

**City of Sherwood
Ordinance No. 97-1031**

AN ORDINANCE AMENDING ORDINANCE 94-993 WITH RESPECT TO THE CITY OF SHERWOOD LOCAL CONTRACT REVIEW BOARD TO INCORPORATE RELEVANT PROVISIONS OF HOUSE BILL 2910 ENACTED BY THE STATE LEGISLATION.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 “Definitions” of Ordinance 94-993 is hereby amended by adding thereto the following subpart (6) Findings:

“(6) “findings” means justification for the conclusion that a project is exempt from public bidding that includes, but is not limited to, information regarding:

- “(a) Operational, budget and financial data.
- “(b) Public benefits.
- “(c) Value engineering.
- “(d) Specialized expertise required.
- “(e) Public safety.
- “(f) Market conditions.
- “(g) Technical complexity.
- “(h) funding sources.”

Section 2. Part (1) of Section 3 Competitive Bidding; Exceptions; Exemptions of Ordinance 94-993 is hereby amended by adding thereto the following subpart (h):

“(h) (A) If a project is competitively bid and all responsive bids from responsible bidders exceed the City’s cost estimate, the City, in accordance with rules adopted by the City, may negotiate with the lowest responsive, responsible bidder, prior to awarding the contract, in order to solicit value engineering and other options to attempt to bring the project with the City’s cost estimate.

“(B) A negotiation with the lowest responsive, responsible bidder pursuant to this paragraph shall not result in the award of the contract to that bidder if the scope of the project is significantly changed from the original bid proposal.

“(c) Notwithstanding any other provision of law, the records of a bidder used in contract negotiation pursuant to this paragraph are not subject to public inspection until after the negotiated contract has been awarded or the negotiation process has been terminated.”

Section 3. Part (2) of Section 3 Competitive Bidding, Exceptions, Exemptions of Ordinance 94-993 is hereby amended by adding thereto the following subparts (c), (d), (e), (f), and (g):

“(3) (c) Before final adoption of this improvement from the requirement of competitive bidding, the City shall hold a public hearing.

“(d) Notification of the public hearing shall be published in at least one trade newspaper of general statewide circulation a minimum of 14 days prior to the hearing.

“(e) The notice shall state that the public hearing is for the purpose of taking comments on the City’s draft findings for an exemption from the competitive bidding requirement. At the time of the notice, copies of the draft findings shall be made available to the public. At the option of the City, the notice may describe the process by which the findings are finally adopted and may indicate the opportunity for any further public comment.

“(f) At the public hearing, the City shall offer an opportunity for any interested party to appear and present comment.

“(g) If the City is required to act promptly due to circumstances beyond its control that do not constitute an emergency, notification of the public hearing can be published simultaneously with the City’s solicitation of contractors for the alternative public contracting method, as long as responses to the solicitation are due at least five days after the meeting and approval of the findings.”

Section 4. Ordinance 94-993 is hereby further amended by adding thereto and inserting therein the following Section 4 (94-993 currently does not have a Section 4).

“Section 4. (1) Upon completion of a final payment for any public improvement contract in excess of \$100,000 for which the City did not use the competitive bidding process, the City shall prepare and deliver to the local contract review board an evaluation of the public improvement project.

“(2) The evaluation shall include but not be limited to the following matters:

“(a) The actual project cost as compared with original estimates.

“(b) The amount of any guaranteed maximum price.

“(c) The number of project change orders issued by the City.

“(d) A narrative description of successes and failures during the design, engineering and construction of the project.

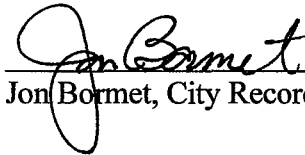
“(e) An objective assessment of the use of the alternative contracting process as compared to the findings required by ORS 279.015.

“(3) Evaluations required by this section shall be made available for public inspection.

“(4) The evaluations required by this sections must be completed within 30 days of the date that the City accepts the public improvement project.”

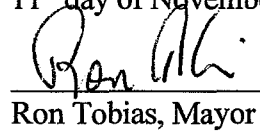
Section 5. This ordinance shall be effective on the thirty-first day after its enactment by the City Council of the City of Sherwood.

Duly passed by the City Council
this 11th day of November, 1997



Jon Bormet, City Recorder

Approved by the Mayor this
11th day of November, 1997



Ron Tobias, Mayor

<u>Council Members</u>	<u>Aye</u>	<u>Nay</u>
Mayor Tobias	<input checked="" type="checkbox"/>	_____
Turner	<input checked="" type="checkbox"/>	_____
Boyle <i>absent</i>	_____	_____
Cottle	<input checked="" type="checkbox"/>	_____
Krause <i>absent</i>	_____	_____