

RESOLUTION NO. 93-R-561

A RESOLUTION EXEMPTING PAVING OF MARINE DRIVE FROM THE REQUIREMENTS OF COMPETITIVE BIDDING, MAKING FINDINGS IN SUPPORT OF THE EXEMPTION AND AUTHORIZING EXPENDITURE OF FUNDS.

WHEREAS, by virtue of City Of Brookings Ordinance No. 85-0-389 the Common Council of the City of Brookings serves as local Contract review board for the City and in that capacity has the power to exempt certain public contracts from the requirements of competitive bidding; and

WHEREAS, certain landowners in the City have contracted to pave Marine Drive, a street located within the boundaries of the City, for a price of \$18,470, the paving project has been completed by Tidewater Contractors, Inc. and the paving project was contracted by the landowners without competitive bidding; and

WHEREAS, the landowners have requested the City to participate in payment of the bill from Tidewater Contractors, Inc. relating to paving of Marine Drive; and

WHEREAS, the City has determined that if this paving project had been included in a recent bid proposal for paving streets within the City (Street Overlay Projects Phases I and II) that the City's cost of paving would have been \$18,820; and

WHEREAS, the City of Brookings is aware of the requirements of competitive bidding as applied to public contracts; and

WHEREAS, the City has determined that the sum of \$18,820 would have been the most competitive price for completion of the paving work on Marine Drive if the paving project had been part of the recently completed bid; and

WHEREAS, the determined sum of \$18,820 comparison under the City's most recent completed bid would be a greater cost than the actual cost of \$18,470 incurred by the landowners; and

WHEREAS, the City is willing to pay the paving bill incurred by the landowners relating to Marine Drive on condition that the paving project be exempted from the requirements of competitive bidding by the local contract review board, and further that the landowners who are obligated to pay for the paving project agree to indemnify, defend and hold the City harmless from any claim, demand or action relating to payment by the City of a portion of the cost of paving Marine Drive;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF BROOKINGS AS FOLLOWS:

1. The City of Brookings exempts the Marine Drive Paving project from the requirements of competitive bidding. It is so ordered pursuant to Oregon law. The findings in support of the exemption are as follows:

a. The Marine Drive paving project was completed by Tidewater Contractors, Inc. at a cost of \$18,470.

b. If the paving project had been part of a recent bid proposal for paving by the City (Street Overlay Projects Phases I and II), the City would have likely paid the sum of \$18,820 as the cost for the Marine Drive improvement. This is based upon figures of \$34/ton for asphalt, \$13/ton for A.B., and \$11/CY of scarifying and ditching, which is what the City has contracted to pay in connection with the recent paving projects.

c. The City's participation in payment for the Marine Drive paving will be the sum of \$18,470.

d. The figures identified in subparagraph b. above, are the most competitive price the City would have paid for the Marine Drive paving Project if the same had been included in the recent paving request for bid.

e. It is not likely that the City would have been able to complete the Marine Drive paving project at a cost less than the costs listed in subparagraph b.

f. This exemption shall be limited to this one project, namely the paving on Marine Drive. It is unlikely that this one exemption will encourage favoritism in the awarding of public contracts in the future. It is also unlikely that the exemption will substantially diminish competition for public contracts in the future.

g. The participation by the City in paying for the cost of the Marine Drive paving will result in a \$350 cost savings to the City of Brookings because that paving project could not have been done for less than the bid prices listed in subparagraph b.

2. The City of Brookings shall contribute \$18,470 to the cost of paving Marine Drive provided that the landowners who have contracted for Paving by Tidewater Contractors, Inc. agree to indemnify, defend and hold harmless the City, its Common Council, its Officers, Employees and agents from any and all liability, claims or demands relating to payment of a portion of this paving project.


3. The appropriate Officers of the city are authorized to execute such instrument and agreements as may be necessary to accomplish the purposes of this Resolution.

PASSED AND ADOPTED by the Common Council of the City of Brookings on the 24th day of May, 1993.



Tom Davis
Mayor

ATTEST:



Beverly S. Shields
City Recorder