

RESOLUTION NO. 1782

A RESOLUTION OF THE CITY OF WILSONVILLE ACTING IN ITS CAPACITY AS ITS LOCAL CONTRACT REVIEW BOARD EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS OF ORS 279.005 AND THE WILSONVILLE CODE, AUTHORIZING THE CITY ENGINEER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH MACKAY & SPOSITO, INC., TO PROVIDE PROFESSIONAL (ENGINEERING) SERVICES FOR THE WILSONVILLE ROAD PHASE 3 ALIGNMENT STUDY.

WHEREAS, on June 17, 2002, the Wilsonville City Council adopted a Budget for the City that includes a FY 2002/03 appropriation of \$150,000 to perform an alignment study for Wilsonville Road improvements from Kinsman Road west across Arrowhead Creek (Project No. 900-49130-5000-488); and

WHEREAS, the City Engineer seeks the services of an engineering firm to provide professional services with the referenced project; and

WHEREAS, the City Engineer proposes to utilize the experience and expertise of MacKay & Sposito, Inc., the firm which designed and managed construction of Wilsonville Road Phases 1, 2a and 4, and is the most knowledgeable and experienced about this roadway and has also previously provided the City with other similar services with excellent results; and

WHEREAS, on the 18th day of October, 1999, the City of Wilsonville adopted Ordinance No. 511 amending WC 2.310 Contract Review Board Definitions by adopting State findings, policies and methods of fostering competition and definitions consistent therewith, amending WC 2.314 to provide for competitive bids or proposals, providing for contracting officers and the creation of procedures for the screening and selection of professional services; and

WHEREAS, finding (3), paragraph (10) subparagraph (b) states: "The City Council shall adopt by resolution and the contracting officer shall follow the Oregon Attorney General's Model Public Contracting Rules (Division 35, Consultant Selection: Architectural and Engineering Personal Services Contracting), for screening and selection of persons to perform architectural and engineering personal services contracts for public improvement projects. Provided, however, any provisions in WC 2.310-2.314 for exemptions will also apply and shall take precedent over the Division 35 Model Rules as the Board or Contracting Officer may determine."; and

WHEREAS, Section 2.310 (1) (a) of the Wilsonville Code defines public contracts as being other than agreements for personal service. The contract to be awarded is for engineering professional services; and

WHEREAS, Section 2.312 of the City code states that "The Council is hereby designated as a Local Contract Review Board and relative to contract concerns for the City, shall have all the powers granted to the State Contract Review Board"; and

WHEREAS, Section 2.314 (1) states that "All [certain exceptions are granted] contracts shall be based upon competitive bids or proposals..." which the City interprets to mean public contracts, but in the event it is construed to apply to any contract, the City recites and finds as set forth below; and

WHEREAS, Section 2.314 (2) states that "The Board, may, by Resolution, exempt other contracts from competitive bidding if it finds (a) the lack of bids will not result in favoritism or substantially diminish competition in awarding the contract; and (b) the exemption will result in substantial cost savings. In making such a finding, the Board may consider the type, cost amount of the contract, number of persons available to bid and such other factors as the Board may deem appropriate"; and

WHEREAS, MacKay & Sposito, Inc., has extensive and valuable information which could be utilized in the completion of the referenced project thereby reducing the overall project costs; and

WHEREAS, staff has determined that the fees for the services as proposed by MacKay & Sposito, Inc., are fair and reasonable reflecting the extensive and valuable information which will not have to be reconstructed or duplicated; and prompt execution of the design contract will allow the design and construction of these safety improvements in a timely manner; and

WHEREAS, the estimated fees for the professional services are \$145,000.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council, acting as the Local Contract Review Board, does hereby exempt the award of a contract for engineering professional services from competitive bidding and further concludes this award will not diminish competition and will result in substantial cost savings.
2. The City Council, acting as the Local Contract Review Board, does hereby approve and authorize the City Engineer to sign a Professional Services Agreement between the City of Wilsonville and MacKay & Sposito, Inc., a copy

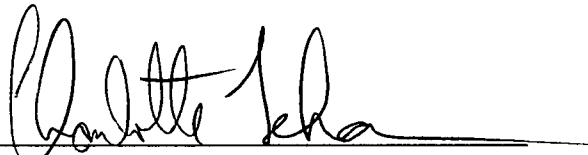
of which is marked Exhibit "A", attached hereto and incorporated herein, to provide the engineering professional services recited within for the referenced project.

3. Authorize the expenditures for this contract not to exceed the total FY 2002/03 amounts as budgeted or amended from:

<u>Account</u>	<u>Budget Amount</u>
900-49130-5000-488	\$150,000.00

4. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 1st day of July, 2002, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:



~~Starla J. Schur, Deputy City Recorder~~

SUMMARY OF VOTES:

Mayor Lehan	YES
Councilor Helser	YES
Councilor Barton	YES
Councilor Kirk	YES
Councilor Holt	YES