

RESOLUTION NO. 1602

RESOLUTION OF THE CITY OF WILSONVILLE CITY COUNCIL ACTING IN ITS CAPACITY AS ITS LOCAL CONTRACT REVIEW BOARD, DECLARING THAT AN EMERGENCY EXISTS, EXEMPTING THE WATER TREATMENT INTAKE AND PLANT FACILITY FROM THE COMPETITIVE REQUIREMENTS OF ORS 279.005 ET SEQ. AND THE WILSONVILLE CODE, AUTHORIZING A PROCESS TO OBTAIN COMPETITIVE PROPOSALS AND AUTHORIZING THE AWARD OF A DESIGN BUILD CONTRACT FOR THE WATER TREATMENT PLANT.

WHEREAS, the City Council, acting as the local Contract Review Board, finds that it has authority to determine emergency conditions requiring prompt execution of contracts, as hereinafter set forth:

1.1 ORS 279.055 provides that a local jurisdiction may designate a Contract Review Board which shall have all the power granted to the State Public Contract Review Board; and

1.2 Wilsonville Code (WC) 2.312 designates the City Council as the local Contract Review Board and relative to contract concerns of the City states that the Contract Review Board shall have all the power granted to the State Public Contract Review Board; and

1.3 WC 2.314(3) states that a contract may be exempted from competitive bidding if the Board, by unanimous vote, determines that emergency conditions require prompt execution of the contract and it further states that a determination of such an emergency shall be entered into the record of the meeting at which the determination was made; and

WHEREAS, the City Council, acting as the local Contract Review Board, finds that ORS 279.011(4) defines emergency for public contracting purposes as "emergency" means circumstances that could not be reasonably foreseen that create a substantial risk of loss, damage,

interruption of services or threat to the public health or safety that require prompt execution of a contract to remedy the condition.

Therefore, the City Council, acting as the Contract Review Board makes the following findings:

2.1 The City is unable to supply water capacity within legally mandated timeframes for municipal use and for the use of a Women's Prison /Intake Center at the Day Road site, thereby creating a substantial risk of loss and damage and/or a threat to the public health or safety requiring a prompt execution of a contract for a Water Treatment Intake and Plant facility ("Water Treatment Plant") on the Willamette River to remedy the condition.

2.2 There is a lack of water capacity due to the declining aquifer water supply. There was and is a demonstrated need to prevent a shortage of water for domestic and fire flow use, which shortage would otherwise have occurred with the continuation of new development approvals; and, therefore, the City declared a moratorium on land development approvals due to lack of water supply capacity pursuant to Ordinance No. 493, effective January 5, 1998, and adopted a plan for correction within 60 days thereafter.

2.3 The conditions necessitating the moratorium continued during the initial moratorium period and the plan of correction could not be accomplished in the initial timeframe; and that due to the complexities of obtaining an appropriate and adequate water supply, cost, and timing for potential corrections, the moratorium and its corrections plan were extended on three separate occasions, each for an additional six-month period, effective July 5, 1998 (Ord. No. 497); January 5, 1999 (Ord. No. 504); and July 5, 1999 (Ord. No. 506).

2.4 ORS 197.530(3) Correction Program Procedures states that no single extension under subsection 2 of this section [ORS 197.530(2)] may be for a period longer than six months and no moratorium shall be extended more than three times; thus, the moratorium must be lifted by January 5, 2000.

2.5 Part of the latest correction plan to the last moratorium was the use of treated Willamette River water to meet the City's water supply capacity needs.

2.6 A measure authorizing the sale of \$25 million in revenue bonds for the treatment and use of Willamette River water as a water supply source was duly passed by the electorate of the City of Wilsonville on September 21, 1999.

2.7 After a lengthy process involving supersiting of the Women's Prison/Intake Center at the Dammasch Hospital site and the subsequent legislative action re-siting the facility, the Department of Corrections (DOC) has received approval from the Governor to construct a Women's Prison/Intake Center on Day Road.

2.8 The Women's Prison/Intake Center is scheduled to commence operations in October 2001 and, under SB 686, DOC has the legal authority to require the City provide water for operations.

2.9 A part of a plan for correction of the problem creating the water moratorium and a Plan for a water supply until 2006 for the Women's Prison/Intake Center included a near-term supply of 2 MGD from the Tualatin Valley Water District (TVWD) which TVWD had committed to provide, routed through the City of Tualatin, to the City of Wilsonville with 630,000 gallons per day of the 2 MGD reserved for the Women's Prison/Intake Center and the

remainder for the City of Wilsonville, which could bridge the City's interim water needs until the Water Treatment Plant and long term source would be operational.

2.10 In an August 23, 1999 letter to the Department of Correction, TVWD explained that, without a connection through the City of Tualatin's distribution system, TVWD will not be able to deliver the previously agreed 2 MGD to the City of Wilsonville.

2.11 The maximum water that TVWD could otherwise provide would be 300,000 gallons per day to the prison, which would not provide an interim source of water for the City of Wilsonville and which would not be sufficient for the Women's Prison/Intake Center operations, and that the City of Tualatin will no longer permit the water for a prison site at Day Road routed through its system.

2.12 As a result of the commitment by TVWD, the City of Wilsonville could not have reasonably foreseen that TVWD would not be able to provide water as previously agreed.

2.13 Property owners in the City of Wilsonville have been and continue to be precluded from receiving final development approval for their land under the water moratorium, as the City could not provide a long-term water source.

2.14 Unless there is a substantial reduction of the interim time period to provide an adequate supply of water, there would be a substantial risk of damage to property values and to the highest and best use of property and to the public health and safety.

2.15 Through heightened conservation and the potential deepening of some wells, it may be possible to cover the summer peak periods in 2000 and 2001, but not beyond.

