FINDINGS OF FACT

November 16, 2026

RECOMMENDATION FOR THE EXEMPTION FROM THE COMPETITIVE BIDDING PROCESS AND APPROVAL OF A CONTRACTOR PREQUALIFICATION AND COMPETITIVE SELECTION PROCESS FOR THE WOODBURN CENTER SCIENCE LABORATORY ADDITION

Background

Chemeketa Community College (College) is planning an approximately 3,200-square-foot new science laboratory addition at its Woodburn Center as part of the College's 2025 bond program. The addition is intended to expand access to science instruction, including anatomy and physiology coursework supporting nursing prerequisites and transfer pathways. The scope involves new construction connected to an existing, operating campus facility and includes specialized laboratory infrastructure and building-system integration.

The traditional lowest competitive bid contracting strategy, without first evaluating contractor qualifications for this specialized science laboratory work, is not the most appropriate method for this procurement.

Instead, Chemeketa Community College shall utilize a Qualifications Based Selection Process (QBS) to select the contractor to construct the project. This two-step selection process includes an assessment of qualifications provided by interested general contractors, and then a competitive bid process for the project among those general contractors that are qualified. Both the qualification phase and the competitive bid phase will be publicly advertised to encourage participation and competition.

This will be a significant step towards the Oregon Revised Statutes (ORS) goal of maximizing competition for public contracts, while considering the realities facing Chemeketa Community College.

ORS 279C.335 provides a mechanism by which a Local Contract Review Board, in this case the Chemeketa Community College Governing Board, may exempt certain procurements from the competitive bidding requirements and authorize alternative contracting methods.

The findings herein support a resolution authorizing Chemeketa Community College to exempt the following project from the lowest responsive bid process outlined in the ORS, solely to the extent necessary to implement the two-step

contractor prequalification and competitive bidding process:

- Woodburn Center Science Laboratory Addition – Approximately 3,200 SF

Statutory Requirements

Exemption Allowance

ORS 279C.335(2) provides that Chemeketa Community College may exempt certain public contracts from the low competitive bidding process based upon the following stipulations:

A. That it is unlikely that such exemption will encourage favoritism in the award of the contract or substantially diminish competition for the contract; and

B. The awarding of public contract by exemption will result in substantial cost savings to the agency.

ORS 279C.335(4) requires that in granting exemptions, Chemeketa Community College shall direct the use of alternate contracting practices that consider modern or innovative contracting methods, which are consistent with the public policy of encouraging competition. Additionally, this statute stipulates Chemeketa Community College will require and approve or disapprove written "findings" that support the awarding of a particular public improvement contract or a class of public improvement contracts without the competitive bidding requirement of the ORS and the procurement of services will be in accordance with ORS 279A.065.

Documentation Requirements

ORS 279C.330 defines "findings" as required under ORS 279C.335 as the justification for a contracting agency conclusion that includes, but is not limited to, information regarding:

A. Operational, budget and financial data;

B. Public benefits;

C. Value engineering;

D. Specialized expertise required;

E. Public safety;

F. Market conditions;

G. Technical complexity; and

H. Funding sources

Findings Of Fact:

Chemeketa Community College staff and its professional consultants make the following findings in support of the exemption and in compliance with statutory requirements described above.

No Favoritism or Diminished Competition

To assure the Board that this exemption does not encourage favoritism or substantially diminish competition, a well-defined, competitive procedure as described below will be followed.

A. The QBS process for selecting a Contractor is consistent with the criteria of ORS 279C.330 and 279C.335 because the process is competitive and evaluates previous successful experience of the Contractor in completing similar public contracting projects before the competitive bid phase. The College will then solicit competitive bids from contractors determined qualified. This approach is particularly appropriate where the project involves specialized science laboratory construction, coordination of complex building systems, and connections to an occupied educational facility.

B. The RFQ and subsequent competitive bid opportunity will be publicly advertised in accordance with applicable requirements, including through the Daily Journal of Commerce as appropriate, thereby maximizing exposure and interest in the Project.

C. Chemeketa Community College anticipates that contractors with relevant experience in public work, laboratory construction, and occupied facilities will have an opportunity to compete in the QBS process.

D. An Evaluation Committee will be formed to review Contractors' qualifications in detail and recommend the pool of qualified Contractors based on specific evaluation criteria provided in the RFQ. The subsequent competitive bid process will determine the recommended construction contract award. The Evaluation Committee will not include any person with an affiliation or conflict with any proposing Contractors.

