

Clatskanie School District 6J
PO Box 678
Clatskanie OR 97016

BOARD OF DIRECTORS' ORGANIZATIONAL BOARD MEETING
July 24, 2023, 6:30 pm via Zoom and in person at the Clatskanie Elementary Library, 815 S Nehalem
(see our main page at www.csd.k12.or.us for instructions on joining the meeting via Zoom)

ORGANIZATIONAL BOARD MEETING AGENDA
Updated 7/24/2023- DH

I. PUBLIC HEARING

II.

- A. Clatskanie Elementary School Gymnasium Rehabilitation

III. CALL TO ORDER

- A. Pledge of Allegiance
B. Agenda Review
C. Approve Agenda

IV. REPORTS AND COMMUNICATION

- A. Financial Report-WRITTEN
1. Introduction of New Business Manager (Jennifer Collins, ESD)
B. Bond Report-WRITTEN
C. Senate Bill 819 and Clatskanie Academy-DISCUSSION

III. PUBLIC COMMENT

This is the time for citizens to address the Board. All speakers should state their name prior to speaking. Speakers are asked to write their name, address, phone number and topic to be addressed on the registration card. Speaking time is limited to three minutes per speaker. Speakers may offer objective criticism of district operation and programs, but the Board will not hear any complaints concerning specific District personnel. The Chair will direct the visitor to the appropriate means for Board consideration and disposition of legitimate complaints involving individuals. The right to address the Board does not exempt the speaker from any potential liability for defamation.

IV. ACTION

A. CONSENT AGENDA

1. Approve the June 12th board meeting minutes
 2. Approve Preschool lease agreement
 3. Approve CMHS land easement
- B. Elect 2023-2024 Chair
C. Elect 2023-2024 Vice Chair
D. Elect 2023-2024 Policy Committee
E. Elect 2023-2024 OSEA Negotiating Committee
F. Elect 2023-2024 CEA Negotiating Committee
G. Organization of the Clatskanie School District
1. Determine amounts of coverage of persons who shall be bonded (ORS 332.525). The Superintendent recommends the following: \$500,000 broad crime coverage that satisfies State of Oregon public official bond requirements through Brown & Brown Northwest, covering all employees.
 2. Designate officers and Agents of Record. The Superintendent recommends the following:
 - i. Danielle Hudson as Superintendent/Clerk

- ii. Jennifer Collins from Northwest Regional ESD as Custodian of Funds
- iii. Danielle Hudson as Budget Officer
- iv. Paul Simmons as AHERA designated person
- v. Authorize the facsimile signatures of the Custodian of Funds
- vi. Official auditors for the school year (ORS 297.405, ORS 327.137, and ORS 328.465) -
Umpqua Valley Financial Depository for school funds - local branch of UMPQUA Bank
(Clatskanie) and State Investment Pool (ORS 328.441, 294.805-294.895)
- vii. The Chief as the Newspaper of Record
- viii. Brown & Brown Northwest as Insurance Agent of Record
- ix. Garret, Hemann, Robertson, P.C. as Legal Counsel
- x. Attorney General Model Public Contract Rules as the adopted District Contract Regulations

H. ESSER Capital Expenditure Approval

I. Approve Policy Updates

- 1. AC-AR-Discrimination Complaint, Procedure
- 2. EHB-Cybersecurity
- 3. EHB-AR-Cybersecurity
- 4. GCBDF/GDBDF-Paid Family Medical Leave Insurance-*Version 1*
- 5. GCBDF/GDBDF-Paid Family Medical Leave Insurance-*Version 2*
- 6. GCBDF/GDBDF-AR-Paid Family Medical Leave Insurance-*aligns with Version 1*
- 7. ICB-Religious and Cultural Holiday
- 8. IGBHD-Program Exemptions
- 9. JFCF-AR-[Hazing,]Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying, or Teen Dating
Violence Reporting Procedures-Student
- 10. JGE-Expulsion
- 11. KL-Public Complaint
- 12. KL-AR-Public Complaint Procedure