2.16 The additional water is required to provide water to the Women's Prison/Intake Center in April 2002.

2.17 The City of Wilsonville wells can provide water to the prison during the fall, winter, and spring seasons only and the City will need an additional source of water to provide water to the City of Wilsonville and to the prison in April 2002.

2.18 The failure to provide this water to the Women's Prison/Intake Center would be a threat to the public health or safety.

2.19 The Willamette River Water Supply System Preliminary Engineering Report for the City of Tigard, City of Wilsonville, City of Sherwood, Tualatin Valley Water District and the City of Tualatin estimated that 37 months would be required from the award of the engineering services agreement to final construction of the water treatment plant on the Willamette.

2.20 There are only 28 months available from an earliest anticipated award of an engineering service agreement in December 1999, until completion of the water treatment plant is required on April 1, 2002.

2.21 There is an emergency as that term is defined in ORS 279.011(4) and used in the Wilsonville Code.

2.22 Design build is a method of project delivery in which the owner executes a single contract with one entity (design builder) to provide architectural/engineering services and construction services. Design build affords singular responsibility which, in turn, promotes motivation to build in quality throughout the design and construction process; an early team approach promotes continued value engineering and constructability, reduces significantly total design and construction time which in turn translates into cost savings, reduces owners administrative burden and provides guaranteed costs.

2.23 The design build process allows a substantial shortening of the overall time required to complete design and construction of the water treatment plant to ensure the Water Treatment Plant is ready for use April 1, 2002 in that construction in the Willamette River will be limited to only the summer periods; and it will be necessary to work in the Willamette during both the summer of 2000 and the summer of 2001.

2.24 The scope of the water treatment plant project would need to be substantially refined to identify intake structure capacity, water treatment plant systems overall capacity, chemical processing capacity, laboratory capacity, architectural design features, wet well capacity, sludge processing and treated water line routing and size before the project could be competitively bid or advertised for proposals under a competitive selection process.

2.25 This refinement of scope would take at least three months.

2.26 The three-month delay would probably prevent a substantial construction during the construction season for 2000, and jeopardize the successful completion of the project by April 1, 2002.

2.27 There is insufficient time to exempt the Project under ORS 279.015(2)(a) and (b) and WC 2.314(2) and follow that process.

2.28 Nevertheless, to the maximum extent possible given the emergency conditions, the City of Wilsonville desires to use a form of contracting with competition.

2.29 It is unlikely that a design build contract for the Water Treatment Plant will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.

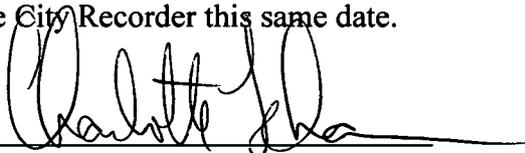
2.30 The award of a design build contract for the Water Treatment Plant will likely result in substantial cost savings.

NOW, THEREFORE THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

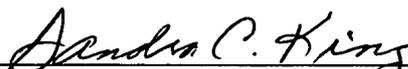
- A. Based upon the findings and authority recited above and incorporated as if fully set forth herein, the City Council, acting as the City's Contract Review Board, hereby finds and declares that there is a serious lack of water supply capacity in the City of Wilsonville; that an emergency exists in the City's current lack of water capacity and ability to end the moratorium on land development approvals as required by state statute and to serve the Women's Prison/Intake Center; and that prompt execution of a design-build contract is required to remedy the emergency conditions;
- B. The City Manager, and such persons as she may direct, is authorized to immediately solicit Requests for Qualifications, from qualified design build contractors for the water treatment plant, in the general form set forth in Exhibit A, attached hereto and incorporated as if fully set forth herein, and such final amendments as may be determined by the City Attorney.
- C. In order to expedite the process, the City Manager is directed to send the Request for Qualifications to the firms that have expressed an interest to date in designing and/or building the Water Treatment Plant, and which are listed in Exhibit B, attached hereto and incorporated as if fully set forth herein. However, upon request any other interested firm shall also be sent a Request for Qualifications.

- D. Following the process described in the Request for Qualifications, the City Manager is directed to make a recommendation for the selection of the design build contractor to the City Council, acting as the City's Contract Review Board, for its approval no later than December 20, 1999.
- E. The City Manager, and such persons as she may direct, shall negotiate a design build contract with the firm selected by the City Council, acting as the City's Contract Review Board, in a form approved by the City Attorney; and is directed to present the final contract to the City Council, acting as the Contract Review Board, for approval no later than February 1, 2000.

ADOPTED by the Wilsonville City Council at a regular Council meeting thereof this 1st day of November, 1999, and filed with the Wilsonville City Recorder this same date.


CHARLOTTE LEHAN, MAYOR

ATTEST:


SANDRA C. KING, CMC, City Recorder

SUMMARY OF VOTES:

| | |
|------------------|-----|
| Mayor Lehan | Yes |
| Councilor Helser | Yes |
| Councilor Barton | Yes |
| Councilor Kirk | Yes |
| Councilor Holt | Yes |

City of

WILSONVILLE
in OREGON



REQUEST
FOR
QUALIFICATIONS
FOR
WILLAMETTE RIVER
WATER TREATMENT PLANT

November 1, 1999

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**CITY OF WILSONVILLE
REQUEST FOR QUALIFICATIONS (RFQ)**

Subject: Request for Design Build teams to design and construct the Willamette River Water Treatment Plant for the City of Wilsonville

Introduction

The City of Wilsonville is soliciting Statements of Qualifications (SOQs) from firms or teams to design and build a water treatment facility on the Willamette River. The City intends to select a design build firm or team as outlined herein to develop and deliver the project to a fully operational and complete status.

The City's purpose for use of this contracting method under a declared emergency is to meet commitments to provide water to new customers by April 1, 2002 and to remove the City's current building moratorium imposed due to limited water supply.

