are available to bid.

Information considered by the District:

The CM|GC will be selected through a competitive Request for Proposal (RFP) process. The notification of will be publicly advertised in a state-wide trade newspaper. A review committee will screen and rank proposals based on the criteria described in the request for proposal. Based upon the ranking, one or more proposers may be selected for interview. It is anticipated there are multiple qualified contractors available to propose on this project.

- (B) The construction budget and the projected operating costs for the completed public improvement.

Information considered by the District:

The total maximum allowable construction budget is approximately \$1,800,000.00.

- (C) Public benefits that may result from granting the exemption.

Information considered by the District:

The upgraded District facilities will facilitate better working environments, providing safer and more efficient buildings. CM|GC will help to maximize the quality and amount of construction items that can be delivered, within budget, and on schedule.

- (D) Whether value engineering techniques may decrease the cost of the public improvement.

Information considered by the District:

During the design phase prior to material and subcontractor bidding, the CM|GC will provide value engineering and update cost estimate information. This engineering and cost estimate will assist final decision-making about the project scope, product quality and material finish. Using a CM|GC will allow more flexibility to develop, evaluate, and implement design changes with less impact on construction cost and time. In the event fast track construction is necessary, the CM|GC process provides an appropriate means of managing fast track construction with an agreed completion date and a guaranteed maximum price for the construction.

Use of the CM|GC process will likely result in substantial cost savings by minimizing costly change orders through CM|GC value engineering, constructability review, scheduling, and estimating during the design process.

Use of the CM|GC process will likely result in substantial cost savings through efficiencies gained from having only one general contractor on the site, thereby reducing the need for additional job site conditions from multiple general contractors.

Use of the CM|GC process will likely result in substantial benefit to the District by facilitating and coordinating the most efficient use of limited bond funds.

- (E) The cost and availability of specialized expertise that is necessary for the public improvement.

Information considered by the District:

The contractor ultimately selected as CM|GC will be required in the RFP process to demonstrate experience and expertise in providing CM|GC services to public and/or private organizations. The contractor will also be required to have thorough knowledge of construction and improvements of similar building type and function. The CM|GC firm is hired at the beginning of the project to assist with master planning, design considerations, administrative coordination, scheduling, budget estimating, constructability review, and value engineering.

- (F) Any likely increases in public safety.

Information considered by the District:

All work during the construction will be done in accordance with OR-OSHA safety regulations. The CM|GC selected will be required to be highly qualified and capable and show evidence of construction safety practices that are at the highest level of integrity. Staff safety is of utmost importance during construction. The CM|GC's input into construction sequencing can reduce issues related to safety.

- (G) Whether granting the exemption may reduce risks to the contracting agency, the state

agency or the public that are related to the public improvement.

Information considered by the District:

The project includes technical and logistical complexities, the risks of which will be addressed with the CM|GC firm working with the District and the architect to solve specific challenges identified during the pre-construction phase. Technical complexity relates to planning and coordinating the various components of the project for safety, schedule and budget. The project includes a limited budget as well as limited construction time. Construction may not interfere with staff working on site.

- (H) Whether granting the exemption will affect the sources of funding for the public improvement;

Information considered by the District:

Funding for this project is provided through grants and other funding sources. The CM|GC method of contracting provides cost controls for limited budgets and therefore benefits the District. The team approach, the schedule, the value analysis, and constructability reviews provide the ultimate in effective cost analysis.

- (I) 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.

Information considered by the District:

The CM|GC contracting process is a modern construction delivery method used by both public and private organizations. The CM|GC is tasked with keeping the project team up-to-date on the latest construction techniques and products. The CM|GC will inform the project team of current market conditions, labor and materials availability, and construction methodologies that can reduce design and construction time and costs.

- (J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement.

Information considered by the District:

The project must be delivered within strict technical and logistical parameters. The CM|GC firm will work with the District and the architect to solve specific challenges identified during the pre-construction phase. Technical complexity relates to planning and coordinating the various components of the project for safety, schedule and budget. The project includes a limited budget as well as limited construction time.

- (K) Whether the public improvement involves new construction or renovates or remodels an existing structure.

Information considered by the District:

This project involves addressing both structural and non-structural seismic deficiencies identified in the engineering assessment. This includes installing new elements and connections to establish a well-defined load path to the foundation, adding vertical lateral resisting elements, infilling existing openings in shear walls, installing out-of-plane anchorage, and ensuring the transfer of seismic forces from diaphragms to shear walls. Additionally, new continuous cross ties between diaphragm chords, new drag elements at plan irregularities, and blocked plywood diaphragms will be installed. Non-

structural work includes adding flexible couplings for ductwork and piping, installing safety devices for light fixture lens covers, and seismically anchoring existing canopies to the structure.

- (L) Whether the public improvement will be occupied or unoccupied during construction.

Information considered by the District:

The Project will be occupied during the work.

- (M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions.

Information considered by the District:

The Project consisted of a single phase.

- (N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state 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 or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

Information considered by the District:

Yes, the District working with an Owner's Representative, legal counsel, and architecture firm that have extensive experience with the CM|GC delivery method. The District is also proactively working with legal counsel experienced in construction and with CM|GC, design-build, and alternative contracting methods. The District intends to retain such consultants as may be necessary to affect the Project.