

# **FINDINGS SUPPORTING AN EXEMPTION FROM COMPETITIVE BIDDING AND USE OF THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR METHOD FOR THE SWEET HOME HIGH SCHOOL RENOVATION PROJECT**

## **1. PURPOSE**

These findings are presented to the Sweet Home School District Board of Directors, acting as the District's Local Contract Review Board, in support of a project-specific exemption from the competitive-bidding requirement of ORS 279C.335(1).

The District proposes to use a Construction Manager/General Contractor, or CM/GC contracting method for a construction contract ("Contract") to procure and deliver the Sweet Home High School Renovation Project.

These findings are made pursuant to ORS 279C.335, ORS 279C.337, and OAR 137-049-0600 through 137-049-0690.

## **2. PROJECT DESCRIPTION**

The Sweet Home High School Renovation Project is a major public improvement project anticipated to include a combination of new construction, renovation, remodeling, reconstruction, demolition, building-system work, security and circulation improvements, and associated site and infrastructure work.

The precise scope will continue to be developed during design and may include new instructional and common-use facilities; renovation or reconstruction of existing facilities; connections between new and existing structures; security and controlled-entry improvements; mechanical, electrical, plumbing, technology, fire-protection and other building-system work; accessibility, utility, transportation and site improvements; temporary facilities; demolition; and early-work or long-lead procurement packages.

The final scope and contract requirements will be established in the solicitation and resulting contract documents.

## **3. PROJECT CONDITIONS**

The project will be constructed on an active and occupied high school campus. The primary construction area will be surrounded on three sides by existing school facilities that are expected to remain in use during substantial portions of construction.

Construction is expected to involve multiple phases, limited summer work periods, school-year construction, temporary routes or facilities, utility shutdowns and transitions,

and connections between new and existing construction. Existing and concealed conditions may also affect the work.

These conditions require careful coordination to maintain instruction, student and staff safety, emergency access, transportation, deliveries, utilities, and other school operations.

#### **4. PROJECT BUDGET AND FUNDING**

The project has an estimated construction budget of approximately \$40 million and will be funded through general obligation bond proceeds, Oregon School Capital Improvement Matching Program grant funds, and District funds.

The budget will continue to be refined as design progresses and as cost estimates, value-engineering recommendations, phasing plans, and market information become available. Use of the CM/GC method will not alter the principal sources of project funding.

#### **5. PROPOSED ALTERNATIVE CONTRACTING METHOD**

The District proposes to select a CM/GC through a one-step, formally advertised competitive request for proposals.

The RFP will:

1. Describe the project and requested services;
2. Identify evaluation criteria and scoring methodology;
3. Identify price-related proposal information;
4. Describe the role of interviews, if conducted;
5. Describe anticipated preconstruction and construction services;
6. Establish subcontractor competition requirements;
7. Include applicable protest and award procedures; and
8. Describe the process for negotiating the initial contract and subsequent construction-price amendments.

The CM/GC is expected to begin with preconstruction services. Construction work will be authorized only through an approved early-work amendment, guaranteed-maximum-price amendment, or other written contract amendment.

The District will retain the right not to proceed with the selected CM/GC for construction if acceptable price and contract terms cannot be reached.

#### **6. FINDING REGARDING FAVORITISM AND COMPETITION**

ORS 279C.335(2)(a) requires the Local Contract Review Board to find that: “It is unlikely that the exemption will encourage favoritism in the awarding of public

improvement contracts or substantially diminish competition for public improvement contracts.” The District is making that finding based on the following considerations:

- The CM/GC will be selected through a formally advertised competitive RFP rather than direct appointment, which avoids favoritism.
- The RFP will disclose evaluation criteria and weights in advance, and responsive proposals will be evaluated through an objective documented process using the same criteria.
- The District has had past experience with CM/GC procurement, which has resulted in a robust proposal response from contractors.
- The District will conduct outreach to encourage competition among qualified firms with relevant public-school, occupied-campus, renovation, and CM/GC experience.
- The procurement will include appropriate pricing-related evaluation information, for comparison in calculating the eventual guaranteed maximum price.
- A substantial portion of the construction work is expected to be competitively procured from subcontractors and suppliers under procedures consistent with applicable law and the CM/GC contract.
- The solicitation will include applicable protest procedures and the District will retain the required procurement record.
- No contractor has been selected or promised the work.