Terms used throughout this document are summarized below:

- Design Builder or Design Build Contractor: The firm or team that will execute the Project.
- Design Construction Price: The negotiated price for design and construction of the project facilities, as described in this document.
- Respondent: The legal entity responding to this Request for Qualifications by submitting the required Statement of Qualifications as defined in this document.
- RFQ: Request for Qualifications

Background

The City of Wilsonville presently obtains its water for domestic and irrigation purposes from eight wells that draw water from a basalt aquifer. The water level in the aquifer continues to decline and the projected demands from existing users and approved developments matched production capacity early in 1998. As a result, the City declared a moratorium on new planning approvals in January 1998, which has subsequently been extended three additional times, as allowed by law. The moratorium cannot be extended past January 5, 2000, and the City is

working on other measures to temporarily resolve the water moratorium problem pending completion of the construction of a water treatment plant on the Willamette River.

In addition, the Department of Corrections is planning to construct a Women's Prison/Intake Center just outside the current City limits on Day Road and to commence operations in October 2001. The City will provide water to the prison from existing wells beginning in 2001 and needs to have the water treatment plant online by April 1, 2002 to provide water during the peak summer season.

The City and other regional water providers have been searching for adequate land to allow for eventual construction of a 120-mgd water treatment plant. On September 4, 1998, the City purchased a thirty-one (31) acre site on the Willamette River west of Boones Ferry Road and south of Wilsonville Road for potential use as the regional water treatment plant site.

The City has \$24,464,000 in revenue bond measure proceeds and payments from the Department of Corrections for water to serve the Women's Prison/Intake Center. This money is to be used for construction of a water treatment plant by the City alone or for the City's share of a water treatment plant that would include other regional water providers. Other water providers, including the Tualatin Valley Water District, City of Tualatin, and City of Sherwood, remain interested in participating in construction of a water treatment plant on the Willamette. We anticipate decisions by all interested parties by November 22, 1999.

Project Information

Project Description

The Willamette River Water Treatment Plant Project (Project) contemplated for this solicitation will include design and construction of a water treatment plant on the Willamette River. The plant will be constructed on the above referenced property owned by the City of Wilsonville. It is anticipated that other regional water providers may choose to acquire capacity in the water treatment plant and related supply facilities.

The water treatment plant is anticipated to be designed to include a submerged intake in the Willamette River; intake wetwell structure; raw water pump station; raw water main; and a treatment plant consisting of coagulation, sedimentation, filtration, ozone injection, storage and post treatment chlorination.

The design builder will provide facility startup services to document consistent, full compliance with the performance criteria to be established for the facility. It is anticipated that at least part of the operating staff (to be furnished outside of the design build contract) will be available to observe plant construction, learn the functioning of electrical and mechanical components and be fully trained on plant operation by the time compliance with performance criteria has been demonstrated.

Specific project deliverables, such as record drawings, operation and maintenance manuals, spare parts, and owner training, will be incorporated into the final design construction price proposal.

Project Objectives

To produce a minimum of 3 mgd of water for distribution to customers by April 1, 2002 and full project plant capacity by October 1, 2002.

To construct a state-of-the-art water treatment plant that will produce water that equals or exceeds water from any other source in the Portland Metropolitan region in potability and palatability and is in conformance with EPA and State of Oregon drinking water standards.

To produce a plant that blends into the local landscape with architectural aesthetics that are comparable to a very high quality public facility (an example would be the water pollution control lab (St. John's) at 6543 N. Burlington in Portland). The project will include public interactive elements to be determined during the design including such things as pedestrian/bicycle trails, public meeting rooms, water features, interpretive (both water treatment and natural resource) vistas and graphics including a view corridor to the Willamette.

To construct a plant that is designed to provide a current volume of 10 to 15 million gallons per day with easily accommodated phased expansions up to 70 million gallons per day (on the southern part of the property) with minimal plant shutdowns to accommodate the expansion process.

To construct a water treatment plant that is designed for efficient operations with unobtrusive plant security as a required design feature.

Project Schedule Milestones

The project needs to follow an accelerated design approval and construction schedule so the plant can produce water at a minimum capacity of 3 million gallons per day that equal or exceed the water quality standards set forth above no later than April 1, 2002 with 100% completion by October 1, 2002.

Liquidated damages will be assessed for this project for failure to complete the contract within the time specified. The liquidated damages shall be \$5,000 per day and shall begin on April 1, 2002 and end when potable water in an amount not less than 3 mgd from the site enters the City of Wilsonville water transmission system. It is less critical as to when the non-water production facilities are completed and the liquidated damages for these facilities would include the City's cost of providing an owner's representative on site until complete.

Site Location and Site Area

The site is located in the City of Wilsonville on the north side of the Willamette River between the Wilsonville Concrete plant to the east and Morey's Landing subdivision to the west, and south of Wilsonville Road. A vicinity map showing the location is attached. The site totals 31 acres.

Treatment Plant Processes

The Preliminary Engineering Report describes treatment plant processes consisting of coagulation, sedimentation, filtration, ozone injection, storage, and post treatment chlorination. Performance criteria are not included as a part of this RFQ. The design builder will further develop the overall design including the treatment process during the design. Performance criteria will be developed jointly by the City and the design builder during this phase, as well. These performance criteria will form the basis for the final design build price.

A Preliminary Engineering Report was prepared by FSCG, Murray Smith and Associates, and Montgomery Watson, which provides a full description of the proposed treatment process. Monitoring data for the Willamette River and results of the operation of a pilot water treatment plant have also been prepared. Refer to Owner Furnished Information for more detail on these materials. The design build contractor will be expected to review the monitoring reports, the pilot plant reports and the preliminary engineering report, and ensure that the proposed process is acceptable to the professional engineer that will complete the project design including satisfying performance criteria. Necessary changes and refinements to the proposed process will be addressed during design.

