PROPOSED FINDINGS
PURSUANT TO ORS 279C.335
BY THE REDMOND SCHOOL DISTRICT BOARD OF DIRECTORS FOR JAQUA SPORTS COMPLEX

On April 14, 2021 the Redmond 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 a class of school construction projects, consisting of the three school construction projects identified below (the "Class", to enable it to be exempt from public contracting method for construction of the Project. The specific alternative contracting method which the District wishes to utilize for the class of contracts is a Direct Appointment.

The description for this Project is as follows:

Jaqua Sports Complex:
- Development of property for a sports complex, including turf football fields

Approving exemption of this Class from the competitive bidding requirement of ORS 279C.335 will benefit the District by allowing for utilization of the direct appointment procurement process, and the resultant benefits to the District outlined in the below findings, including significant cost savings, grant incentives, schedule development, constructability, integration with existing facilities, safety, and consideration of staff. These enhancements are likely to increase and promote the efficient use of the public funds.

In considering the Class and the requested exemption, the District Board is requested to approve the following findings:

1. The District is a School District organized and existing under the laws of the State of Oregon.
2. The Board is the local contract review board for the District.
3. Pursuant to ORS 279C.335(2), with regard to exempting the Class from competitive bidding and use of Direct Appointment.
   a. The exemption is unlikely to encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts.
      
      Justification for finding: The District will partner with a non-profit organization, with donors, who will cover a majority of the costs of the project. The non-profit organization has pledged to pay for more than an estimated 70% of the costs of the Project. No other known organization is able or willing to make such donation.
   b. If the project is deemed a public improvement project, awarding contracts under the exemption for the Class will likely result in substantial cost savings and other substantial benefits to the District.
   c.

2. Considerations for Finding Under ORS 279C.335(2)(b)
   1. How many persons are available to bid:
      No other known organization is able or willing to make a donation equivalent to the non-profit organization.
   2. The construction budget and the projected operating costs for the completed public improvement:
      The non-profit organization has pledged to donate an estimate 70% of the costs of the Project.
3. **Public benefits that may result from granting the exemption:**
The public will benefit from athletic fields and realized cost savings by utilizing a non-profit organization that donates a significant portion of the cost of work.

4. **Whether value engineering techniques may decrease the cost of the public improvement:**
The non-profit organization has performed dozens of similar facilities and efficiently designs and performs the work.

5. **The cost of availability of specialized expertise that is necessary for the public improvements:**
With the non-profit organization the work can be completed over the summer months, utilizing alternative methods would delay the possibility of this work occurring this year.

6. **Any likely increases in public safety:**
All work during the construction will be done in accordance with OR-OSHA safety regulations. The non-profit organization has completed dozens of similar projects. This is their only work and have safety measures in place to prevent potential for public safety concerns.

7. **Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement:**
The exemption will allow the district to select a firm that has significant experience in this work and who provides donors who offset the costs. This limits the risk of cost overruns and contracting with a low-bidder who may not be experienced.

8. **Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and the time necessary to complete the public improvement:**
The exemption will allow the district to immediately contract with a non-profit organization, guaranteeing the cost of the work. Traditional procurement methods would delay the contracting timeline and be subject to inflationary impacts.

9. **Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement:**
The exemption will allow the district to select a firm that has significant experience in this work and who has established engineering and installation of athletic field systems.

10. **Whether the public improvement involves new construction or renovates or remodels and existing structure:**
The project develops an existing field for athletic use.

11. **Whether the public improvement will be occupied or unoccupied during construction:**
The site will be accessed by the public and occupants of the property, however, the construction area will be secured.

12. **Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and**
The project will be a single phase of work.

13. **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.

The contracting agency has retained experience project management, design professionals and non-profit organization to assist in the development of this project.

RESOLUTION NO. 21:155

Based upon the findings set forth above, the Board of Directors of Redmond School District, sitting as the local contract review board for the District on its request for exemption from the public contracting rules under ORS 279C.335(2), hereby resolves, finds and concludes:

1. Notice of public hearing was published in at least one trade newspaper of general statewide circulation a minimum of 14 days prior to entering agreement.

2. A copy of the notice is attached hereto as Exhibit "A" and incorporated by this reference.

3. At the public hearing, the Board gave an opportunity for any interested party to appear and present comment.

4. The attached Proposed Findings ("Findings") are adopted and approved.

5. Based upon the approved Findings, being exempt from public bidding requirements will not prevent competition, as the non-profit organization has pledged to donate approximately 70% of the costs of the work.

6. Based upon the approved Findings, exemption from bidding under ORS 279C.335(2) will likely result in substantial cost savings and other substantial benefits to the District.

7. The District is granted an exemption under ORS 279C.335(2) from the competitive bidding requirements of ORS 279C.335(1) for the Projects as a class, and it is directed that the District utilize a Direct Appointment method as the alternative contract method, provided the District also remains permitted, at the District's discretion, to use traditional bidding for any particular Project or portion of a Project pursuant to ORSC.335(1).

These resolutions shall take effect immediately.

DATED: April 14, 2021

SCHOOL DISTRICT
BOARD OF DIRECTORS

By: [Signature]
Its Chairperson

By: [Signature]
Its Vice-Chairperson