Accordingly, the District finds that the proposed CM/GC exemption is unlikely to encourage favoritism and is unlikely to substantially diminish competition.

## **7. FINDING REGARDING SUBSTANTIAL COST SAVINGS AND OTHER SUBSTANTIAL BENEFITS**

ORS 279C.335(2)(b) requires the Local Contract Review Board 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.” Because design is not complete and a CM/GC has not yet been selected, the District cannot precisely quantify all future savings. The following findings constitute a reasonable forecast based on the project conditions and the services anticipated under CM/GC delivery.

## **8. FINDINGS REGARDING STATUTORY FACTORS UNDER ORS 279C.335(2)(b) AND OAR 137-049-0630**

### **A. How many persons are available to bid (ORS 279C.335(2)(b))**

The District reasonably anticipates, based on consultation with the project architect, direct inquiries and past experience, that multiple qualified firms are capable of competing for the CM/GC contract. The District has identified multiple Oregon-based general contractors with CM/GC experience on public school projects of comparable size

and complexity, including firms that have performed CM/GC work for other Oregon school districts.

Public advertising and targeted outreach should encourage participation by firms with relevant Oregon public-school, occupied-campus, renovation, and CM/GC experience. For this reason, the exemption is not expected to materially reduce the number of qualified firms available to compete.

**B. The construction budget and the projected operating costs for the completed public improvement (ORS 279C.335(2)(b))**

The estimated construction budget is approximately \$40 million.

Design is being developed. CM/GC involvement in cost estimating and budget reconciliation during design will allow the District and GLAS Architects to adjust scope, systems, materials, and phasing before design decisions are fully incorporated into construction documents.

The CM/GC may also evaluate life-cycle cost and building-system options that could reduce future operating or maintenance costs.

**C. Public benefits that may result from granting the exemption (ORS 279C.335(2)(b))**

The District has identified multiple potential public benefits from CM/GC procurement for this project, including improved construction safety, reduced disruption to instruction and school activities, improved schedule and budget reliability, earlier identification of project risks, and improved coordination and construction quality.

**D. Whether value engineering techniques may decrease the cost of the public improvement (ORS 279C.335(2)(b))**

The CM/GC will be required to evaluate design alternatives, building systems, materials, details, sequencing, and bid packaging before design is complete, for value engineering cost and schedule savings.

Early value engineering should allow the District to reduce costs or preserve higher-priority scope while avoiding redesign that can occur when value engineering is delayed until after bidding.

**E. The cost and availability of specialized expertise that is necessary for the public improvement (ORS 279C.335(2)(b))**

The project requires specialized expertise in occupied-school construction, safety, phasing, renovation, demolition, new-to-existing building connections, cost estimating, constructability, scheduling, bid packaging, market conditions, and long-lead procurement.

CM/GC delivery allows for evaluation of such expertise and makes that expertise available during design, when it can have the greatest effect on cost, schedule, scope, and risk.

**F. Any likely increases in public safety (ORS 279C.335(2)(b))**

Public safety during construction is a substantial basis for the exemption.

Early CM/GC involvement will assist in planning construction-zone separation, secure access, pedestrian and vehicle routes, bus and delivery routes, emergency access, temporary exits, utility shutdowns, environmental controls, work-hour restrictions, and phasing that separates construction activity from school operations.

**G. Whether granting the exemption may reduce risks to the contracting agency or the public that are related to the public improvement (ORS 279C.335(2)(b))**

CM/GC delivery, through early contractor involvement, is expected to reduce risks associated with design coordination, concealed conditions, site logistics, escalation, long-lead items, subcontractor availability, phasing, utility interruptions, temporary facilities, change orders, delays, and disruption to District operations.

Early constructability, estimating, scheduling, and logistics work should identify and manage those risks sooner.

