

A RESOLUTION OF THE LEBANON CITY COUNCIL) Resolution Number 29
AWARDING A CONTRACT TO CH2M HILL/OMI AS)
A SOLE-SOURCE PROCUREMENT, KNOWN AS) for 2007
CANNIBAL SYSTEM IMPROVEMENTS, PURSUANT)
TO THE PROVISIONS OF ORS 279B.075)

WHEREAS, ORS 279B.075 allows a contracting agency to award a contract for goods or services without competition under certain circumstances whereby those goods or services are available from only one source; and

WHEREAS, the Lebanon City Council, acting as the local contract review board for the city has adopted rules under ORS 279A.065; and

WHEREAS, after due consideration of the evidence presented concerning the need to procure equipment and facilities for improvements to the City of Lebanon’s wastewater treatment plant, such project known as the Cannibal System Project; and

WHEREAS, the City Council determines that the Cannibal System Project is the preferred alternative for biosolids management; and

WHEREAS, the City Council further finds that the Cannibal Solids Reduction Process is a patented technology which is initially offered by US Filter, now known as Siemens Corporation. Siemens Corporation, Water Technology Division, is the only source for this technology; and

WHEREAS, the City Council has considered financing offered in this project from Siemens Corporation and has determined that the finance package is reasonable and in the best interest of the citizens of the city; and

WHEREAS, the City currently maintains a contract with CH2M Hill/OMI to operate the Lebanon Wastewater Treatment Plant, and such company has unique qualifications to provide a turnkey and operation of the patented technology for the design, construction and operation of the Cannibal System Project, it is cost effective for the City of Lebanon to enter into a contract with CH2M Hill/OMI and Siemens Corporation to provide design and installation of the Cannibal Solids Reduction Process at the Lebanon Wastewater Treatment Facility.

NOW, THEREFORE, BASED UPON THE AFOREMENTIONED EVIDENCE, THE LEBANON CITY COUNCIL, ACTING AS THE LOCAL CONTRACTING BOARD FOR THE CITY OF LEBANON RESOLVES AS FOLLOWS:

Section 1. Based upon the evidence recited above, the City Council finds that the efficient utilization of resources will be obtained by using a sole source procurement method for the design, construction and operation of the “Cannibal System Project as proposed by city staff and as indicated in the presented contract with CH2M HILL/OMI.

Section 2. There is only one source for goods which meet the needs of the City’s proposed project, the Cannibal System Project, because the technology for such method of treating biosolids at the City’s wastewater treatment facility is a patented technology and such patent is owned by the Siemens Corporation.

Furthermore, the city has an existing contract with CH2M Hill and OMI to operate the city's wastewater treatment facility. The council finds that entering into the proposed contract with such providers ensures the proper design, construction and operation of the Cannibal System to improve the wastewater plant.

Section 3. CH2M HILL OMI presently operates the treatment plant and would be operating the plant during the installation startup and warranty stages. The proposed contract agreement specifies that the contractor will provide a warranty for the reduction of biological solids production to a minimum of 85%. The use of these vendors will be in the best interests for the public safety and welfare for the citizens of Lebanon.

Section 4. Only one vendor provides such goods and services. The use of a single vendor under these circumstances does not substantially reduce any advantage that the City would have had with the use of traditional public bidding as it is unlikely that traditional bidding would promote competition to the best interests of the City for this project.

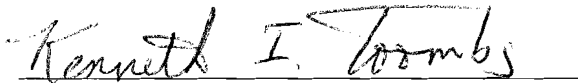
Section 5. The City has, with reasonable practicality, negotiated with the sole source and has been able to obtain contract terms which are advantageous to the City. Furthermore, the City has negotiated an appropriate and reasonable method to finance the improvement considered by this Resolution and the City Council approves such methodology of financing the project.

Section 6. Therefore, based upon the above findings, the City awards as sole source procurement, the proposed contract for the design, the financing proposed by Siemens, the construction and operation of the Cannibal System Project to CH2MHill/OMI and the Siemens Corporation. This procurement method assures the best and most cost efficient method of wastewater treatment for the benefit of the citizens of Lebanon. The proposed method and contract with the sole-source vendor assures the best result and most cost savings and reliable equipment, all to the best interests for the citizens of the city.

Section 7. City staff, at the direction of the City Manager, is hereby authorized to enter into appropriate agreements that are in the best interests of the City for the construction, procurement and financing of the Cannibal System Project as proposed on September 12, 2007, negotiating further changes or modifications in the project that staff reasonably believes are in the best interest of the City.

Section 8. This resolution is effective upon its passage.

Passed by a vote of the Lebanon City Council on this 12 day of September, 2007 by a vote of 6 for and 0 against.


Kenneth I. Toombs, Mayor
Bob Elliott, Council President

ATTEST:


Linda Kaser, City Clerk/Recorder