VIII. BOARD/SUPERINTENDENT COMMENTS

ADJOURNMENT

NEXT BOARD MEETING: August 14, 2023

CLATSKANIE ELEMENTARY SCHOOL GYMNASIUM SEISMIC REHABILITATION

July 12, 2023

CLATSKANIE ELEMENTARY SCHOOL GYMNASIUM SEISMIC REHABILITATION

REVISED NOTICE OF PUBLIC HEARING

The Clatskanie School District Board of Directors will conduct a public hearing before the Local Contract Review Board at their next regularly scheduled board meeting. The intent of this hearing is to review the findings and receive public comment. In the Matter of Exemption Request of Clatskanie Elementary School Gymnasium Seismic Rehabilitation FINDINGS OF FACT ORS 279C.335(1) requires, with certain exceptions, that all Public Improvement contracts be based on competitive bids and, under ORS 279C.375, awarded to the lowest responsive and responsible bidder. ORS 279C.335(2) permits the Local Contract Review Board, as the Clatskanie School District contract review authority, to grant, under certain conditions, specific exemptions from the requirement for competitive bidding upon the approval of specified findings. OAR 137-049-0620, division 249 allows the Local Contract Review Board to exempt a Public Improvement contract from the requirements to be competitively bid, provided written findings supporting the use of non-competitive bid process show compliance with OAR 137-049-0600 to 137-049-0690 and applicable statutes. The written findings report is available for review prior to the public hearing. Please contact Desiree Lockwood via email at desireel@wrkengrs.com for a copy of the findings. THE HEARING DATE FOR REVIEW OF THESE FINDINGS HAS BEEN REVISED TO be held at 6:30 PM on JULY 24, 2023, at the Clatskanie School District Office, 660 NW Bryant St, Clatskanie, Oregon 97016 as published in the Oregon Daily Journal of Commerce on July 12, 2023.

FINDINGS OF FACT FOR THE USE OF THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) CONTRACTING METHOD

Before the Board of Directors of Clatskanie School District

July 24, 2023

Regarding the Clatskanie Elementary School Gymnasium Seismic Rehabilitation

In February 2022, Clatskanie School District (hereafter referred to as "District") received a Seismic Rehabilitation Grant from the Oregon Infrastructure Finance Authority of the Business Development Department for the Clatskanie Elementary School Gymnasium. The total grant award was \$2,182,945. Planning and design is currently underway for the project.

The gymnasium at Clatskanie Elementary School was built in 1960 and includes classrooms and a gymnasium. The single-story structure has a footprint of approximately 23,200-square-feet. The seismic rehabilitation, per the grant requirements, is to upgrade the facility to meet a performance level for Life Safety and Immediate Occupancy as defined in ASCE 41-17.

Construction activities will take place within an existing elementary school. The seismic rehabilitation will be performed on an existing building dating from 1960 with a high degree of unknowns in the structure due to the lack of complete construction drawings and age of the building. Construction will occur during extremely volatile and uncertain economic conditions within the construction industry.

In consideration of these facts, an alternative method of construction should be considered; therefore under the Oregon Statutes and based upon the following findings, the District's Board of Directors is authorizing the use of Construction Management/General Contractor (CM/GC) method of construction contracting.

The guiding applicable statute is ORS 279C.335 which requires, with certain exemptions, that all public contracts be based on competitive bidding and be awarded to the lowest responsive and responsible bidder. ORS 279A.060, ORS 279C.335(2) and ORS 279.330 permit the District's Board of Directors to act as the public contract review authority and to grant, under certain conditions and upon certain findings, specific exemptions from the requirement for competitive bidding.

Finding of Fact

Use of the CM/GC method to construct the District's project will: (a) result in substantial costs savings and reduce risk to the District; (b) allow the District to select a contractor with the specialized expertise required; (c) benefit the public by improving safety and coordination during construction; and (d) not encourage favoritism or diminish competition.

Specific findings which substantiate these conclusions are as follows:

1. **Finding:** The Board finds that the CM/GC method will result in substantial savings and reduced financial risk to the District. Reduced risk provides a significant value and potential savings.

