

RESOLUTION NO. 2319

Introduced by Commissioner:

Exempting the Professional Services Agreement with HLB-OTAK from the Regular Solicitation Process of Ordinance No. 1076-A; *Establishing the City of Warrenton's Public Contracting Regulations, and Declaring and Emergency* for USACOE Levee Certification

WHEREAS, under the authority of ORS 279B.085, the Warrenton City Commission, sitting as the Local Contract Review Board, held a public hearing on December 14, 2010; and

WHEREAS, based upon the findings attached as Exhibit A and presented into the record before the City of Warrenton on December 14, 2010, 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 Professional Engineering Contract for USACOE Levee Certification from regular solicitation requirements as set out in Ordinance No. 1076-A, 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 contracts, 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 December, 2010.

APPROVED



Gilbert Gramson, Mayor

ATTEST



Linda Engbretson, City Recorder

EXHIBIT A

FINDINGS FOR EXEMPTION OF COMPETITIVE SOLICITATION REQUIREMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR ONGOING WORK RELATED TO CERTIFICATION OF THE CITY OF WARRENTON LEVEE SYSTEM

Authority. In its capacity as contract review board for the City of Warrenton, the City Commission, upon its own initiative, or upon request of the purchasing manager, may create special selection, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in Section 7 of Ordinance No. 1076-A;

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 that contains the following:

1. The nature of the contract or class of contracts for which the special solicitation or exemption is requested;
 - Personal Services
2. The estimated contract price or cost of the project;
 - Not-to-Exceed \$50,000
3. Findings to support the substantial cost savings, enhancement in quality of performance or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;
 - Allows City to continue with this project without delay and additional costs to bring another consultant up to speed. This project is extremely important to the health and welfare of the citizens of Warrenton.
4. 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;
 - Preliminary studies, analysis and planning was completed by consultant under a previous contract; therefor, knowledge of the project will substantially reduce the cost to proceed with this project.

5. A description of the proposed alternative contracting methods to be employed;

- Direct Appointment

6. The estimated date by which it would be necessary to let the contract.

- Immediately

In making a determination regarding a special selection method, the Warrenton City Commission may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.