E. The evaluation criteria will include the Contractor's background, references, experience with science laboratories or similar complex institutional projects, capacity, personnel, safety record, experience with occupied campuses, coordination of specialized mechanical/electrical/plumbing systems, and ability to complete the Project on schedule. Evaluation Committee membership will be confirmed by the College prior to issuance of the RFQ.
    1. College Representative – To Be Confirmed
    2. College Facilities Representative – To Be Confirmed
    3. College Operations Representative – To Be Confirmed
    4. College Procurement Representative – To Be Confirmed

5. Consultant Program Manager – To Be Confirmed
6. Consultant Project Manager – To Be Confirmed

F. The Evaluation Committee will include representatives familiar with the College's requirements and the technical and construction management needs of the Project.

G. The selection process will be based on two phases. This two-step selection process includes an assessment of qualifications provided by interested general contractors through a publicly advertised RFQ, and then a competitive bid process for the Project among those general contractors that qualified. Both the qualification phase and the competitive bid phase will be publicly advertised to encourage participation and competition.

H. Upon completion of the evaluation and bid process, the Committee will recommend a Contractor for the Project to the appropriate College approval authority, which may then authorize staff to execute a contract with the recommended Contractor. College staff and its professional consultants believe this selection and award process will not encourage favoritism or substantially diminish competition. The construction contract will be awarded in accordance with the applicable competitive bidding requirements and solicitation documents; the qualifications phase itself will not result in a construction contract award.

Substantial Cost Savings

College staff anticipate that using the QBS process will result in substantial cost savings on the Project for the reasons identified below. The public may also receive a long-term benefit associated with the quality of the completed work and increased safety resulting from the selection of a Contractor experienced in public work, science laboratory construction, specialized building systems, and construction in occupied educational facilities.

Cost of the Work: Cost will be one of the major criteria used to select a Contractor, with the construction contract awarded based on the lowest responsive competitive bid from a responsible, prequalified Contractor in accordance with applicable requirements. The selection process remains competitive, and qualified bidders will have every incentive to offer the lowest bid amount. The unique aspect of this QBS process is that contractor qualifications will be evaluated before contractors are permitted to submit construction bids.

Minimize cost impacts to Chemeketa Community College for inexperienced public work contractors: The Woodburn Science Laboratory Addition will require careful coordination of specialized laboratory ventilation and exhaust, plumbing, electrical systems, controls, life-safety requirements, and testing and commissioning, as applicable to the final design. Contractors without demonstrated experience in these systems may expose the College to avoidable change orders, rework, extended commissioning, schedule delays, and additional construction management costs. The Project will also connect

to an occupied educational facility, where utility tie-ins, shutdowns, deliveries, and separation of construction activities from students and staff require careful planning. Prequalifying experienced Contractors reduces these risks before competitive pricing occurs.

Selecting Contractors with demonstrated experience in science laboratories, occupied public education facilities, and coordinated specialty trades is expected to reduce management costs and use of project contingencies.

Supporting Documentation

Due to the factors identified below, the QBS process, followed by competitive bidding among qualified contractors, is expected to result in substantial cost savings to Chemeketa Community College.

A. Availability of Bidders – Pursuant to applicable public contracting requirements, the QBS process will be advertised in local and regional publications of general and industry specific circulation. The RFQ will be open to interested contractors who can demonstrate relevant experience and capacity for the specialized science laboratory addition. The competitive bid phase will also be publicly advertised as required.

B. Construction Budget in Accordance with Bond Estimated Budget – Chemeketa Community College has established a bond program budget and must use available funds efficiently. Prequalifying experienced general contractors helps reduce the uncertainty of awarding a specialized laboratory project to a contractor without the experience needed to coordinate the work. The final construction budget and project scope will be confirmed through design and procurement.

C. Public Benefits that May Result – Selecting well-qualified, experienced general contractors to compete for the Project reduces uncertainties associated with complex laboratory construction. The public will benefit from reduced risk of claims, better protection of students and staff, increased confidence in the quality of completed science facilities, and improved access to science courses at the Woodburn Center.

D. Whether Value Engineer Techniques May Decrease Cost – Value engineering is not expected to be included in the Contractor's scope of work. The College nevertheless benefits from contractors' experience in implementing coordinated laboratory construction documents and identifying potential constructability issues before they result in field changes.

E. Cost and Availability of Specialized Expertise Required – Constructing a science laboratory addition on time, within budget, and in compliance with the construction documents and specifications requires a qualified GC team experienced in laboratory mechanical ventilation and exhaust, plumbing and specialty fixtures, electrical and controls integration, life-safety systems, and testing and commissioning, as applicable. The GC must coordinate specialty subcontractors and work collaboratively with the College, architects, engineers, and project management team. The RFQ process will enable the

College to prequalify contractors with relevant experience before the competitive bid phase.

