

Gresham-Barlow



School District

BOARD OF EDUCATION

Local Contract Review Board

AGENDA

September 28, 2017

Board of Education —
LOCAL CONTRACT REVIEW BOARD

September 28, 2017
PUBLIC HEARING – 6:00 p.m.

Partnership Room
Center for Advanced Learning (CAL)
1484 NW Civic Drive, Gresham, OR

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

II. ROLL CALL

_____	Carla Piluso, Chair	_____	Kathy Ruthruff, Director
_____	Kris Howatt, Vice-Chair	_____	Blake Petersen, Director
_____	Sharon Garner, Director		
_____	John Hartsock, Director		
_____	Matt O’Connell, Director	_____	A. Katrise Perera, Superintendent

III. PUBLIC HEARING

1. Findings of Fact for Special Procurements and Exception from Competitive Bidding Authorizing a Specific Product Specification

IV. ADJOURN LOCAL CONTRACT REVIEW BOARD PUBLIC HEARING

Note: A regularly scheduled board work session will follow this hearing at 6:15 p.m.

GRESHAM-BARLOW SCHOOL DISTRICT
1331 NW Eastman Parkway
Gresham, OR 97030-3825

TO: Board of Directors
Local Contract Review Board – Public Hearing

FROM: A. Katrise Perera
Mike Schofield

DATE: September 28, 2017

RE: No. 1 – Special Procurements Authorizing a Specific Product Specification.

EXPLANATION: ORS 279C.345 allows the Local Contract Review Board to authorize a specific product specification. The administration has identified two areas where this exemption applies.

1. Fire Alarm Systems
2. Public Address Systems

This process is an allowed method of procurement by Oregon Revised Statutes (ORS) and will provide for efficient utilization of existing equipment by acquiring compatible equipment, resulting in substantial cost savings for the district. Also, this process is unlikely to encourage favoritism in awarding contracts. There are multiple vendors who can install the equipment.

Notice of the sole source procurement was advertised in the Daily Journal of Commerce on September 9, 2017. In the advertisement, the administration directed that “written protests must be in accordance with OAR 137-047-0710(3) and shall include a detailed statement of the legal and factual grounds for the protest, a description of the resulting harm to the affected person, and the relief requested.”

A protest was submitted in a timely manner by Convergent Technologies.

PRESENTER: Mike Schofield

SUPPLEMENTARY MATERIALS: 1. Findings of Fact dated September 28, 2017
2. Protest from Convergent Technologies dated September 20, 2017

RECOMMENDATION: Review Findings of Fact dated September 28, 2017 and protest from Convergent Technologies dated September 20, 2017.

REQUESTED ACTION: Action will be recommended during the board work session.

MS:mh:sa

**GRESHAM-BARLOW SCHOOL DISTRICT
LOCAL CONTRACT REVIEW BOARD HEARING
September 28, 2017
REVIEW FINDINGS OF FACT FOR SPECIAL PROCUREMENTS and
EXCEPTION from COMPETITIVE BIDDING AUTHORIZING A SPECIFIC
PRODUCT SPECIFICATION**

SITUATION

The design work on many projects approved by voters in November 2016 is well underway. The management team has reviewed a number of systems and has some specific recommendations regarding the following:

1. Fire Alarm Systems
2. Public Address Systems

Historically, public improvement contracts are competitively bid and awarded to the responsible low bidder and such solicitation may not specify particular products or equipment. During recent project coordination meetings, the financial and operational benefits to purchase and install specific types Fire Alarm and Public Address Systems have been discussed. This process involves the selection of the type and Fire Alarm and Public Address systems during the design phase and specifies the selected product and systems in construction documents, which are publicly advertised, for all District buildings. In all cases listed above, use of the same systems throughout the district will make repairs, upgrades, installation of new systems, maintenance, replacement, training and operation much more efficient. The Projects will require tight schedule adherence to resolve issues that could impact timely completion.

Public Agencies that have used this process include:

- Beaverton School District
- Salem-Keizer School District
- Oregon State University

ORS 279C.345 permits the Local Contract Review Board, which for Gresham-Barlow School District is the Board of Directors, to specify particular products or systems upon making certain findings. In doing so, the statute specifically says that the Local Contract Review Board shall: “where appropriate, allow the purchase of products or systems from a particular manufacturer or seller.”

Oregon law and duly adopted resolution of the Gresham-Barlow School District permits the Gresham-Barlow School District Board of Directors, acting as the Local Contract Review Board, to consider and approve specific findings that allow Special Procurements and Exemptions from Competitive Bidding.

The Oregon Public Contracting Rules requires Gresham-Barlow School District to hold a public hearing of the Local Contract Review Board to allow comments and make a final decision on the Gresham-Barlow School District draft findings. Notice of this public hearing must be advertised in at least one trade newspaper of general statewide circulation not less than 14 days prior to the hearing.

Notice of public hearing was advertised in the Daily Journal of Commerce on September 9, 2016.

FINDINGS OF FACT

Project Descriptions

Install new, upgrade, renovate or expand fire alarm systems in new and existing buildings.

Install new, upgrade, renovate or expand public address systems in new and existing buildings.

Rationale

Based upon the above analysis, selection of a particular product or system for fire alarm and public address in new or existing buildings and then specifying the same product or system for all district buildings, qualifies for an exemption from competitive bidding based upon the following findings under ORS 279C.345(2):

Efficient utilization of existing equipment requires acquisition of compatible equipment. By acquiring compatible equipment the district will realize similar training and maintenance for school and district staff, fewer parts to stock and better integration.

The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, could result in a substantial cost savings.

It is unlikely that the exemption will encourage favoritism in awarding public improvement contracts. There are multiple vendors who can install the equipment.

RECOMMENDATION

The Superintendent recommends the Board of Directors, acting in the capacity of the Local Contract Review Board, review and approve the Findings of Fact allowing Special Procurements and Exemptions from Competitive Bidding fire alarm and public address systems when the administrative project management team believes it is in the best interest of Gresham-Barlow School District and to deny the protest brought forward by Convergent Technologies.

Board action will occur during the regular board business meeting.



7678 SW Mohawk Street, Tualatin, OR 97062
phone 503-228-8522 fax 503-228-8521
lindsay.tyler@convergent.com

Date: 9/20/2017

RE: "Gamewell-FCI Protest"

To Whom It May Concern:

We are responding to the public notice that indicated that "Gamewell-FCI" will be the sole source selection for fire alarm systems for the Gresham-Barlow School District. The reason for our protest is that there are several qualified, UL Listed fire alarm system manufacturer's that can meet and/or exceed the fire alarm system requirements for any school district facility. By sole sourcing "Gamewell-FCI" it will limit the amount of competition and several local fire alarm system providers' ability to respond to new projects, retrofits and services. In accordance to the sole-source OAR 137-047-0275 the goods and services must be available from only one source. When it comes to fire alarm building systems this is just not the case. Below is a list of other products that can be used in lieu of Gamewell-FCI. By allowing multiple system manufacturer's it will lower the cost to the district by increasing competition for these systems.

EST – Edwards by United Technologies

Silent Knight by Honeywell

Several others that were included in the current North Gresham Elementary School and Gresham Highschool project RFP's.

Thanks for your attention to this matter.

Best Regards,

Lindsay Tyler

Lindsay Tyler

lindsay.tyler@convergent.com

971-281-1864

Account Executive