



# Board of Education

## Staff Report to the Board

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Board Meeting Date : October 2, 2018

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A detailed description of the Lead Paint Stabilization Project a  
Findings”) supporting the exemption Resolution, as required b  
in the attached Office of School Modernization staff memo.

SUBJECT: Lead Paint Stabilization Project: Exemptio n from Co2 (ect)-5o249 y.4 4l.6 ( )-10

## RELATED POLICIES / BOARD GOALS AND PRIORITIES

District Policy 8.50.090-P designates the Board as the local government contract review board with authority to exempt certain public contracts or classes of contracts from the standard competitive bidding process otherwise required by the Public Contracting Rules, as per ORS 279C.335(2).

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## PROCESS / COMMUNITY ENGAGEMENT

The Public Contracting

multiple site or multiple campus projects undertaken with the same client over one or more phases of design and construction; workplace safety record; available labor capacity; and hourly labor rates. The RFP process also allows price-discovery and competitive evaluation of hourly rates, ensuring competitively priced Job Order Proposals.

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#### NEXT STEPS / TIMELINE / COMMUNICATION PLAN

A public hearing is scheduled for the October 2, 2018 Board Meeting. At that meeting, the Board will recess and convene as the Contract Review Board pursuant to ORS 279A.060 and District Policy 8.50.090-P. The Contract Review Board must offer an opportunity for any interested party to appear and present comment. After the public hearing, the Board will reconvene and vote on the attached Resolution.

Staff from the Office of School Modernization will be available at the October 2, 2018 Board Meeting and public hearing to respond to questions relating to the work described in the attached Resolution and Draft Findings.

If this Resolution is adopted, staff in Purchasing & Contracting and the Office of School Modernization will prepare solicitation documents and issue a Request for Proposals for qualified and available Proposers eligible to bid on Lead Paint Stabilization Project work packages.

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#### ATTACHMENTS

A.



# Board of Education Informational Report

## MEMORANDUM

**Date:** September 14, 2018

**To:** Board of Education

**From:** Dan Jung  
Senior Director, Office of School Modernization

**Subject:** Recommended Draft Findings in Support of Alternative Contracting Methodology/ Use of Indefinite Delivery/Indefinite Quantity (“ID/IQ”) Method for the Portland Public Schools (“District”) Lead Paint Stabilization Work

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## **INTRODUCTION**

At the request of the District, from November 2016 to April 2017, a third-party consultant performed a lead paint condition assessment at 94 district properties. The purpose of the assessment was to identify interior and exterior painted/varnished finishes that are in poor (deteriorated) condition and may present a lead hazard. Paint and varnish conditions were assessed using the US Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. The consultant prepared Lead Paint Condition Assessment Reports for all sites that included a summary of findings, recommendations, deteriorated paint/varnish table, and field drawings identifying deteriorated paint and varnish locations. The results of the assessment identified over 930,000 square feet of painted or varnished surfaces that are in a deteriorated condition and need to be addressed. Thereafter, District Facilities and Asset Management department (FAM) staff, in consultation with CBRE/HEERY Project Manager, and third-party consultant PBS Engineering and Environmental, developed a detailed response plan and hazard matrix to prioritize the stabilization of all deteriorated paint/varnish locations identified.

The response plan outlines a four-phase implementation strategy, based on a hazard priority ranking that was developed using the data included in the assessment reports. All sites and locations were ranked in priority based on HUD assessment guidelines. A draft response plan was presented to the Senior Director, Office of School Modernization on May 23, 2018 for review.

## **PROJECT DESCRIPTION**

Areas noted in the assessment reports will be repaired and painted to stabilize the peeling, chipping, chalking, or cracking paint. In most cases, only areas of deterioration will be painted to

address the hazard. This approach addresses the areas of most urgent concern and is consistent with the intent of the 2017 Bond.

### Priority Ranking

A priority ranking spreadsheet has been developed using the data included in the assessment

## **Phase-II**

Exterior accessible areas with deteriorated paint or paint chips in soil frequented by pre-Kindergarten (PK) through second grade students.

### **PRIORITY 1**

Sixty-two sites as ordered by the weighted rating system for building exterior.

## **Phase-III**

### **PRIORITY 1**

3<sup>rd</sup>-12<sup>th</sup> grade classrooms and common areas on building interiors with deteriorated paint surfaces at K-5, K-8, and K-12 buildings.

### **PRIORITY 2**

6<sup>th</sup>-12<sup>th</sup> grade classrooms and common areas on building interiors with deteriorated paint surfaces at Middle School and High School buildings.

## **Phase-IV**

### **PRIORITY 1**

Exterior accessible areas with deteriorated paint or paint chips in soil not frequented by children age six and under at K-5, K-8, and K-12 buildings.

### **PRIORITY 2**

Exterior accessible areas with deteriorated paint or paint chips in soil at sites without children age six and under, including Middle School



Pursuant to ORS 279C.335, the following are the Staff recommended draft findings in support of an exemption from traditional competitive bidding to utilize the ID/IQ contracting method for the Lead Paint Stabilization Work.

**DRAFT FINDINGS**

Following are the factors for consideration under ORS 279C.335 (2), followed by the Staff's draft findings in *italics*.

“(a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.”

*The requested exemption will not encourage favoritism or substantially diminish competition. The District will utilize a competitive Request for Proposals (RFP) process for the Lead Paint Stabilization Work. The District will award an ID/IQ contract to all proposers in the competitive range*



contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

“(A) How many persons are available to bid;”

*It is reasonable to anticipate between five to ten firms will propose on the Lead paint Stabilization Work based on prior contracting experience and the estimated project budget. The Dis*

*Value engineering during all phases of the work could therefore decrease the estimated*

"(I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement:"

*The RFP will allow the District to understand the market conditions in terms of available labor capacity and lock in hourly labor rates prior to issuance of Requests for Job Order Proposals under ID/IQ contracts. In so doing, the District can control the impact of market conditions on the project.*

"(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;"

*The Lead Paint Stabilization Work implements a District-wide deteriorated lead paint response plan at 94 sites. Reduction of lead paint hazards is technically complex as it involves several variables including:*

*Firm and employee Lead Paint specific certifications;  
Knowledge of engineering controls and lead safe work methods;  
Constantly changing conditions due to age of facilities and decades of deferred maintenance; and  
Extensive coordination with facilities administration, custodial and maintenance staff; and  
Coordination with third-party environmental testing labs.*

*Project work must occur during periods of limited school access: Evenings, weekends, and days when schools are not in session. The project work also requires time sensitive coordination with a third party Lead Paint Analytical Labs to ensure conformance with EPA (i)-2 (t)-2 (-3 (i)-2 (t)-2 ESs)-1 (t)-2 (a 0 Tw [(de)42 (tuxl-4 (abs)4 (d )10 ((i)-2 Tc 0 Tu 0 -1.16 Td*

