



URA RESOLUTION 2013-004

A RESOLUTION AUTHORIZING THE URBAN RENEWAL AGENCY ADMINISTRATOR TO AWARD A PROFESSIONAL SERVICES CONTRACT TO ANKROM-MOISAN ARCHITECTS FOR THE DESIGN SERVICES OF THE SHERWOOD COMMUNITY CENTER

WHEREAS, the URA wishes to redevelop a URA owned property (the Machine Works Building site) into the new Sherwood Community Center; and

WHEREAS, Ankrom-Moisan Architects was contracted to design the new Sherwood Community Center that utilized the existing building structure but after final design plans were produced it was determined the existing roof system had failed and the building could not be salvaged for re-use; and

WHEREAS, the total replacement of the building was cost equivalent to repairing the structure prior to re-use per the original plan and the total replacement option provided new building configurations opportunities that were not presented before; and

WHEREAS, URA Resolution 2012-026 authorized City staff to proceed with demolition of the Machine Works Building and therefore new design plans must be completed prior to construction of the Sherwood Community Center; and

WHEREAS, the URA originally selected Ankrom-Moisan Architects using a formal selection procedure for professional and related services similar to those currently required for the Sherwood Community Center; and

WHEREAS, Oregon Revised Statute (ORS) 279C.115 (Direct Contracts for Services of Consultants) and Oregon Administrative Rule (OAR) 137-048-0200 (Direct Appointment Procedure) allow for the direct appointment of consultants for the continuation of a project if the total fee estimate exceeds \$250,000; and

WHEREAS, appointing Ankrom-Moisan Architects using the Direct Appointment Procedure will promote efficient use of public funds and resources and result in a substantial cost savings to the URA, thus will not diminish the integrity of the URA's standard public contracting process; and

WHEREAS, City staff and Ankrom-Moisan Architects have negotiated and established scopes of work and associated fees for design services for a total contract amount of \$416,274.00.

NOW, THEREFORE, THE SHERWOOD URBAN RENEWAL AGENCY BOARD RESOLVES AS FOLLOWS:

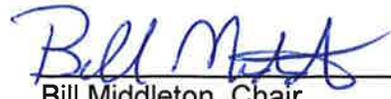
Section 1: The Direct Appointment Procedure per OAR 137-048-0200 and ORS 279C.115 will be utilized to execute a contract with Ankrom-Moisan Architects for design services of the Sherwood Community Center.

Section 2: That the URA has complied with the requirements of OAR137-048-0200 and ORS 279C.115 (shown on attached Exhibit A), for utilizing the Direct Appointment procedure.

Section 3: The URA Administrator is authorized to enter into a Contract with Ankrom-Moisan Architects for design services for a total not-to-exceed amount of \$416,274.00.

Section 4: This Resolution shall be effective upon its approval and adoption.

Duly passed by the URA Board of Directors this 2nd day of April 2013.


Bill Middleton, Chair

Attest:


Sylvia Murphy, CMC, Agency Recorder

***ORS 279C.115 Direct contracts for services of consultants**

- (1) As used in this section, "consultant" means an architect, engineer, photogrammetrist, and transportation planner or land surveyor.
- (2) A contracting agency may enter into a contract for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or related services directly with a consultant if the project described in the contract consists of work that has been substantially described, planned or otherwise previously studied or rendered in an earlier contract with the consultant that was awarded under rules adopted under ORS 279A.065 and the new contract is a continuation of the project.
- (3) A contracting agency may adopt criteria for determining when this section applies to a contract for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or related services. [2003 c.794 §94; 2011 c.458 §5]

****OAR 137-048-0200 Direct Appointment Procedure**

- (1) Contracting Agencies may enter into a Contract directly with a Consultant without following the selection procedures set forth elsewhere in these rules if:
 - (a) Emergency. Contracting Agency finds that an Emergency exists; or
 - (b) Small Estimated Fee. The Estimated Fee to be paid under the Contract does not exceed \$100,000; or
 - (c) Continuation of Project With Intermediate Estimated Fee. For Contracting Agencies where a Project is being continued, as more particularly described below, and where the Estimated Fee will not exceed \$250,000, the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services to be performed under the Contract must meet the following requirements:
 - (A) The services consist of or are related to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services that have been substantially described, planned or otherwise previously studied in an earlier Contract with the same Consultant and are rendered for the same Project as the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services rendered under the earlier Contract;
 - (B) The Estimated Fee to be made under the Contract does not exceed \$250,000; and
 - (C) The Contracting Agency used either the formal selection procedure under OAR 137-048-0220 (Formal Selection Procedure) or the formal selection procedure applicable to selection of the Consultant at the time of original selection to select the Consultant for the earlier Contract; or
 - (d) Continuation of Project With Extensive Estimated Fee. For Contracting Agencies where a Project is being continued, as more particularly described below, and where the Estimated Fee is expected to exceed \$250,000, the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services to be performed under the Contract must meet the following requirements:
 - (A) The services consist of or are related to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services that have been substantially described, planned or otherwise previously studied under an earlier Contract with the same Consultant and are rendered for the same Project as the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services rendered under the earlier Contract;

(B) The Contracting Agency used either the formal selection procedure under OAR 137-048-0220 (Formal Selection Procedure) or the formal selection procedure applicable to selection of the Consultant at the time of original selection to select the Consultant for the earlier Contract; and
(C) The Contracting Agency makes written findings that entering into a Contract with the Consultant, whether in the form of an amendment to an existing Contract or a separate Contract for the additional scope of services, will:

- (i) Promote efficient use of public funds and resources and result in substantial cost savings to the Contracting Agency; and,
- (ii) Protect the integrity of the Public Contracting process and the competitive nature of the Procurement by not encouraging favoritism or substantially diminishing competition in the award of the Contract.

(2) Contracting Agencies may select a Consultant for a Contract under this rule from the following sources:

- (a) The Contracting Agency's list of Consultants that is created under OAR 137-048-0120 (List of Interested Consultants; Performance Record);
- (b) Another Contracting Agency's list of Consultants that the Contracting Agency has created under OAR 137-048-0120 (List of Interested Consultants; Performance Record), with written consent of that Contracting Agency; or
- (c) All Consultants offering the required Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services that the Contracting Agency reasonably can identify under the circumstances.

(3) The Contracting Agency shall direct negotiations with a Consultant selected under this rule toward obtaining written agreement on:

- (a) The Consultant's performance obligations and performance schedule;
- (b) Payment methodology and a maximum amount payable to the Consultant for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services required under the Contract that is fair and reasonable to the Contracting Agency as determined solely by the Contracting Agency, taking into account the value, scope, complexity and nature of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services; and
- (c) Any other provisions the Contracting Agency believes to be in the Contracting Agency's best interest to negotiate.

Stat. Auth.: ORS 279A.065, OL 2011, ch 458

Stats. Implemented: ORS 279C.110 & 279C.115, OL 2011, ch 458

Hist.: DOJ 11-2004, f. 9-1-04, cert. ef. 3-1-05; DOJ 20-2005, f. 12-27-05, cert. ef. 1-1-06; DOJ 19-2007, f. 12-28-07, cert. ef. 1-1-08; DOJ 15-2009, f. 12-1-09, cert. ef. 1-1-10; DOJ 10-2011, f. 11-29-11, cert. ef. 1-1-12

*ORS Source: <http://www.leg.state.or.us/ors/279C.html> (March 26, 2013)

**OAR Source: http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_137/137_048.html (March 26, 2013)