Preliminary engineering is included in layout of a 35 mgd water treatment plant with the capability of expansion to 120 mgd included in the Preliminary Engineering Report (Figure 3.2), which will be provided separately. One subsequent change on Figure 3.2 is that sludge ponds have been eliminated. A second change is that expansion from 70 MGD to 120 MGD is planned for the north parcel.

Plant Capacity

Depending on participation by other regional water purveyor partners, the initial plant capacity will be between 10 and 15 mgd with oversizing to between 20 and 70 mgd for other facilities (intake and yard piping) depending on the most logical increment for construction phasing. In addition, the design builder will develop plans to a sufficient detail to allow for possible future expansion to 120 million gallons per day. It is anticipated that 70 MGD will be accommodated on the southern part of the property and the remainder to the north. A summary of City required component capacities will be provided under separate cover for design.

Transmission Mains

The Project only includes the construction of a transmission main to the intersection of Wilsonville Road and Kinsman Road. Transmission mains north of Wilsonville Road are not included in this Project. The fund availability for Wilsonville and other potential partners includes substantial funds for transmission main construction from the vicinity of Wilsonville Road and Kinsman Road to the north part of Wilsonville and into Tualatin. It is anticipated that the decisions on design and construction of the transmission mains not included in the Project will be deferred until the status of the participation by other potential partners is confirmed.

Permitting

Development Review Board and City Approval

The design builder will coordinate the project design with the adjacent neighborhood, obtain citizen input and submit an application to the City Planning Department to obtain Development Review Board approval. The design builder will protect the primary open space and obtain appropriate approvals for any construction activity in the open space. The design builder will obtain City approval for construction in the Willamette Greenway.

The normal time for Development Review Board approval of a completed application planning request is 120 days. It is anticipated that this plant will be constructed under a requirement to provide water to the Women's Prison/Intake Center and Senate Bill 686 will require that the City issue the approval for the planning permit upon 60 days of receipt of a completed application. The treatment plant is a "conditional use"; therefore public hearings are required and a tree preservation plan is part of the requirements.

Building Code

The City has no plans to change the applicable zoning codes and building codes between now and the completion of the design of the project that will affect the design and construction of water treatment plants.

Water Rights

The permit to appropriate Willamette River waters for both the City and Tualatin Valley Water District are included in Appendix B to the Preliminary Engineering Report. The points of diversion as described in the permits appear to be at a slightly different location than the recommended diversion point as described in the Preliminary Engineering Report, by approximately 200 feet. The design builder will obtain the necessary approval from Water Resources Department to relocate to the point of diversion at the recommended location.

Corps of Engineers 404 Permit

The design builder will coordinate with all agencies, including Division of State Lands (DSL), Oregon Water Resources Department (WRD), Oregon Department of Environmental Quality (DEQ), U.S. Fish and Wildlife Service, the Army Corps of Engineers, and National Marine Fisheries Service, to secure dredge and fill permits from the Army Corps (section 404) and DSL. Depending on the nature of the permitting process, the design builder may need to prepare an environmental assessment or environmental impact statement pursuant to NEPA should the Army Corps determine that either document is required. Section 401 certification under the Clean Water Act will be acquired from DEQ as part of the 404 process. The design builder will coordinate any formal or informal consultation process under the Endangered Species Act and produce all necessary reports, plans and documents, including any mitigation design required under state or federal law. Preliminary work has begun and will be transferred to the successful respondent.

Oregon Health Division Approval

The design build contractor must work with the Oregon Health Division (OHD) to assure that the project meets all federal and state requirements and OHD approvals occur in a timeframe that enables this project to meet the schedule objective.

Approval for Out of Basin Sewer Transfer

City code requires that any transfer of sewage from one basin, as indicated in the Wastewater Collection System Master Plan, to another basin requires Planning Commission and Council approval as an out of basin transfer. Wastewater from the water treatment plant site was contemplated to be routed along the north bank of the Willamette River to Boones Ferry Road and then to the wastewater treatment plant. This would require construction across the Wilsonville Concrete site, and this is highly unlikely at this time. If the design indicates that the domestic sewage from the plant should go north to the east/west line just south of Wilsonville Road, then an out of basin transfer will be required. City staff will prepare the documents for the out of basin transfer and will obtain approvals after the design builder provides the estimate of average daily flows and quality (total suspended solids).

Wetlands Permit

No wetlands have been identified to date that would be affected by the construction. If wetlands are encountered which would be affected, then DSL and Army Corps permits are required.

Submerged Land Lease

The City only recently acquired the site for the water treatment plant. The City needs to acquire a submerged land lease from the state to ensure that the barges that are presently parked or sunk along the north bank of the Willamette River adjacent to the water treatment plant site are removed and their location is restricted to ensure there is no conflict with construction of the intake or with continued operation of the intake facility. The design builder tasks will provide coordination of materials in support of this effort.

Design Build Services

It is anticipated that the design build contractor will provide the services as described below.

1. Update of the schematic design as provided in the Preliminary Engineering Report with any modifications that are agreed to between the City and the design build contractor.
2. Permitting services as described in this RFQ and as may subsequently be deemed necessary during design.
3. Identifying and describing any property that may need to be acquired for pipeline or roadway alignment to an intersection at Wilsonville and Kinsman Roads.

4. Coordination with participants to develop and implement a system for controlling the demand and acceptance of treated water from the new facilities.
5. Architectural, landscape architectural, arborist, all required engineering and planning disciplines, fisheries biologists and other technical expertise as required to design, survey, permit and construct the water treatment plant and support facilities to match or exceed existing City standards.
6. Construction services to construct the intake in the Willamette River, the water treatment plant and the finished water line to Wilsonville Road. In addition, the design build contractor will construct a paved service road from Industrial Way, through the plant, and around the treatment facilities to the intake structure. If required, sewer line will be constructed to provide service to the restrooms and to transport liquid from the sludge to the wastewater treatment plant.
7. The design builder will provide plant startup support, functional and performance testing, validation of compliance with performance criteria, and project documentation (record drawings, O&M manual and/or other items as determined by the City).

