



**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:** Jackie Damm of Ogletree, Deakins, Nash, Smoak & Stewart ("Ogletree Deakins") has provided legal representation to Lane Transit District ("LTD") since 2003 on legal matters related to labor law, which includes but is not limited to negotiating the Collective Bargaining Agreement with the Amalgamated Transit Union Local 757 ("ATU") and all legal matters related thereto.
2. **Finding:** Ms. Damm's prior contract with LTD expired.
3. **Finding:** The ATU certified LTD's Public Safety employees. LTD expects to begin collective bargaining related to these employees and needs experienced legal representation.
4. **Finding:** Transferring these matters to another firm would result in substantial duplication of costs in order for the new counsel to review the existing files and understand the nature of LTD's labor history and past contract negotiations. Such duplication of cost is counter to the public's interest in efficient use of public funds.

CONCLUSIONS OF LAW

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



RESOLUTION NO. 2019-03-20-013

**A RESOLUTION 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 Finance 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 Finance Committee reviewed the proposed contract between LTD and Ogletree, Deakins, Nash, Smoak & Stewart on Monday, March 11, 2019, 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 Ogletree, Deakins, Nash, Smoak & Stewart relating to labor law 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 Ogletree, Deakins, Nash, Smoak & Stewart for the provision of legal services related to labor law 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 20th DAY OF MARCH, 2019.

A handwritten signature in cursive script, reading "Carl Yeh", is positioned above a horizontal line.

Board President, Carl Yeh

