

**CITY OF SHERWOOD
ORDINANCE NO. 97-1023**

AN ORDINANCE AMENDING ORDINANCE NO. 94-993 (PUBLIC CONTRACTING AND REVIEW BOARD) RELATING TO CONSTRUCTION MANAGER/GENERAL CONTRACTOR METHOD OF CONTRACTING FOR PUBLIC IMPROVEMENTS AND DECLARING AN EMERGENCY.

RECITALS:

1. The City's Public Contracting and Purchasing Ordinance (No. 94-993), was adopted by the Sherwood City Council on December 14, 1994. The Sherwood City Council is designated the Local Contract Review Board and shall exercise all powers and duties granted to a local contract review board by state law.
2. It is a policy of the City of Sherwood and the State of Oregon (ORS 279.023) that public agencies make every effort to construct public improvements at the least cost to the public agency. A public improvement is a project for construction, reconstruction, or major renovation on real property by or for a public agency.
3. Under the State's public contract and purchasing statutes (ORS Ch. 279), all public contracts (with exceptions), whether competitively bid or procured through negotiation, must be made under conditions that foster competition.
4. Pursuant to Section 3 of Ordinance No. 94-993, certain classes of contracts may be exempt from the competitive bidding procedure upon review by the Council.
5. Oregon Administrative Rules (OAR) 125-310-220 exempts Construction Manager/General Contractor (CM/GC) contracts, as a class, from the bidding requirements of ORS 279.015.
6. Pursuant to ORS 279.015, public agencies wishing to use the CM/GC contract type must prepare written findings to justify the use of the exemption procedure.

**NOW, THEREFORE, THE CITY OF SHERWOOD DOES ORDAIN AS
FOLLOWS:**

Section 1. Ordinance No. 94-993, Section 3 is amended by adding thereto subpart 7 to read as follows:

“7. Major Contracts (\$25,000 and over):”

“(1) Competitive Bidding. When a contract for a public improvement is \$25,000 or over, competitive bidding is required except for Construction Manager/General Contractor (CM/GC) contracts, where applicable, which are exempt as a class,

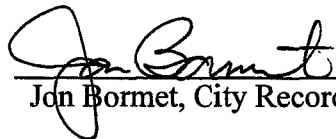
from the bidding requirements of ORS 279.015. If competitive bidding is required, bid specifications must be prepared by the department and approved by the City Manager. The department is responsible for placing all necessary advertisements and notices. The department is responsible for opening bids and making a recommendation to the City Manager and City Council. The City Council shall award the contract.”

“(2) Construction Manager/General Contractor (CM/GC). When the CM/GC form of contract is used, the department must prepare written findings justifying the use of the CM/GC process for the particular project under the standards of ORS 279.015 (2). The department is responsible for preparing said findings and shall submit its recommendation to the City Manager for review. The department shall also furnish a copy of said Findings to the City Manager for review. The department shall also furnish a copy of the said Findings to the City Attorney for review as to form and content. The recommendation with the written findings shall be submitted to the City Council, sitting as the Contract Review board for their approval. The City Council shall award the contract.”

Section 2. All other sections of Ordinance No. 94-993 shall remain in full force and effect.

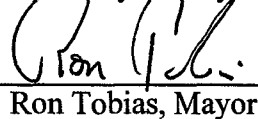
Section 3. The City is presently in the process of designing the Sherwood YMCA/Recreational Facility Project. It is necessary to construct the project without any delay. It is necessary for the immediate preservation of peace, health or safety of the City that the project be completed without delay. Therefore, an emergency is hereby declared and this Ordinance shall take full force and effect upon its passage.

Duly passed by the City Council
this 5th day of May 1997



Jon Bormet, City Recorder

Approved by the Mayor
this 5th day of May 1997



Ron Tobias, Mayor

	<u>Aye</u>	<u>Nay</u>
Aamold	<u>✓</u>	_____
Boyle	<u>absent</u>	_____
Cottle	<u>✓</u>	_____
Tobias	<u>✓</u>	_____
Krause	<u>✓</u>	_____