

**RESOLUTION NO. 1615**

**RESOLUTION OF THE CITY OF WILSONVILLE CITY COUNCIL ACTING IN ITS CAPACITY AS ITS LOCAL CONTRACT REVIEW BOARD, DECLARING THAT AN EMERGENCY EXISTS, AND EXTENDING THE TIME AUTHORIZED FOR THE AWARD OF A DESIGN BUILD CONTRACT FOR THE WATER TREATMENT PLANT TO NO LATER THAN MARCH 6, 2000.**

WHEREAS, the City Council acting as the local Contract Review Board on November 1, 1999 adopted Resolution No. 1602 exempting the water treatment intake and plant facility from the competitive requirements of ORS 279.005 and directed the city manager and such persons as she may direct to immediately solicit requests for qualifications from qualified design build contractors for the water treatment plant; and

WHEREAS, the City Council acting as the local Contract Review Board on November 1, 1999 in adopting Resolution No. 1602 also directed the city manager and such persons as she may direct to negotiate a design-build contract with a firm selected by the City Council and to present the final contract to the City Council for approval no later than February 1, 2000; and

WHEREAS, in accordance with Resolution No. 1602 the city manager caused Statements of Qualifications for the Willamette River treatment plant to be solicited from qualified design build contractors; and

WHEREAS, the teams of Black & Veatch / J.S. Alberici and Montgomery Watson Inc. responded to the Request for Qualifications; and

WHEREAS, based upon the recommendation of the Technical Advisory Committee review of the Statements of Qualifications and interview process, the City Manager recommended, to the City Council acting as the Local Contract Review Board, that Montgomery Watson Inc. be awarded the design build contract; and

WHEREAS, Black & Veatch/J.S. Alberici filed a protest and time was set aside to prepare for and conduct a hearing causing a delay in contract and negotiation draft preparation; and

WHEREAS, on December 22, 1999, the City Council acting as the City's Contract Review Board denied the protest and adopted Resolution No. 1608 selecting Montgomery Watson, Inc., as

a design build contractor for the Willamette River water treatment plant and authorized the city engineer to sign a letter agreement for immediate design development work for the Willamette River water treatment plant in an amount not exceed \$250,000; and

WHEREAS, the city engineer has executed a letter agreement authorizing Montgomery Watson, Inc., to initiate design development work; and

WHEREAS, staff, together with the City's special contract attorney, Mr. Richard Alexander of Stoel Rieves and representatives from CH2M Hill, the owner's representative have prepared a draft design build contract; and

WHEREAS, the draft design build contract is being reviewed by Montgomery Watson, Inc., in preparation for final negotiations with the city, its legal representatives and owner representatives; and

WHEREAS, in order to avoid any delays in the planned opening date for the Water Treatment Plant (April 15, 2001) Montgomery Watson Inc., will continue the design work and preparation of required Federal and State permits; and

WHEREAS, the emergency nature of the time constraints require Montgomery Watson Inc., to continue their work without the formal design build contract in place and therefore of necessity will cause Montgomery Watson Inc., to exceed the \$250,000 authorized in Resolution No. 1608; and

WHEREAS, it is estimated that an additional \$100,000 will be required to continue the design efforts through March 6, 2000; and

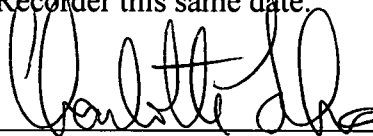
WHEREAS, the design build contract can be available for timely Council review and subsequent approval no later than at its regularly scheduled meeting of March 6, 2000; and

NOW, THEREFORE THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

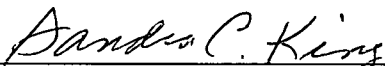
1. Based on findings and authority recited in Resolution No. 1602, Resolution No. 1608 and findings recited above and incorporated as if fully set forth herein, the City Council acting as the city's Contract Review Board hereby approves extension of the time for presentation of the final contract to the City Council acting as the Contract Review Board for approval no later than March 6, 2000, time being of the essence and the continuing emergency nature of this matter still being in effect.

2. The City Council acting as the city's Contract Review Board approves and authorizes the city engineer to sign a modification to the letter agreement for immediate design development work to the Willamette River water treatment plant to increase the not to exceed amount from \$250,000 to \$350,000 with funding from account 530-49130-500-322.

ADOPTED by the Wilsonville City Council at a special Council meeting thereof this 28<sup>th</sup> day of January, 2000, and filed with the Wilsonville City Recorder this same date.

  
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CHARLOTTE LEHAN, MAYOR

ATTEST:

  
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SANDRA C. KING, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>