Plant operation will be addressed separately.

Retainage

The City follows statutory requirements for retainage. The City normally does not require retainage on professional service contracts and does not anticipate use of retainage for the preliminary design phase of the project, prior to the negotiated design construction price.

Risk Allocation

The selected firm or team will enter into a Design Build Contract (Contract) with the City of Wilsonville for the design and construction of the facilities. A preliminary risk matrix for the project is presented below which summarizes the anticipated allocation of risk between the City and the selected design builder. This risk matrix is not intended to include all anticipated risk for the project. As current project development activities progress, the risk allocation will be expanded and revised as necessary to refine the City's risk policy and to ensure the most efficient allocation of risk between the parties to the Contract.

| Risk | Allocation | Remarks |
|-----------------------------------|----------------------|--|
| Design | | <i>The City will review designs through a Technical Review Committee.</i> |
| Technology | Design builder | Design builder is responsible for performing all design work and selecting technology that is proven, will be permitted by agencies, and will meet performance criteria. |
| Subsurface Conditions | Design builder | Design builder is responsible for assuming all structural and geotechnical subsurface risk. |
| Construction/Commissioning | | <i>The City typically monitors construction and tests to determine compliance with the Contract.</i> |
| Construction Period | Design builder | Contract specified Design Construction period after initial design. |
| Acceptance Test | Design builder | Facility will not be deemed suitable for commercial operation until performance criteria compliance is established and performance and functional testing is passed. |
| Payment | City/ Design builder | Construction payments based on drawdown and milestone schedule in the Contract. |
| Permitting | Design builder/ City | Design builder secures most permits as an agent for the City or with the City as co-permittee. Securing permits typically undertaken as part of the conditions of the Contract. |
| Financing/Economic | | |
| Financing | City | City is responsible for financing the project. |
| Escalation of Costs | City/ Design builder | Design builder holds price until a specified calendar date. Thereafter, for compensable delays outside the control of the design builder, price escalates at a percent of a specified index (i.e. CPI, ENR, etc.). |
| Taxation | Design builder | All taxes are design builder's responsibility. |
| Natural Disaster | City/Design builder | Insurance; renegotiation principles; force majeure provisions. City is responsible for amounts above insured portions. |
| Industrial Relations | Design builder | Contractor to pay prevailing wages. |

The preliminary engineering report contains some information on subsurface conditions. It is anticipated that additional investigation will be required and that will be accomplished by the design builder prior to determination of the Design Construction Price.

Project Financing

The property for the water treatment plant has been purchased by the City and is available for construction. Any sharing of the cost of the land between the City of Wilsonville and other water providers will be handled by separate transactions that are distinct from the budget that is presented herein. The budget figures provided here include costs for the water treatment plant and the transmission main to deliver water to the City of Wilsonville system at the intersection of Wilsonville Road and Kinsman Road. Substantial additional funds are budgeted within various

water provider budgets for additional transmission main construction from Wilsonville Road and Kinsman Road to the north to other participating providers. This construction is not included in the Project. The budget for Wilsonville includes the funds that Wilsonville will receive from the Department of Corrections for the cost of providing water to the Women's Prison/Intake Center at Day Road. Project budgets under the foregoing conditions are as follows:

| Funding Scenario | Plant Capacity (mgd) | | | Projected Budget* |
|-------------------|----------------------|---------------|--------------|-------------------|
| | Intake Structure | Initial Plant | Plant Piping | |
| 1. WV | 20 | 10 | 20 | \$24,464,000 |
| 2. WV and TVWD | 70 | 10 | 70 | \$31,928,000 |
| 3. WV and TVWD | 120 | 10 | 70 | \$34,428,000 |
| 4. WV, TVWD, S, T | 70 | 15 | 70 | \$43,051,000 |
| 5. WV, TVWD, S, T | 120 | 15 | 70 | \$45,551,000 |
| 6. WV, TVWD, S | 70 | 15 | 70 | \$42,421,000 |
| 7. WV, TVWD, S | 120 | 15 | 70 | \$44,921,000 |
| 8. WV, TVWD, T | 70 | 10 | 70 | \$33,803,000 |
| 9. WV, TVWD, T | 120 | 10 | 70 | \$36,303,000 |

* Projected budgets are subject to review and approval by each participant.

WV = City of Wilsonville, TVWD = Tualatin Valley Water District, T = City of Tualatin, S = City of Sherwood

The foregoing figures are total costs for the design build contractor, the owner's representative and the City legal, engineering, administrative and incidental expenses.

Conditions for bond sales are favorable at this time and the bond sale, either in total or phases can be accomplished within 120 days of receipt of a projected cash flow schedule from the design build contractor.

Owner's Representative

It is anticipated that CH2M HILL will provide services as the owner's representative through all project phases. The scope for the Owner's Representative has not been fully defined at the time of this RFQ.

Procurement Process

Selection Process

The selection process for the design build contractor will be accomplished under emergency conditions to satisfy the project objective to have the water treatment plant online by April 1, 2002. Selection will be based on demonstrated qualifications. Specific approval of this process for selection under emergency conditions is contained in City Resolution No. 1602. A copy of the resolution will be provided.

