

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

In the Matter of a Resolution	)	
Exempting from Competitive Bidding	)	Resolution Number 07-R-775
and Declaring a sole source exemption.	)	
	)	
The Brookings City Council,	)	
acting as the Brookings Local Contract	)	
Review Board.	)	

A Resolution, with Findings of Fact, to exempt the purchase of sole source equipment from Fukoku Kogyo Corporation (FKC), Ltd. and approve the pre-purchasing of the sole source equipment from FKC Corporation.

WHEREAS, the Brookings City Council pursuant to ORS 279.055 has previously named itself as the Local Contract Review Board; and

WHEREAS, the Brookings City Council has previously reviewed the pre-purchasing of equipment from FKC Corporation as a part of the Brookings Class A Biosolids project; and

WHEREAS, the City's engineering firm, Kennedy/Jenks Consultants, has recommended a sole source purchasing contract with FKC Corporation, the manufacturer of the major components of the Class A Biosolids project.

FINDINGS OF FACT:

1. The Brookings Class A Biosolids project is scheduled to go bid when funding is available and there are equipment items in the project that should be sole sourced to Fukoku Kogyo Company (FKC) Company, Ltd.

2. The City of Brookings has worked over the past several years to provide Class A Biosolids processing capabilities at the Brookings Wastewater Treatment Plant.

3. Several options for providing the specialized equipment for the Biosolids project were competitively evaluated based on capital costs, operations costs and performance capabilities during the preliminary design phase of the project.

4. Cost proposals were received from several suppliers of dewatering and Class A processing systems to perform the competitive evaluation.

5. Pilot testing of the FKC equipment was performed at the Brookings Wastewater Treatment Plant.

6. The results of the competitive evaluation were documented in the March 2007 Preliminary Design Report and was reviewed and approved by the Oregon Department of Environmental Quality (DEQ).

7. The Class A Biosolids processing system equipment provided by FKC was recommended as the best value for the City based on costs, footprint, and performance.

8. Detail design of the project is complete and 100% design documents are being submitted to DEQ for final approval during the week of June 18, 2007. The DEQ has participated in both detail design review meetings and is in support of the project.

9. The City has applied for and anticipates receiving funding from the Oregon Clean Water State Revolving Loan Fund administered by DEQ.

10. The project includes equipment that should be sole sourced to FKC based upon the fact that FKC's dewatering and Class A system is patented under U.S. patent Number 6, 673,247. The equipment, which includes solids conveyer and odor control equipment were selected to be compatible with existing facilities at the Brookings wastewater treatment facility.

11. The acceptance and approval of the sole source purchase of equipment from FKC should significantly reduce the construction period allowing the City to initiate operations of the facility three to four months faster.

12. An equipment purchase package was prepared during the design phase for implementation by the City upon notification of funding availability.

13. Kennedy/Jenks Consultants believe that the FKC equipment will provide a high quality, cost effective system that will serve the City of Brookings for many years.

14. The Class A Biosolids project cost is estimated at this time at \$4.5 million. At this time, the cost of the FKC equipment is estimated to be approximately \$1,208,019.

15. The amount of \$1,208,109 is an estimate and FKC will be providing a final proposal price based on the actual bid date some time in the future. The value in this proposal is likely to increase before final purchase. The final proposal from FKC will include some last minute items such as the lime silo dehumidifier reviewed by the City during the 90% review process.

16. The dewatering and Class A processing equipment was evaluated during preliminary design and the FKC equipment was determined to be the most cost effective approach for the City of Brookings.

17. The solids conveyer and odor control equipment were selected to be

compatible with the existing facilities.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF BROOKINGS LOCAL CONTRACT REVIEW BOARD THAT:

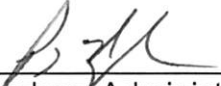
The Local Contract Review Board of the City of Brookings hereby adopts the findings of fact, declares that the prepurchase of certain items of equipment are sole sourced to Fukoku Kogyo Company (FKC) Company, Ltd. and that the Contract Review Board accepts and approves the sole source purchasing based upon the Local Contract with Rules of the City of Brookings.

ADOPTED PASSED AND APPROVED BY THE CONTRACT REVIEW BOARD OF THE CITY OF BROOKINGS AND SIGNED BY THE MAYOR ON THIS 26th DAY OF JUNE, 2007.



Pat Sherman, Mayor

Attest:



Paul Hughes, Administrative Services Director/Recorder