

**Findings for approving class exemption under rule 10.115 for contracts related to determining feasibility of the “Bring it Back” baseball project.**

1. The use of a special procurement method, specifically, direct award, to procure the class of contracts related to determining the feasibility of embarking on the “Bring It Back” Project is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts as set forth in (3a) and (3b) below.
2. Approval of such exemption is reasonably expected to result in substantial cost savings to the City for the reasons detailed in (3c) below.
3. Factual Support:
  - a. The class exemption is sought for the feasibility work on the Project only and shall last only a short period of time (October 2010-November 2011). Should the Project prove feasible, subsequent contracts to perform work on the Project will be let. The Project, if feasible, will include a large (\$20,000,000 - \$30,000,000) construction component, however the class exemption for feasibility contracts will neither encourage favoritism nor diminish competition when and if the construction component is let.
  - b. The services under this class exemption are Professional Communications, Architecture and Project Management. The City has not exhibited nor encouraged favoritism as evidenced by its acceptance of all unsolicited proposals in these disciplines and the fact that the City does not have any prior contracts with the professionals to whom direct award is being recommended. The city considered three Communication Service proposals, three Architecture proposals, and two Project Management proposals. Of those, the City has recognized that there is a “team” of professionals who have collaborated on other large sports facility development projects, and have a track record of successfully delivering these projects to their clients. This teamwork is important in this class; this exemption allows the city to factor this track record into the selection process in a more direct manner than would be the case under the usual procurement process. The work to be performed by these professionals is highly specialized and teamwork efficiencies are an important selection factor.
  - c. This exemption is reasonably expected to result in substantial cost savings to the City for the following reasons:
    - i. The direct appointment of a communications firm will allow the City to take advantage of specific expertise in running a successful baseball bond campaign. One firm had bond measure expertise in raising \$30,000,000 in new public funds to build a baseball stadium. This expertise is unique and should translate into public cost savings through expertise in polling,

message strategy, paid and earned communications, grassroots activities, and financing recommendations.

- ii. An architecture firm with significant expertise in designing baseball facilities has offered to make its labor costs contingent on capital project funding. This is a highly specialized firm with much needed expertise that enables it to take some of its fees as a contingent reimbursable.
  - iii. A project management firm with significant expertise in large public works projects has offered the City 30 hours of free project management consulting services, with a six month grace period for project strategy consulting during which time those costs will be invoiced at cost (no mark-up).
  - iv. On highly specialized development and construction projects such as this one, the internal coordination of the team of advisors is critical. A fourth reason to expect savings to the public is the familiarity between the architecture firm and the project management firm. These professionals have collaborated on other large sports facility development projects, and have a track record of successfully delivering these projects to their clients. This exemption allows the city to factor this track record into the selection process in a more direct manner than would be the case under the usual procurement process. The work to be performed by these professionals will be highly specialized. Not hiring the team would likely result in additional costs by having to bring a different team up-to-speed on the tasks to be performed and may result in an inferior work product compared to the proven results of the team.
- d. The architecture and project management services combined are expected to total less than \$50,000 for the feasibility stage. (Project management services are expected to cost approximately \$20,000 and architecture services approximately \$30,000.) While these amounts suggest that an informal solicitation would suffice for procurement of these services, including them in the class would better serve the City because: a) additional services might be needed during this engagement; and b) the informal process still requires competitive quotes and the architecture and project management services components will function more effectively if the City uses a team of professionals that has a demonstrated track record working together, see (c)(iv), supra.