Respondents to the RFQ shall submit a Statement of Qualifications as defined in "Requirements for Qualification Statement Submittals." These submittals will be evaluated by a Technical Review Committee appointed by the City consisting of representatives from the City of Wilsonville, Tualatin Valley Water District, and CH2M HILL, as the Owner's Representative. The Statements of Qualifications will be evaluated based on the following, rated criteria:

| <u>CATEGORIES</u> | <u>RATING</u> | <u>WEIGHT</u> | <u>TOTAL</u> |
|---|--------------------|---------------|----------------|
| 1) Key Personnel and Roles | _____ x | 25 | = _____ |
| 2) Pertinent Experience, Respondent | _____ x | 30 | = _____ |
| 3) Pertinent Experience, Individuals | _____ x | 30 | = _____ |
| 4) Team Capacity to Deliver Project | _____ x | 20 | = _____ |
| 5) Technical Project Management | _____ x | 20 | = _____ |
| 6) Financial and Bonding Capacity | _____ x | 30 | = _____ |
| 7) Comments on Cost and Schedule | _____ x | 20 | = _____ |
| 8) Understanding of Project Requirements | _____ x | 10 | = _____ |
| 9) Responsiveness to Owner's Concerns (Comments on proposed project) | _____ x | 25 | = _____ |
| | GRAND TOTAL | | = _____ |

Each SOQ will be rated on a scale of 1-5, with 5 being the highest, in each of the 9 categories. These scores will be multiplied the weighting factors and combined to determine the total score by each reviewer. The totals for all review committee members will be totaled to determine the final score. At its sole discretion, the Technical Review Committee may reconvene and collectively review the scoring, making changes as the committee as a whole deems appropriate. Though original scoring is done on an independent member-by-member basis, the committee

members may change their scores as they deem appropriate as a result of the discussions during any collective meeting. In the event there is a numerical tie, then the committee shall continue to meet and discuss the submittals until the scores reflect a single successful design builder for recommendation to the City Council.

Based on the outcome of the review and scoring process, the technical committee will determine if a recommendation can be made based on the SOQ alone or if Respondents will be invited to participate in an interview process. If an interview process is implemented, each Respondent will be asked to present their qualifications and to answer questions. The estimated time of the interview is 45 to 60 minutes. The actual interview conditions, if any, will be determined during the SOQ review process.

At the completion of the Technical Committee Review process, the Respondent determined to be most competent and compatible to complete the project will be recommended to the City of Wilsonville Council. With Council approval, the recommended firm or team deemed to be the most qualified will then enter into negotiations for a contract for the design build services. If contract terms cannot be reached, the firm ranked second will be invited in for contact negotiations and so on. The Council reserves the exclusive right to determine which respondent should be awarded the Contract. The City also reserves the right to reject any or all submittals at its discretion with or without cause, and may waive any informalities or minor defects as it deems appropriate. Finally, the City reserves the right to negotiate with one or more respondents regarding all aspects of the SOQ once the SOQs have been submitted. However, the City does not have to negotiate with any respondent.

Compensation

The preparation of the construction plans and the design build contract documents will be included in the Design Construction Price for the project.

Communications Protocol

All requests for information and clarifications shall be made directly to the City's primary contact person, Eldon Johansen. In Mr. Johansen's absence, respondents may contact the City's alternate contact person, Mike Stone. Contact information is provided below. The City requests that potential respondents refrain from contacting City representatives other than Mr. Johansen or Mr. Stone. Direction of questions to other City staff or elected officials will not be viewed favorably.

Primary Contact Person

Eldon Johansen, Community Development Director

Mailing address - 30000 SW Town Center Loop East, Wilsonville, OR 907070

Street address – 8445 SW Elligsen Road, Wilsonville, OR

Telephone number – (503) 682-4960

Fax number – (503) 682-7025

Email – johansen@ci.wilsonville.or.us

Alternate Contact Person

Mike Stone, City Engineer

Mailing address - 30000 SW Town Center Loop East, Wilsonville, OR 97070

Street address – 8445 SW Elligsen Road, Wilsonville, OR

Telephone number – (503) 682-4960

Fax number – (503) 682-7025

Email – stone@ci.wilsonville.or.us

Procurement Schedule

A summary schedule of the major activities associated with this design build procurement process is presented below. The listed activities and dates are subject to modification by the City.

| Activity | Date |
|---|-------------------|
| Wilsonville City Council Approval of the RFQ | November 1, 1999 |
| RFQ Distribution | November 2, 1999 |
| SOQ Submission | November 29, 1999 |
| Technical Advisory Committee Interviews and Recommendation to Council | TBD |
| Council Decision (<u>no later than</u>) | December 20, 1999 |
| Completed Design Build Contract | February 1, 2000 |
| Design Construction Price – Intake Structure | April 1, 2000 |
| Design Construction Price – Remaining Work | June 1, 2000 |

Owner Furnished Information

The City will distribute the following documents to potential Respondents by separate letter. Information will be distributed on November 2, 1999.

- *Willamette River Water Supply System Preliminary Engineering Report* by FSCG, Montgomery Watson and Murray Smith and Associates, December 1998.
- Raw Water Monitoring Reports for the Willamette River.
- Results of the Pilot Plant Study, Montgomery Watson.
- Plat showing the boundaries of the water treatment plant property.
- City contour map including the water treatment plant property and adjacent properties.
- City of Wilsonville Zoning Code and Comprehensive Plan.
- Scenarios for various water treatment plant alternatives, Montgomery Watson.
- Updated cost estimates for the alternate scenarios.
- *Preliminary Assessment of Tree Development Impacts* by Pacific Resources Group.
- City Resolution No. 1602.

Complaint Processes and Remedies

Protests of any of the terms or conditions (procedural or substantive) of this RFQ shall be in writing and delivered to Eldon Johansen no later than five (5) PM on November 8, 1999. Protests should include sufficient information to enable the City to evaluate the protest and, if the City deems appropriate, amend the RFQ. It is the responsibility of the Respondent to inquire about, comment on, or clarify any requirement, provision, or feature of this RFQ that the Respondent disagrees with, does not understand, finds ambiguous, unclear, unfair, or likely to limit competition, within the time frame set forth above. The purpose of this timing requirement is to permit the City time to correct any term or condition in the RFQ which may be unlawful, improvident, unduly restrictive of competition or otherwise inappropriate. By permitting corrections prior to the opening of the SOQs, much of the waste inherent in protests and in the possible rejection of all proposals should be minimized. In order to be considered, protests must be submitted within the time established herein or be completely waived by the protestor. The City shall not consider protests at a subsequent time.

