



**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 eLock system is proprietary and card-based and does not allow for reverse engineering or integration into other systems.
- 2. Finding:** Regional involvement with this system is a consideration. Many of these lockers are in place in major population centers along the West Coast, with some additional lockers in other parts of the country. The interface allows a customer with a rental card from any of these cities to utilize the eLock system in our community.
- 3. Finding:** The City of Eugene, with LTD's involvement, has previously evaluated and purchased these lockers for use in our area. City of Eugene Staff have stated that future procurements of these types of lockers would be treated as a sole source. Users in the area will be familiar with the system and, most importantly, could utilize the same card for both LTD and City of Eugene-owned lockers. This keeps us consistent with systems already in place in our area and does not result in confusion or additional cost to our customers. This speaks to LTD's commitment of being a good partner in the community.

CONCLUSIONS OF LAW

The above "Findings" show that the sole-source procurement process to retain the legal services of ELock Technologies relating to the purchase of proprietary electronic bicycle lockers complies with the requirements of Oregon law for award of a contract for goods or services without competition.



RESOLUTION NO. 2020-05-20-027

**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 eLOCK Technologies on May 18, 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 ELOCK Technologies relating to purchasing, installation and maintenance of electronic bicycle lockers for Santa Clara Transit Station 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 eLOCK Technologies for the provision of legal services related to electronic bicycle lockers for an amount not to exceed \$180,000 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