

**I-5 Willamette River Bridge Project
Design Enhancement Steering Committee**

Meeting Summary - DRAFT

February 5, 2013 3:30 - 5 p.m.

CAWOOD conference room, 1200 High Street, Suite 200

Attendance: Charlotte Behm; Chris Henry; Bob Kline; Vicky Mello; Joe Valasek; Scott Wylie; Frannie Brindle, ODOT; Donna Ferry, ODOT; Dennis Mansfield, ODOT.

Prepared by: Nichole Hayward, CAWOOD.

Meeting purpose: Distribute proposals for the north bank of the Canoe Canal and review evaluation process and parameters.

Introductions and process review

Donna Ferry and Dennis Mansfield introduced themselves. Frannie Brindle and Donna explained their history and knowledge of the project and that is why they've remained involved with the most recent Request for Proposals. Donna wrote the contracts for the above deck enhancements and is quite familiar with the work to date on the project.

Charlotte Behm and Vicky Mello expressed concern and frustration with the rigid and unfamiliar process for review. They expected to see and review all comments from Esther Stutzman and David Lewis' authenticity pass/fail evaluation, and felt let down and discouraged to find out that is no longer the process.

Donna explained that OBEC previously managed the design enhancement Request for Proposals. ODOT is managing the process for the north bank of the Canoe Canal Request for Proposals, which is why it is different. Frannie summarized the process: DESC participated in writing the Request for Proposals, during the silent period proposals were sent to Esther and David for authenticity pass/fail and ODOT maintenance for maintainability pass/fail, and now, still in the silent period, proposals are being distributed to DESC for evaluation.

Chris Henry asked if additional detail on the number of proposals and pass/fail results could be shared.

There were four responsive proposals, two of which did not make it through Esther Stutzman's pass/fail review. ODOT expressed concern on one of the proposals that did not pass the authenticity review. The pass/fail evaluators only provided *pass* or *fail* scores, but no explanation was provided for the evaluator.

Vicky asked that ODOT maintain open and thorough communication with DESC members, and keep them informed of any procedural changes. The additional information on the pass/fail review was helpful, but there was still a lot of concern with not receiving

all comments from Esther and David's pass/fail review. Vicky and other members felt they were previously told they'd get to review the feedback from the authenticity review and now they are surprised to hear this is no longer the case.

Donna elaborated on the silent period, indicating that Esther and David must follow the same parameters during the period to avoid influencing other reviewers. She encouraged the committee to think about the perspective of the proposers. ODOT values being fair and equitable with contract selections and must be very careful, especially when federal funds are involved.

Scott Wylie agreed with Vicky and Charlotte's expectation to see more detailed comments from the authenticity review, but encouraged everyone to let the entire process be a learning curve in order to set precedence for future communications on large projects. Joe Valasek did not recall a promise to see detailed feedback from Esther and David. Chris and Bob Kline recalled the expectation to see comments, but think the outcome and results may simplify the selection process.

Frannie added that the Government-to-Government coordination with the tribes is delicate and impacts the process. She spoke with Sonny prior to the meeting and was assured they were following the agreed-upon process.

The group completed introductions and Donna reviewed her evaluation process Power Point, including:

- Contents of proposal packets
 - Copy of Power Point presentation
 - Copy of RFP #730-25417-12
 - Statement of proposal evaluation process
 - ODOT Confidentiality & Non-Disclosure Agreement, including Affidavit for Conflict of Interest (one for each proposal)
 - Copy of each responsive proposal (responsive proposals met the Pass/Fail requirements of the RFP), Qty 2
 - Blank score sheet for each proposal
- Policies and procedures:
 - Understanding the RFP
 - Silent period /Cannot contact proposers
 - Conflict of interest – cannot be family members
 - Non disclosure
 - Scoring form
- Tips and what to focus on when evaluating

Procedural questions:

Scott asked if there would be a conflict relating to this selection process if future collaboration with one of the commissioned artists occurred. Donna and Dennis confirmed that Scott would not be held liable for future projects. ODOT's policy is that ODOT employees and contractors have to be employed elsewhere for two years before

working for another contracting partner on the same project. Scott would not be held to that policy, as long as any/all conflicts of interest are disclosed. Donna added that the parameters and restrictions are an issue of responsibility; ODOT is committed to fair procurement.

Chris asked if there were any comments received from Esther and David as part of their Pass/Fail evaluation. None were received; they only provided a *pass* or *fail*.

Donna clarified the process: proposals were sent to Esther and David and ODOT maintenance at the same time. Two of the four proposals failed Esther's authenticity evaluation, while ODOT maintenance expressed concerns on one of the two that did not pass Esther's review. All four proposals passed David's authenticity review. The committee felt better hearing this additional information and felt reassured knowing Esther felt two of the proposals were authentic representations of Kalapuya culture. Vicky reiterated her request to keep the DESC informed as much as possible.

Scott pointed out that if the selection team is permitted to only ask one another operational questions, there is a level of consistency in the process. Esther and David agreed to the parameters of the silent period and are not to discuss their feedback during that time. Donna clarified that during the silent period all evaluators are only able to ask each other questions if they are mechanical/operational, e.g. a missing appendix or photograph, etc. If in doubt, direct questions to Donna.

Donna added that ODOT maintenance's pass/fail review was a question of if maintenance was addressed in the proposal, not how feasible or ideal the proposed maintenance solutions are. ODOT maintenance will participate in negotiations to ensure feasibility. The cost will also be addressed in the negotiation process.

Next steps

The committee asked for updates on the other design enhancement bundles. Donna agreed to send an update on the other bundles' contracting process.

Donna reminded the group that their entire proposal binder would be returned and considered public record. She and Frannie also confirmed that the proposed enhancements are near final and will not be redesigned. However, if ODOT maintenance has minor adjustments, those will be discussed during contract negotiations. Frannie reassured the DESC that if there is anything ODOT maintenance wants to change, they would address DESC, present the issues and provide final drawings. All evaluators agreed to bring concerns and questions for discussion at the Feb. 13 review meeting.

Charlotte asked that any changes be discussed with all jurisdictions involved, prior to agreement.

ODOT will inform proposers not awarded when they issue the intent of notice to proceed. If a proposer did not pass the authenticity and maintenance pass/fail evaluations, they will

be told they were *not responsive*. If they passed, they have the opportunity to protest. When the notice of intent is issued, ODOT will provide scores to the other proposer who did not get awarded the contract.

If any questions pop up that might be relevant to everyone on the committee, ask Donna. Donna will determine if it will help other reviewers, and if so, she'll reply to all.