All protests of the City's award decision must be submitted in writing to the City's primary contact within five (5) days of the Notice of Intent to Award. Any protest not filed within this time period are waived. The protest must state clearly the bases for the protest and any legal authority in support thereof. At the request of the protestor, a hearing will be conducted before the City Council and City staff within 5 days of submission of the written protest. At such hearing, the protester and other interested parties will have the opportunity to appear and make an oral presentation of the bases for the protest. The Council will either uphold or deny the protest. If the protest is denied, the City will proceed with the award of the contract.

Requirements for Qualification Statement Submittals

General Instructions

The Statement of Qualifications must be received on or before 5:00 PM Pacific Standard Time, Monday, November 29, 1999. SOQs received after this deadline will not be considered. The SOQ must be addressed and submitted to:

By Mail:
Eldon Johansen
Community Development Director
City of Wilsonville
30000 SW Town Center Loop East
Wilsonville, Oregon 97070

Re: Statement of Qualifications – City of Wilsonville Willamette Water Treatment Plant

By Delivery:
Eldon Johansen
Community Development Director
City of Wilsonville
8445 SW Elligsen Road
Wilsonville, Oregon

Re: Statement of Qualifications – City of Wilsonville Willamette Water Treatment Plant

The box or envelope must be clearly labeled as “Statement of Qualifications – City of Wilsonville Willamette Water Treatment Plant.” Twenty-five (25) copies of the SOQ are required to be submitted. SOQs will not be opened publicly. The City will publish a list of respondents submitting SOQs and will distribute the list to all respondents within one business day.

No interpretation or clarification of the meaning of any part of the RFQ will be made orally by the City to any potential respondent. Requests for interpretation or clarification by any respondent must be made in writing to Eldon Johansen. Responses to requests for information will be provided to all recipients of the RFQ. Any and all such interpretations and supplemental instructions will be made in the form of written addenda that will be sent to all recipients of the RFQ and will become part of the RFQ. Any requested changes or clarifications to the request for statements of qualifications must be received in writing by the City Community Development Director no later than 5:00 PM on November 19, 1999.

SOQ Submittal Content and Organization

The Statement of Qualifications must be separated into sections as follows:

1. Organization of Design Build Team
2. Design Experience
3. Permitting Experience
4. Management and Construction Experience
5. Financial Capacity
6. Comments on Proposed Project
7. Financial Report Attachments
8. Resume Attachments
9. Brochure Attachment (optional)

Narrative pages are to be 8 ½ inches by 11 inches, and shall be bound in to one volume. A clear and concise presentation of information is encouraged with a page limit of 50 pages, not including cover letter signed by an authorized representative of the Respondent (required), one-page resumes of key staff (required), standard brochures (optional), and financial information and supporting data (required). Audio-visual materials will not be accepted. The content of the referenced sections is described in more detail below.

1. Organization of Design Build Team

The qualification statement shall provide a clear description and outline or chart showing the organization of the design build team. This should include identification of all components of the design build team along with their project roles and responsibility and their reporting accountability. The Respondent shall be clearly identified in this section, including the principal contact person, address, phone number, fax number, and email address. The statement should also explain the type of organization (single entity, joint venture or association of builders, designers and major subcontractors. The statement should also explain how the organization will be able to function as a fully integrated and cohesive unit. It should also show the anticipated lines of authority and communication. It should list the responsibility of individuals within the organization and the methods that will be used to coordinate and integrate the activities and responsibilities of these individuals. Changes to the respondent's proposed team, including major subcontractors and key personnel will not be allowed except for extenuating circumstances or to enhance the proposed team.

2. Design Experience

Identify all design disciplines and specialty consultants the Respondent intends to employ in the design of this project. The qualification statement should include a list of each firm or subconsultant, their area of responsibility, the corresponding principal in charge and project manager. For each firm give recent examples (completed within the past 5 years) of similar projects. Statements should identify individuals proposed for this project that held a responsible position on the examples cited. Statement should provide owner references including current address, phone, and fax for each project cited. The statement should also provide a matrix indicating participants in a smaller capacity, if any, of each of the firms and specialty consultants proposed for this project on the cited projects.

3. Permitting Experience

The qualification should describe how the Respondent intends to permit this project within the project schedule and meet the project objectives. This section should demonstrate the Respondents understanding of the relevant permits and review/approval processes. The section should include a description of permitting experience on similar projects or permit conditions and key staff experience in this area. The statement should also include owner references for each project cited, including address, phone, and fax numbers.

4. Management and Construction Experience

The qualification should describe how the Respondent intends to manage this project. This should include a description of management of the internal design build organization, subconsultants and any required subcontractor. The statement should also provide recent examples of the management of similar projects which required similar management organization skills and expertise to that required for this project. The statement should identify those persons within the design builders organization that held a responsible position on each

example project cited and explain the position. The statement should also include owner references for each project cited, including address, phone, and fax numbers.

Statements should include recent examples of similar design-build and construction experience including facility type, contract value, schedule, and any peculiarities that may be germane to this project. The statement should identify one or more individuals in the Respondent's proposed team for the Willamette River Water Treatment Plant who held responsible positions on each cited example and explain the position. The statement should also include owner references for each project cited, including address, phone, and fax numbers.

5. Financial Capacity

The qualification statement should indicate the design builder's form of business (corporation, partnership, joint venture or sole provider).

The statement should also disclose any unpaid judgements against the Respondent in excess of \$500,000 and it should also disclose any disputed or unadjudicated claims in excess of \$2,500,000. If the Respondent is not a public company, this financial information will be held in confidence and it will be examined by the City Attorney and the City's Finance Director. If this information is to be held as confidential please include it in a second sealed envelope clearly marked as such.

