



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:** Public Interest. It is not in the public's best interest to resolicit these services as grant management is a critical role within LTD. Administration requires close coordination with the Federal Transit Administration, the Metropolitan Planning Organization, ODOT and local partners as well as compliance with all grant terms and conditions, including on-time reporting, purchasing, internal control and audit requirements. DBS Consulting has extensive knowledge of LTD's projects and the transit industry; DBS has built important relationships necessary to execute this role efficiently and effectively.
- 2. Finding:** Follow-on Contract – Substantial Duplication of Costs. DBS Consulting has specialized knowledge. This critical role must understand complex Federal, State and local grant programs, as well as the transit industry and LTD's projects, in order to strategically maximize grant dollar leverage. This role utilizes the Community Investment Plan (CIP) to find grants to pay for our projects. This role not only researches available grants, but it also prepares the grant applications and administers the awarded grants. Finding a new consultant with such specialized knowledge will be costly and could not guarantee the same level of expertise provided by DBS Consulting.
- 3. Finding:** Follow-on Contract – Unacceptable Delay. It would put the District at risk should someone without this experience work within this role. Finding a consultant with this specialized knowledge will be very difficult and would require LTD to extensively train a new consultant to cover the same work DBS Consulting has been performing for the last five years.

CONCLUSIONS OF LAW

The above "Findings" show that the sole-source procurement process to retain the legal services of DBS Consulting relating to Grant Management Consulting Services complies with the requirements of Oregon law for award of a contract for goods or services without competition.



RESOLUTION NO. 2021-04-21-015

**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 DBS Consulting on April 12, 2021, May 10, 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 services of DBS Consulting, relating to Grant Management Consulting Services 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 DBS Consulting for the purpose of Grant Manager Consultant work, 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 19TH DAY OF MAY 2021.

Caitlin Vargas
Caitlin Vargas (May 25, 2021 07:54 PDT)

Board President, Caitlin Vargas