- a. **Reduced Financial Risk:** The project will occur during challenging economic conditions within the construction industry, including the post-COVID-19 pandemic. It would be very costly and disruptive if these economic conditions created undue risk and potentially negative financial impacts to the District's project. Using the CM/GC process will allow the District to look deeply into the contractor's financial strength and eliminate participation by those companies' who do not have the financial strength to successfully complete the project.
- b. **Guaranteed Maximum Price (GMP) establishes a maximum price prior to starting construction:** The CM/GC will be able to obtain a complete understanding of the District's needs, the architect and engineer's design intent, the scope of the project, the condition of the existing facilities, and the operational needs of the District by participating in the development of the design documents. With the CM/GC's participation in this phase of the project, they will offer suggestions for cost savings and improvements to the design. With the benefit of this knowledge, the CM/GC will be able to guarantee the maximum price paid by the District for the project.
- c. **Fewer Change Orders:** When the CM/GC participates in the design process, fewer change orders will occur during the construction process. This is due to the CM/GC's better understanding of the owner's needs and the designer's intent. As a result, the project is more likely to be completed on time and within the grant funding allocation. In addition, fewer change orders reduce project management costs for both the District and the contractor.
- d. **GMP Change Orders Cost Less:** The traditional Design-Bid-Build method typically results in contractors charging up to 15% mark-up on change orders. The CM/GC method applies predetermined mark-ups. The experience of the industry has been to establish the mark-up in the range of 5% to 10%.
- e. **GMP Savings:** Under the CM/GC method the District will enjoy the full savings, if actual costs are below the GMP. When the CM/GC completes the project, any savings between the actual costs and the GMP are returned to the District.
- f. **Contractor Fee is Less:** Contracts with the CM/GC are designed to create a better working relationship between all parties resulting in reduced risk to the contractor. As a consequence, the overhead and profit fee is generally in the range of 3% to 5%, which is lower than the mark-up usually applied to traditional design-bid-build projects.

2. Finding: The Board finds that the CM/GC method is necessary to take advantage of the specialized expertise of the contractor.

- a. **Specialized Project:** Utilizing the CM/GC process will allow the District to select a contractor who has a proven track record and capacity to successfully complete seismic rehabilitations of historic buildings.
- b. **Exploratory Demolition and Constructability Review during the design phase:** During the design phase, the CM/GC will be expected to perform exploratory demolition, to verify and understand existing conditions, and to review the constructability and cost implications for proposed design options. This input during the design phase will reduce the possibility of discovering unknown conditions during construction and create smoother coordination with subcontractors, which will reduce the risk of additional cost and schedule delays.

3. Finding: The Board finds that the CM/GC process will result in improving public safety during construction activities.

- a. Construction activities will take place adjacent to and within the District's existing elementary school building. As construction may not be able to be accomplished entirely during the short summer break, a well-thought-out safety and coordination plan must be implemented to ensure members of the public, staff members and students are kept safe and instructional activities are not disrupted. Utilizing the CM/GC process will allow the District to select a contractor who has the sensitivity and experience to safely and successfully work in close proximity and in direct coordination with ongoing activities.

4. Finding: The Board finds that there will be no impact to the funding source as a result of this exemption.

- a. The District's funding source for this project will remain the same whether accomplished through a traditional design-bid-build process or through the CM/GC process. No adverse impact on the funding source will occur as a result of this exemption.

5. Finding: The Board finds that competition will not be inhibited, nor will favoritism be encouraged as a result of this exemption. The CM/GC will be selected through a competitive negotiation process in accordance with the cost and qualification-based process authorized by the District's Board of Directors.

- a. **Solicitation Process:** Pursuant to ORS 279C.400 the CM/GC Request for Proposal (RFP) solicitation will be advertised in local and regional publications of general and industry specific circulation.
- b. **Full Disclosure:** To ensure full disclosure of information, the RFP will include the following information:
 - i. Detailed Description of the Project
 - ii. Contractual Terms and Conditions
 - iii. Selection Process
 - iv. Evaluation Criteria
 - v. Role of the Evaluation Committee
 - vi. Provision for Comments
 - vii. Complaint Process and Remedies
- c. **Selection Process:** Highlights of the selection process will include:
 - i. During the pre-proposal period, interested parties will, at any time prior to 10 business days before the close of the solicitation, be able to ask questions and request clarifications if they believe that any of the terms and conditions of the solicitation are unclear, inconsistent with industry standards or unfair and unnecessarily restrictive of competition.
 - ii. Sealed proposals will be submitted to the District's designated representative at a time specified in the advertisements.
 - iii. The following evaluation process will be used:

