

A RESOLUTION CONSIDERING PROPOSED) Resolution No. 26
FINDINGS, APPROVING FINDINGS, APPROVING)
“DESIGN BUILD” PROJECT DELIVERY AS) for 2006
EXEMPTION FROM PUBLIC BIDDING PER ORS)
CHAPTER 279C)

Whereas, the City of Lebanon has conducted a public hearing, pursuant to the provisions of ORS 279C.335, as a contracting agency, conducted by and through its City Manager on the 18th day of July, 2006; and

Whereas, the City determines that said hearing provided an opportunity for the taking of oral and written testimony; and

Whereas, the City finds that notice was given for said public hearing, at least 14 days prior to such hearing, and that said notice was published in a trade newspaper of general statewide circulation; and

Whereas, the City has considered the proposed findings drafted by the contracting agency, acting by the City Manager of the City of Lebanon; and

Whereas, the City hereby considers and approves the alterative contracting methods to be used in this project, the Lebanon Industrial Subdivision Public Improvements, making the further findings as set forth below;

NOW, THEREFORE, THE CITY OF LEBANON RESOLVES AS FOLLOWS:

Section 1. The City Council, having reviewed the records and files herein, and considering the proposed findings of the Contracting Agency by the City Manager, makes the following findings:

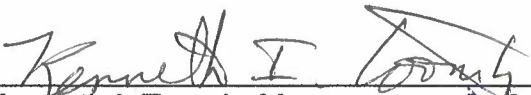
- A. The Lebanon Industrial subdivision public improvements are necessary to serve City of Lebanon approved industrial developments AR-06-12 (Lane Manufacturing) AR-06-13(Jason Cadwell) PD-06-01 (D. Hunter) and one other immediate State of Oregon supported industrial development project.
- B. The criteria used in the evaluation of the proposed findings are found in the provisions of ORS 279C.330, “Findings” defined. As used in ORS 279C.335, 279C.345 and 279C.350, “findings” means the justification for a contracting agency conclusion that includes, but is not limited to, information regarding:
 - (1) Operational, budget and financial data;
 - (2) Public benefits;
 - (3) Value engineering;
 - (4) Specialized expertise required;
 - (5) Public safety;
 - (6) Market conditions;
 - (7) Technical complexity; and
 - (8) Funding sources.

- C. The public improvements projects will consist of the design and construction of public infrastructure in Lebanon Oregon Assessors Map 12-2W-16, Tax Lot 300. Following are estimated types and quantities of public improvements to be designed and constructed: 2,500 linear feet of PVC sanitary sewer pipe, 1 sewage lift station, 2500 feet of storm line, 1300 feet of sewage force main, 3600 feet of ductile iron water main and 1500 feet of roadway construction.
- D. The public improvements for this project are estimated to cost over 1 million dollars. Funding is being supplied through multiple sources, including the State of Oregon developer dollars and system development charges.
- E. Time is of the essence for the construction of this project. Infrastructure must be in place in 2006 to serve the needs of the industrial subdivision.
- F. To meet the 2006 schedule, it is necessary for the agency to request for proposals to procure professional services, to design and or construct the identified public improvements.
- G. Design-build is a project delivery system whereby a single entity (known as the design-builder) is contractually responsible for both the design and construction of a project. Design-build is considered a viable system for project delivery. Design-build has been used in the U.S., and is in more frequent use in other parts of the world, in both the public and private sectors. It is the City of Lebanon's intent to select engineering services by combining the design and construction under a single agreement with a professional team qualified in both respects. The engineering services should be performed under the direction of a professional engineer registered in the State of Oregon and competent in the specific areas of practice required for the successful completion of the project. Design-build may save time and dollars for the public entity and should help the City comply with the schedule and budget.
- H. It is the responsibility of the professional engineer, legally and ethically, to protect the public health, safety, and welfare on projects in which they are involved. This responsibility cannot be overlooked, lessened, or delegated in the design of a project using design-build project delivery system.
- I. The use of the design-build project delivery system for this project is unlikely to encourage favoritism or to substantially diminish competition for the construction of the project. The city expects to attract competitive proposals for this project.
- J. For the factors identified in the findings adopted by this resolution, the exemption of this design-build project delivery system should result in substantial cost savings to the public considering the type, cost, amount of the contract, number of persons available to bid and the other factors considered herein.


Section 2. Therefore, based upon the factors considered herein, the City Council approves and adopts the findings of the contracting agency, by the City Manager, as a result of the hearing conducted by the contracting agency on July 18, 2006 and declares that the project identified therein, the *Lebanon Industrial Subdivision Public Improvements Project* is and shall be exempt from the public bidding process for the construction of public improvements. The City Council further directs the contracting agency, the City of Lebanon and its staff to employ the "Design-Build" Project Delivery System, pursuant to the provisions of Oregon Revised Statute, Chapter 279C, for the design and construction of the Lebanon Industrial Subdivision Public Improvements.