**H. Whether granting the exemption will affect the sources of funding for the public improvement (ORS 279C.335(2)(b))**

The exemption will not change the principal sources of project funding.

CM/GC delivery is expected to support responsible management of available bond, grant, and District funds through progressively refined estimates, scope alignment, scheduling, documentation, and cost control.

**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 (ORS 279C.335(2)(b))**

Construction costs and schedules may be affected by inflation, labor availability, subcontractor capacity, material-price volatility, and equipment lead times.

The CM/GC can provide current market information and recommend early procurement, bid packaging, alternative materials or systems, subcontractor outreach, scope adjustments, and sequencing responsive to market conditions, all of which are unavailable under traditional bidding procurement.

**J. Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement (ORS 279C.335(2)(b))**

The construction project is large and technically complex because it combines new construction, renovation or reconstruction, existing building systems, occupied facilities, restricted access, multiple phases, school-calendar constraints, utility transitions, safety requirements, and coordination of numerous subcontractors and suppliers. CM/GC contracting allows for early identification and addressing of such issues.

**K. Whether the public improvement involves new construction or renovates or remodels an existing structure (ORS 279C.335(2)(b))**

The combination of new construction and renovation, remodeling, or reconstruction involved with this project increases the likelihood of unforeseen conditions, coordination issues, utility conflicts, and sequencing challenges.

The CM/GC can assist with investigations, selective-demolition planning, constructability review, estimating, and details connecting new and existing work.

**L. Whether the public improvement will be occupied or unoccupied during construction (ORS 279C.335(2)(b))**

Sweet Home High School will remain occupied and operational during substantial portions of construction.

Early CM/GC involvement will allow the CM/GC to assist in planning work areas, temporary circulation and facilities, shutdowns, safety controls, relocations, and phase transitions so instruction and other school operations can continue.

**M. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions (ORS 279C.335(2)(b))**

The project is expected to require multiple construction phases and may require early-work or separate bid packages.

CM/GC preconstruction services will allow the District to develop, price, and coordinate those phases before construction begins, reducing inefficient sequencing, schedule extensions, temporary-condition costs, and disruption.

**N. Whether the contracting agency has, or has retained under contract, and will use personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods (ORS 279C.335(2)(b))**

GLAS Architects is serving as project architect. Dunn Carney LLP will provide legal review and assistance with the exemption, procurement, CM/GC contract, and related amendments.

District staff have had CM/GC administrative experience and will oversee facilities, procurement, budget, and financial matters, and the District will use qualified staff and consultants for project management, engineering, scheduling, cost control, accounting, procurement, and construction administration.

Additional owner-side expertise will be retained if determined necessary.

**9. REASONABLE FORECAST OF COST SAVINGS AND OTHER BENEFITS**

The District reasonably forecasts that CM/GC delivery will produce substantial cost savings or cost avoidance through the combined effect of:

1. Early and repeated cost estimating and budget reconciliation during design;
2. Constructability review and earlier identification of design conflicts or omissions;
3. Early value engineering and alignment of scope with the available budget;
4. Earlier identification and management of concealed-condition and new-to-existing coordination risks;
5. Competitive subcontractor bid packaging and current subcontractor-market information;
6. Early identification and procurement of long-lead items;
7. Improved phasing, sequencing, and use of limited summer construction periods;
8. Reduced temporary-facility, extended general-conditions, delay, rework, and change-order costs;
9. Reduced disruption to school operations; and
10. Improved schedule and budget certainty through development of a guaranteed maximum price or other maximum contract price.

It is not practicable to assign a reliable dollar value to each anticipated savings category before completion of design and selection of the CM/GC.

The District finds that the combined savings and cost avoidance reasonably expected from early contractor involvement are substantial in relation to the project's size, complexity, occupancy, phasing, and construction budget.