The statement should also include evidence that the Respondent's current bonding capacity is equal to or in excess of \$50,000,000. This evidence may be in the form of a letter from a licensed bonding company or from an agent representing such a company.

The performance and payment bonds for this project must each cover the entire contract between the owner and design builder including any and all necessary professional architectural and engineering services. These bond must be provided at the time of approval of the design build contract and are subject to adjustment when the guaranteed final price is determined.

The Respondent (and joint partners in ventures) should provide information comparing anticipated gross monthly billings for the next 12 months for uncompleted work presently under contract with monthly gross billings for design and construction over the last 24 months.

6. Comments on Proposed Project (Owner's concerns)

Respondents should comment on the following aspects of the proposed Project and delivery program.

- After reviewing the raw water monitoring data, the Pilot Study and the Preliminary Engineering Report, are there any specific elements of the plant that should be substantially changed?

- Does the Respondent concur that the conventional plant with activated carbon and ozone is the best treatment alternative for Willamette River waters or would the Respondent propose a different system?
- Do you concur with the methodology for providing backup power to the site as described in the Preliminary Engineering Report?
- Do you think April 1, 2002 is a reasonable date to expect to receive a minimum of 3 mgd of treated water from the proposed water treatment plant under each scenario?
- Would construction time and approval for intake structures of 20, 70 or 120 MGD impact the ability of this design builder to provide water by April 1, 2002?
- Does the Respondent concur that a Ranney collector is not feasible. If the Respondent believes the Ranney collector is feasible, on what basis was this conclusion reached, and would the Respondent recommend the Ranney collector be considered for this project?
- Some will refer to the site as a water park with a water treatment plant that blends into the landscape. How would you blend adequate site security with good public access ?
- For each scenario, (see page 11 of 20) would shortening the construction period while leaving all other parameters the same result in an increase or decrease in cost?
- Do you recommend or request any changes or additions to the Risk Allocation presented previously?
- Is there sufficient funding for each of the proposed scenarios (see page 11 of 20)? Do you have any suggestions to control upward cost creep?
- What experience has the design team had in working with neighborhoods and citizens on design issues?

7. Financial Report

Financial report attachments should include a copy of the Respondent's annual financial statement, audited if available, for the most recent three (3) years, and the quarterly updates since the most recent annual financial statement. If the Respondent is a joint venture, the statement should include similar information for each member of the joint venture.

8. Resume Attachments

Provide a one page resume for each individual listed on the organizational chart. The resume should list the individual's firm and position therein, their project responsibility, education, license or registration affiliation, publication awards and relevant experience over the past five years. The resume should also indicate whether the Project will be the primary work for the individual or if he/she will provide critical support for a brief period of time.

9. Brochures Attachment (Optional)

If a brochure is provided, it should include the Respondent (each firm in the joint venture) and significant subconsultants and subcontractors as listed on the organization chart. Brochure should provide one photograph for each project cited. It should identify by attachment the project and the firms associated with its design and/or construction.

Respondent's Representations

By submitting a Statement of Qualifications for the Project, respondents expressly represent that they have taken no exception to any term, condition, obligation or requirement of the RFQ that is not clearly and expressly stated in their SOQ. Respondents understand and agree that the City may accept their SOQ as submitted without any negotiation or, at the City's discretion, the City may engage in negotiation with one or more respondents (as provided herein).

Respondents further represent that they will report immediately to the City in writing any errors, inconsistencies, ambiguities, terms which limit competition, or terms which are otherwise unlawful that they discover in the RFQ.

CITY OF WILSONVILLE

Approved As To Form:

Michael E. Kohlhoff, City Attorney

Date: _____

**COMMUNITY DEVELOPMENT
MEMORANDUM**

Date: October 28, 1999
To: Arlene Loble, City Manager
From: Eldon R. Johansen, Community Development Director
Subject: Contacts List

The following firms have expressed an interest in the Request for Qualifications for design and construction of the Willamette River Water Treatment Plant.

Montgomery Watson – Joe Glicker
US Bancorp Tower
111 SW 5th Avenue
Ste 1770
Portland, OR 97204-3604
Bus: (503) 226-7377
Bus Fax: (503) 226-0023

Black & Veatch – Randy Kreuger
4004 Kruse Way Place, Suite 200
Lake Oswego, OR 97035
Bus: (503) 699-2219
Bus Fax: (503) 697-3699

HDR Engineering, Inc. - Steve Gillette
10300 SW Greenburg Road
Suite 500
Portland, OR 97204-3604
Bus: (503) 226-7377 ext 330
Bus Fax: (503) 226-0023

Corollo Engineers – Robert B. Eimstad
5100 Southwest Macadam Avenue
Suite 440
Portland, OR 97201
Bus: (503) 227-1885

KCM – Brad Moore
7080 SW Fir Loop
Portland, OR 97223
Bus: (503) 684-9097
Bus Fax: (503) 598-0583

Brown & Caldwell – Bryan Paulson
9620 SW Barbur Blvd.
Suite 200
Portland, OR 97219
Bus (503) 244-7005
Bus Fax: (503) 244-9095

Azurix – Thomas Suffield
333 Clay St., Suite 1000
Houston, TX 77002
Bus: (713) 646-7689
Bus Fax: (713) 646-7689
Email: Tsuffie@azurix.com

ERJ:bgs

Resolution No. 1602 Exhibit B

ALTERNATIVE B
ALTERNATIVE C

**BOECKMAN ROAD
CITY OF WILSONVILLE
2.53 MGD**

WILSONVILLE

**KINSMAN ROAD
CITY OF WILSONVILLE
£.75 MGD**

**POSSIBLE FINISHED
WATER TRANSMISSION
MAIN ALTERNATE ROUTE**

**YOUNG PROPERTY
SITE LIMITS**

