



**PROPOSED FINDINGS OF FACT FOR AWARDING A CONTRACT FOR GOODS AND/OR SERVICES WITHOUT
COMPETITION AND THROUGH A SOLE-SOURCE PROCUREMENT**

The Oregon Revised Statutes require that all contracts for goods and/or services be based upon competitive bids or proposals. An exception to this requirement is permitted when the goods or services are only available from one source. Sole-source procurements must be justified by "Findings" pursuant to Oregon law. The following are those "findings."

The Services Required Are Available From Only One Source:

1. **Finding:** The Tadiran Aeonix VoIP Phone System is proprietary hardware and software and cannot be used with other systems.
2. **Finding:** The Tadiran Aeonix VoIP Phone System is only supported by one vendor in Oregon with the capabilities to service our entire system (software and hardware) and give on-premise hands-on support. This vendor is TouchPoint
3. **Finding:** The programming and configuration of the current Tadiran Aeonix VoIP Phone System was created by TouchPoint, and they have the abilities and knowledge to service the system in the most economical way
4. **Finding:** By continuing to utilize this system, which has now been in place for five years, LTD will be getting the most cost-effective VoIP system possible at this point in time.

CONCLUSIONS OF LAW

The above "Findings" show that the sole-source procurement process to retain the legal services of TouchPoint Networks relating to the support of the Tadiran Aeonix VoIP phone system complies with the requirements of Oregon law for award of a contract for goods or services without competition.



RESOLUTION NO. 2020-05-20-026

**GRANTING AWARD OF A CONTRACT FOR GOODS AND/OR SERVICES WITHOUT COMPETITION
AND THROUGH A SOLE-SOURCE PROCUREMENT**

WHEREAS, Lane Transit District (LTD) is authorized to enter into contractual agreements pursuant to ORS 267.200 (3)-(4);

WHEREAS, the Oregon Public Contracting Code and the LTD Procurement Policy require that all contracts for goods, services, or public improvement projects be based upon competitive bids or proposals, unless an exception applies;

WHEREAS, the LTD Board of Directors, acting as the LTD Contract Review Board, has authority to award certain contracts without competition pursuant to ORS 279B;

WHEREAS, pursuant to LTD resolution No. 2017-03-15-011, the LTD Board of Directors is the LTD Contract Review Board and is required to authorize all contracts exceeding \$149,999;

WHEREAS, for those contracts authorized by the LTD Board of Directors, the LTD Board of Directors must approve individual or cumulative contract amendments or change orders that exceed the lesser of \$150,000 or ten-percent (10%) of the initial contract;

WHEREAS, the Contract Review Board has authorized the LTD Contract Committee to review and recommend action on contracts, contract amendments, and change orders prior to those contracts, contract amendments, or change orders being presented to the LTD Board for review and approval;

WHEREAS, the Contract Committee reviewed the proposed contract between LTD and TouchPoint Networks on May 11, 2020, and recommended adoption; provided, the Board adopt findings authorizing a sole-source procurement of the contract; and,

WHEREAS, the Board has determined that the retaining the legal services of TouchPoint Networks relating to support of the Tadiran Aeonix VoIP phone system should be procured through the sole-source procurement process.

THE BOARD finds as follows:

1. The Board adopts the specific "Findings of Fact" set forth above.
2. The "Findings" show that the award of the contract without competition and through a sole-source procurement complies with the requirements of Oregon law for sole-source procurements.

NOW, THEREFORE, BE IT RESOLVED that the Lane Transit District Board of Directors, acting as the LTD Contract Review Board, passes a Resolution as follows:

- 1) The contracts shall be in compliance with all applicable laws and regulations.
- 2) Provided that no protests to the sole-source procurement are received, or that any such protests are resolved, the General Manager, or her designee, is hereby authorized to: (a) execute a contract, through the sole-source procurement process, with TouchPoint Networks for the provision of legal services related to support of the Tadiran Aeonix VoIP phone system for an amount not to exceed \$50,000 over a five year period; and (b) as needed, execute amendments to the contract not to exceed a cumulative total of 10% of the initial contract price or \$150,000, whichever is less.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 11TH DAY OF MAY, 2020.


Carl Yeh (Nov 25, 2020 15:21 PST)

Board President, Carl Yeh