## **10. OTHER SUBSTANTIAL BENEFITS**

In addition to direct cost savings and cost avoidance, the District reasonably anticipates:

- Enhanced student, staff, and public safety;
- Greater continuity of school operations;
- Better coordination among the District, architect, contractor, and consultants;
- Earlier and more transparent cost information;
- Improved schedule reliability and responsiveness to market conditions;
- Improved construction quality and management of existing conditions;
- Greater subcontractor outreach and competition; and
- Greater ability to make informed scope and budget decisions before construction.

## **11. CONCLUSIONS**

Based on the foregoing, through adoption of these findings the Sweet Home School District Board of Directors, acting as the District's Local Contract Review Board, concludes that:

1. The Contract exemption is unlikely to encourage favoritism in awarding public improvement contracts;
2. The exemption is unlikely to substantially diminish competition;
3. Use of the CM/GC method will likely result in substantial cost savings and other substantial benefits to the District and the public;
4. The project's occupied-campus conditions, technical complexity, renovation components, safety requirements, market risks, and multiple construction phases are particularly suited to CM/GC delivery;
5. A formally advertised competitive RFP is an appropriate method for selecting the CM/GC; and
6. The Sweet Home High School Renovation Project Contract should be exempted from the competitive-bidding requirement of ORS 279C.335(1), subject to compliance with ORS 279C.337, OAR 137-049-0600 through 137-049-0690, and other applicable law.

**BOARD RESOLUTION  
SWEET HOME SCHOOL DISTRICT NO. 55  
RESOLUTION NO. 3-2627**

**A RESOLUTION ADOPTING FINDINGS, EXEMPTING THE SWEET HOME  
HIGH SCHOOL RENOVATION PROJECT FROM COMPETITIVE BIDDING,  
AND AUTHORIZING USE OF THE CONSTRUCTION MANAGER/GENERAL  
CONTRACTOR METHOD**

WHEREAS, Sweet Home School District No. 55 is planning the Sweet Home High School Renovation Project, which is anticipated to include a combination of new construction, renovation, remodeling, reconstruction, demolition, building-system improvements, security and circulation improvements, and related site and infrastructure work; and

WHEREAS, the project will be constructed on an active high school campus, with the principal construction area surrounded on three sides by occupied school facilities; and

WHEREAS, the District must maintain safe and functional school operations, student and staff access, bus and vehicle circulation, emergency access, utilities, and educational activities during construction; and

WHEREAS, ORS 279C.335 permits a local contract review board to exempt a public improvement contract from competitive bidding after approving findings that the exemption is unlikely to encourage favoritism or substantially diminish competition and will likely result in substantial cost savings and other substantial benefits; and

WHEREAS, ORS 279C.337 and OAR 137-049-0600 through 137-049-0690 establish requirements applicable to CM/GC procurement and contracting; and

WHEREAS, the District published notice of the proposed exemption as required by law, made the draft findings available for public review, and provided the required opportunity for a public hearing and public comment; and

WHEREAS, the Board has considered the draft findings, staff presentation, and all comments submitted concerning the proposed exemption;

**NOW, THEREFORE, BE IT RESOLVED:**

**Section 1. Local Contract Review Board**

For purposes of this resolution, the Sweet Home School District Board of Directors is acting as the District's Local Contract Review Board.

## **Section 2. Adoption of Findings**

The Board adopts the “Findings Supporting an Exemption from Competitive Bidding and Use of the Construction Manager/General Contractor Method for the Sweet Home High School Renovation Project,” attached as Exhibit A and incorporated into this resolution.

## **Section 3. Exemption**

Based on the adopted findings, the Board exempts the Sweet Home High School Renovation Project Contract from the competitive-bidding requirement of ORS 279C.335(1).

## **Section 4. CM/GC Method Authorized**

The District is directed to use the CM/GC method for the project in accordance with ORS 279C.337, OAR 137-049-0600 through 137-049-0690, the adopted findings, and other applicable law. The District may, in its discretion, also use traditional procurement in response to competitive bids, as to all or any portion of the Project, if it determines it to be in the best interests of the District to do so.

## **Section 5. Competitive RFP**

The District is authorized to procure CM/GC services through a one-step, formally advertised competitive RFP. The RFP shall identify the applicable evaluation criteria, scoring methodology, price-related factors, interview procedures if used, protest procedures, subcontractor competition requirements, and other matters required by law.

