



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:** GIRO, Inc. ("Giro") has provided service planning software ("Hastus") to LTD since 2000. GIRO is the sole maker of Hastus and retains all rights to the proprietary source code for Hastus. There are no other vendors with capability to build, upgrade, sell, or maintain the Hastus product.

CONCLUSIONS OF LAW

The above "Findings" show that the sole-source procurement process to retain the services of GIRO for the purposes of upgrading the Hastus scheduling software from v. 2013 to v. 2020 aligns with the requirements of Oregon law for award of a contract for goods or services without competition.



RESOLUTION NO. 2021-02-17-007

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 GIRO, Inc. on Monday, February 8, 2021 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 GIRO, Inc. relating to purchase of Hastus Service Planning Software 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 GIRO, Inc. for the purpose of purchasing and licensing Hastus Service Planning Software; 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 17TH DAY OF FEBRUARY, 2021.

Caitlin Vargas

Caitlin Vargas (Apr 21, 2021 08:35 PDT)

Board President, Caitlin Vargas