

RESOLUTION NO. 2266

INTRODUCED BY ALL COMMISSIONERS

EXEMPTING THE FOOD BANK WAREHOUSE CONSTRUCTION PROJECT
FROM THE LOW COMPETITIVE BIDDING REQUIREMENTS
AND APPROVING A SPECIAL SOLICITATION METHOD

WHEREAS, under the authority of ORS 279C.335(2), the Warrenton City Commission sitting as the Local Contract Review Board held a public hearing on April 14, 2009; and

WHEREAS, based upon the findings attached as Exhibit A and presented into the record before the City of Warrenton on April 14, 2009, the Warrenton City Commission concludes that the public interest is not jeopardized by approving a special solicitation method for this project.


NOW, THEREFORE, BE IT RESOLVED that the Warrenton City Commission, sitting as the Local Contract Review Board, hereby exempts the Food Bank Warehouse Construction Project from the low competitive bidding requirements and approves the Request for Proposal (RFP) special solicitation method based on the findings in the attached Exhibit A.

BE IT FURTHER RESOLVED that the Warrenton City Commission, sitting as the Local Contract Review Board finds:

1. It is unlikely that such exemption will encourage favoritism in the awarding of the contract or substantially diminish competition for the contract, and;
2. The awarding of this public contract pursuant to the exemption will likely result in a substantial cost savings and other public benefit to the City.

ADOPTED by the City Commission, sitting as the Local Contract Review Board, this 14th day of April, 2009.

APPROVED


Gilbert Gramson, Mayor

ATTEST


Linda Engbretson, City Recorder

City of Warrenton/Clatsop Community Action Food Bank Construction Project

Draft Findings for an Exemption from Competitive Bidding Requirement

Findings:

Basis for Approval. The approval of a special solicitation method or exemption from competition must be based upon a record before the City of Warrenton Commission. City Staff recommend to the City of Warrenton Commission the following findings in support of the exemption;

- 1) **The nature of the contract or class of class of contracts for which the special solicitation or exemption is requested;** The exemption is requested for a Food Bank Warehouse which will be a metal building construction method.
- 2) **The estimated contract price or cost of the project.** The City of Warrenton received a Oregon Economic and Community Development Block Grant in the amount of \$472,000 in which \$397,000 is designated as the construction costs.
- 3) **Findings to support the substantial cost savings, enhancement in quality or performance or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;** The Request for Proposal is widely used and recognized as one of the preferred alternative approaches where the project is large, complex, use of specialized building materials, special project coordination and time constrained. It is necessary to have contractors who are experienced in large metal building construction. Using the Request for Proposals process will result in substantial cost savings and public benefit on the project, including;
 - a. **Most Capable Contractor:** There are considerable number of uncertainties and complexities associated with the work on the project. The opportunity to select the best overall contractor, considering many factors, will help anticipate and avoid project problems. Request for Proposal process will allow the selection committee to give appropriate weight to the contractor who is not only reasonably priced, but also the most skilled and experienced in performing large metal building construction within a confined schedule.
 - b. **Restricted Time Schedule:** Timely completion of the project is vital. It is essential that the project be completed on time so the Food Bank can move in this fall/winter. This creates a tight time frame for completion of the project that can be

accomplished by a competent contractor with proper planning and management. Contractors will be required to begin construction within 45 days of award and surcharge the site of the Food Bank within ten days of award.

- c. Metal Building Experience; The contractor or erection subcontractor shall have experience in large pre-engineered metal building erection / construction and be licensed to erect said structures through either suppliers or the metal building industry.
- d. Value Based Engineering; The City encourages value based engineering to reduce the price or increase the scope, or both.

A) Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations; In order to assure that this exemption does not encourage favoritism or substantially diminished competition, a well defined, very competitive procedure will be followed;

- a. The Project will be advertised in the Portland Daily Journal of Commerce and the Daily Astorian in order to maximize exposure and interest in the project. Staff believes that market conditions are very good and anticipates that a number of contractors that would bid on the project under the traditional low competitive bid method will also compete in the qualification based Request for Proposal process.
- b. Upon completion of the initial evaluation process, the committee may at its discretion negotiate certain terms and conditions of the contract, including but not limited to price, with the apparent best proposer.

- 5) **A description of the proposed alternative contracting methods to be employed;** The proposed method is a Request for Proposals.
- 6) The estimated date in which it would be necessary to award the contract to the successful contractor is June 1, 2009.