1. Proposals will be evaluated for completeness and compliance with the requirements of the RFP.
 2. Proposals considered complete and responsive will be evaluated to determine if they meet the qualifying criteria of the RFP. If a proposal is unclear, the proposer may be asked to provide written clarification. Those proposals that do not meet the requirements will be rejected.
 3. Proposals will be independently scored against predetermined criteria by the voting members of the Evaluation Committee. Scores will be combined and assigned to each proposal.
 4. The Evaluation Committee may convene to select from the highest ranked proposals a finalist(s) for interviews.
 5. The Evaluation Committee may conduct interviews.
 6. The Evaluation Committee may use the interview to confirm the scoring of the proposal and to clarify questions. Based on the revised scoring, the Evaluation Committee will rank the proposals and provide an award recommendation.
 7. The District and legal counsel will negotiate a contract with the top ranked firm. If an agreement cannot be reached, the District will have the option to enter into an agreement with the second ranked firm, and so on.
- iv. Competing CM/GC firms will be notified in writing of the selection of the apparent successful proposal and will be given seven (7) calendar days after receipt of the notice to review the RFP file and evaluation report at the District Office. Any questions or concerns about the selection process must be delivered to the District's designated representative within seven (7) calendar days after receipt of the selection notice. No protest of the award selection shall be considered after this time period.
 - v. The contract achieved through this process will require the CM/GC to use an open and competitive selection process for all components of the project.

6. Finding: The Board finds that there will be no adverse impact on the operation, financial, or budget if this exemption is provided. Whether this project is secured through a traditional design-bid-build method or through the CM/GC process, the operational, financial, and budgetary impact will be the same – other than the potential savings mentioned in the Finding #1. More importantly, there will be no adverse impact on operations, financial or budgetary data through the use of the CM/GC process.

Conclusion of Findings of Fact

It is in the best interest of the Clatskanie School District to utilize the CM/GC project delivery method. The CM/GC method will (a) result in substantial costs savings and reduce risk to the District; (b) will allow the District to select a contractor with the specialized expertise required; (c) benefit the public by improving safety and coordination during construction; and (d) not encourage favoritism or diminish competition.

To: Board of Directors

From: Mark Bergthold, Bond Project Manager

Subject: Bond Activity Report as of July 20, 2023

Work on this summer's projects is in full swing. The major projects at CMHS this summer are paving, a new parent pick up/drop off lane, a bus only lane, painting, carpet replacement, floor tile replacement, totally redesigned bathrooms, and equalizing the size of classrooms 101, 102, and 106. IT will have a new office, next to the custodial office.

Demolition of the old bathrooms was completed yesterday. The new bathrooms will have floor to ceiling partitions, and each stall will have a LED motion detector light, a fire sprinkler, a strobe light for the fire alarm, a vent, and a vape sensor. The restroom entry design is similar to that of an airport bathroom.

Staff did a tremendous job removing items from classroom walls and boxing things up so rooms could be painted. Most classrooms are receiving two coats of paint. All classrooms currently without a magnetic whiteboard will be receiving one. Blackboards and the homemade whiteboards have been removed.

As of now, we are on track to have everything done for the first day of school. Contractors are working 4-10 hour days, but have also been working Fridays and Saturdays to keep us on schedule.

Respectfully submitted,

Mark Bergthold

Bond Project Manager

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Specific findings which substantiate these conclusions are as follows:

1. Finding: The Board finds that the CM/GC method will result in substantial savings and reduced financial risk to the District. Reduced risk provides a significant value and potential savings.

- a. **Reduced Financial Risk:** The project will occur during challenging economic conditions within the construction industry, including the post-COVID-19 pandemic. It would be very costly and disruptive if these economic conditions created undue risk and potentially negative financial impacts to the District's project. Using the CM/GC process will allow the District to look deeply into the contractor's financial strength and eliminate participation by those companies' who do not have the financial strength to successfully complete the project.
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