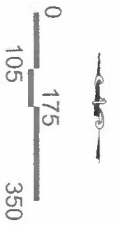
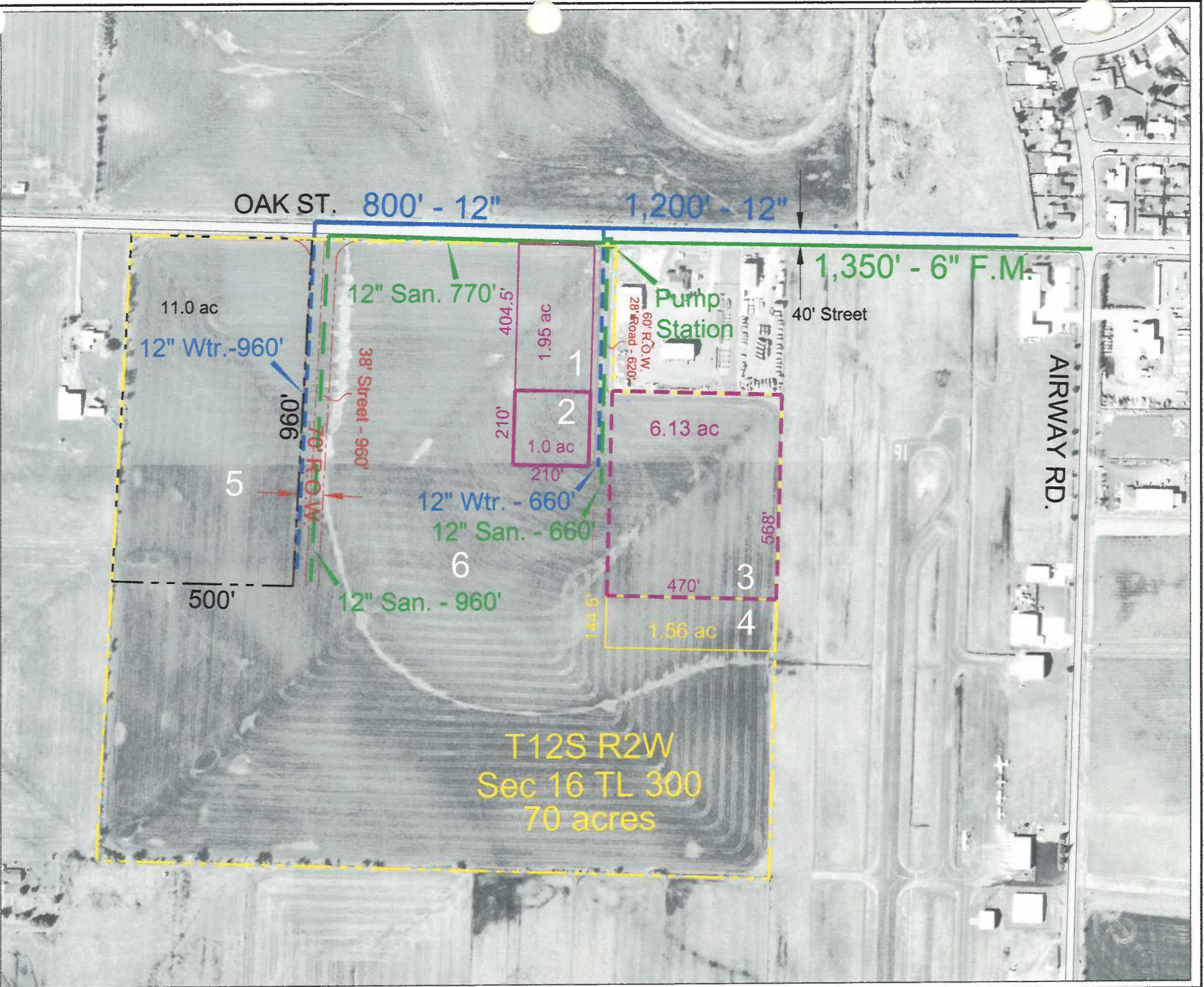
Section 3. This resolution shall be effective immediately upon its passage.

Passed by a vote of 4 in favor and 1 against by the Lebanon City Council on this 26th day of July, 2006.


Kenneth I. Toomb, Mayor
Ron Miller, Council President

ATTEST:


Linda G. Kaser, City Clerk/Recorder



City of Lebanon
Airport Industrial Subdivision