## **Section 6. Legal Review**

Before issuance, the CM/GC solicitation and proposed contract documents shall be reviewed by Dunn Carney LLP.

The District shall confirm before issuance that assigned legal counsel and the District's project team satisfy applicable experience and expertise requirements.

## **Section 7. Administrative Authority**

The Superintendent or the Superintendent’s designee is authorized to:

1. Finalize the RFP following legal review;
2. Advertise and administer the procurement;
3. Appoint an evaluation committee;
4. Conduct evaluations and interviews;
5. Issue notices and addenda;
6. Respond to procurement questions and protests;

7. Negotiate the Contract, including price and terms, with the highest-ranked proposer; and
8. Take other administrative actions reasonably necessary to conduct the procurement.

## **Section 8. Subsequent Board Approval**

Unless the Board separately delegates additional authority:

1. The recommended CM/GC selection shall be presented to the Board for final approval, to the extent consistent with applicable public procurement laws and requirements;
2. The construction contract, any material early-work amendment, and the guaranteed maximum price amendment or other maximum construction-price amendment shall be presented to the Board for approval.

## **Section 9. No Obligation to Proceed**

This resolution does not obligate the District to award a contract, accept a proposed guaranteed maximum price, or proceed with any particular construction scope.

The District retains the right to reject proposals, terminate negotiations, modify the project, or cancel the procurement when permitted by law and determined to be in the District's best interest.

## **Section 10. Post-Project Evaluation**

District administration shall prepare the post-project evaluation required by ORS 279C.355 and submit the evaluation to the Board within the time required by law following acceptance of the project.

## **Section 11. Effective Date**

This resolution is effective upon adoption.

ADOPTED by the Sweet Home School District Board of Directors, acting as the District's Local Contract Review Board, on [DATE].

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Board Chair

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Superintendent/Clerk

## **PUBLIC NOTICE**

### **NOTICE OF PROPOSED EXEMPTION FROM COMPETITIVE BIDDING AND PUBLIC HEARING**

#### **SWEET HOME HIGH SCHOOL RENOVATION PROJECT**

Sweet Home School District No. 55 intends to request that its Board of Directors, acting as the District's Local Contract Review Board, approve findings and exempt the Sweet Home High School Renovation Project from the competitive-bidding requirement of ORS 279C.335(1).

The District proposes to procure construction services using the Construction Manager/General Contractor, or CM/GC, method in accordance with ORS 279C.337 and applicable Oregon administrative rules.

The project is anticipated to include a combination of new construction, renovation, demolition, building-system improvements, security and circulation improvements, and related site and infrastructure work at Sweet Home High School. The project will be constructed on an active and occupied campus, with construction immediately adjacent to school facilities that will remain in operation during substantial portions of the work.

The proposed exemption is based primarily on the project's occupied-campus conditions, student and staff safety considerations, complex phasing and logistics, coordination of new and existing construction, and the anticipated cost, schedule, constructability, and risk-management benefits of early contractor involvement.

#### **Copies of the draft findings are available:**

**Online:** <https://shsd55or.gov/departments/facilities/>

#### **In person:**

Sweet Home School District Office  
1920 Long Street  
Sweet Home, Oregon 97386  
During regular District business hours

The Board intends to consider the proposed findings and exemption at:

**Date:** September 14, 2026

**Time:** 6:30 p.m.

**Location:** 1920 Long Street, Sweet Home, OR 97386

In response to a written request, the District will hold a public hearing at that meeting for the purpose of taking comments on the draft Findings for an exemption from the

competitive bidding requirement. Any written request for a hearing required by ORS 279C.335 must be received within seven calendar days after the publication date of this notice.

Written hearing requests and written comments may be submitted to:

Julie Emmert, Board Secretary  
Sweet Home School District No. 55  
1920 Long Street  
Sweet Home, Oregon 97386  
Email: [julie.emmert@shsd55or.gov](mailto:julie.emmert@shsd55or.gov)