F. Any Likely Increase in Public Safety – Safety is one of the primary concerns of Chemeketa Community College. Construction will occur at an active campus, requiring protection of students, faculty, staff, and visitors, including secure construction limits, controlled deliveries, maintained emergency access, dust and noise management, and carefully coordinated utility shutdowns. Laboratory-related systems also require disciplined installation, testing, and acceptance to support safe operation.

G. Technical Complexity – The Woodburn Science Laboratory Addition is more complex than a conventional classroom addition. Laboratory ventilation and exhaust, potential fume hood infrastructure, specialty plumbing, electrical distribution, controls, fire/life-safety integration, and system commissioning must be carefully coordinated with the existing facility. Delays or deficiencies in these systems could affect the opening and use of instructional space. The QBS process allows the College to evaluate demonstrated technical experience and ability to complete the Project on schedule.

H. Whether the Exemption Will Affect Sources of Funding – The Project will be funded as part of Chemeketa Community College's 2025 bond program. There will be no anticipated impact to the funding sources by utilizing this process.

I. Whether Granting the Exemption Will Better Enable Chemeketa Community College to Control the Impact of Market Conditions – Availability of specialty mechanical, electrical, laboratory equipment, and qualified trade resources can affect both pricing and schedule. Through the qualifications selection process, the College can identify contractors with the staffing, trade relationships, and organizational capacity to deliver the Project and encourage complete and competitive bids.

J. Whether Granting the Exemption Will Better Enable Chemeketa Community College to Address the Size and Complexity of the Project – Although the addition is approximately 3,200 square feet, the specialized science laboratory systems, connections to existing facilities, and need to maintain campus operations make the work technically and logistically demanding. The QBS process will allow the College to assess relevant contractor expertise before bidding.

K. Whether the Public Improvement Involves New Construction, Renovation or Remodel – The Project consists of an approximately 3,200-square-foot new science laboratory addition at the existing Woodburn Center, including necessary connections and integration with the existing building and infrastructure. The QBS process will allow the College to prequalify contractors with relevant new construction and occupied-building addition experience.

L. Whether the Project will be Occupied During Construction – The existing Woodburn Center will remain an operating educational facility during

construction. Work will involve construction adjacent to existing occupied areas and tie-ins to existing systems. A well-thought-out safety and coordination plan will be necessary to protect students, staff, and the public while limiting disruption to instructional activities. The QBS process allows the College to select contractors with experience working in occupied educational environments.

M. Whether the Project Will Require a Single Phase or Multiple Phases of Construction – The final phasing will be determined during design and construction planning. Construction may require coordinated building-system shutdowns, utility tie-ins, temporary separations, and sequencing around the academic calendar. Prequalified GCs should have experience with this type of planning and execution in occupied facilities.

N. Whether Chemeketa Community College Has Personnel with Substantial Experience in Alternative Contracting Methods – The College and its consultant management team have experience managing public procurement and construction projects and are equipped to administer the QBS process, evaluate contractor qualifications, and oversee the subsequent competitive bid phase.

Funding Sources

Chemeketa Community College 2025 Bond Program – Woodburn Center Science Laboratory Addition

Prequalifying GCs will provide Chemeketa Community College with the following advantages:

- Cost savings
- Reduction of schedule risk typically associated with complex construction projects
- Opportunity to select qualified GC firms to bid on the project
- Greatest assurance of project completion as scheduled
- Higher confidence in obtaining quality construction

Pursuant to ORS 279C.335, the College will provide public notice and an opportunity for public comment regarding the proposed exemption from competitive bidding and approval of a qualifications-based contractor selection process.

The College has scheduled the public hearing for **December 9, 2026, after 6:00 p.m.**, as part of the regularly scheduled Governing Board meeting at Chemeketa Community College's Salem Center, 4000 Lancaster Drive NE, Salem, Oregon 97305, Building 2, Room 170 (Boardroom).

Notice of the public hearing is scheduled for publication in the Daily Journal of Commerce and the Statesman Journal on **November 16, 2026**. The draft Findings of Fact will be available for public review on the College's procurement website at https://go.chemeketa.edu/procurement.

Following the opportunity for public comment, the Governing Board, acting as the College's Local Contract Review Board, will consider the Findings of Fact and

determine whether to approve the proposed exemption and contractor prequalification process.

CONCLUSIONS OF LAW

Based on the findings identified, the QBS process meets the requirements of ORS 279C.335, subject to the College's required approval process, and it is in the best interest of Chemeketa Community College to utilize the prequalification method for the above referenced Woodburn Center Science Laboratory Addition.

REQUESTED ACTION

Grant a specific exemption for the Chemeketa Community College Woodburn Center Science Laboratory Addition from the standard lowest competitive bidding procedures to allow the use of alternative Qualifications Based Selection process described herein: a publicly advertised RFQ to prequalify general contractors, followed by competitive bidding among qualified contractors for construction of the Project.