

RESOLUTION NO. 2132

A RESOLUTION OF THE CITY OF WILSONVILLE ACTING IN ITS CAPACITY AS THE LOCAL CONTRACT REVIEW BOARD AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE MAINTENANCE AND MONITORING OF THE BOECKMAN ROAD EXTENSION WETLAND MITIGATION SITE.

WHEREAS, on June 2, 2008, the Wilsonville City Council adopted a budget for the City that includes a FY 2008/09 appropriation of \$57,000 for the first year of monitoring and maintenance of the Boeckman Road Extension wetland mitigation site (Project No. 4138); and

WHEREAS, the future year costs have been estimated at \$150,000 in the FY 2008/09 budget for the monitoring and maintenance in Years 2-5 of the Boeckman Road Extension wetland mitigation site.

WHEREAS, the Community Development Director seeks the personal services of a consulting firm to provide professional services for the above referenced project; and

WHEREAS, Section 2.315 of the Wilsonville Code defines personal service contracts as “a contract primarily for the provision of services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider.”; and

WHEREAS, W.C. 2.310 states, “The Wilsonville City Council is designated as the Local Contract Review Board under the State of Oregon Public Contracting Code” and pursuant to WC 2.313(1)(a) needs to authorize any City contract in excess of \$100,000; and

WHEREAS, W.C. 2.315 (4) sets forth the following procedures to be followed in the selection of personal services contracts:

- (a) Not applicable as contract is greater than \$10,000.
- (b) “For personal service contracts involving an anticipated fee of more than \$10,000 but less than \$150,000 per annum, the Contracting Agency shall solicit at least three (3) prospective contractors who shall appear to have at least minimum qualifications for the proposed assignment, notify each prospective contractor in reasonable detail of the proposed assignment, and determine the prospective contractor’s interest and ability to perform the proposed assignment.”

(c) "The Contracting Agency may arrange for any or all interested prospective contractors to be interviewed for the assignment by an appropriate City employee or by an interview committee."

(d) "Following a review of the qualifications and interview, where conducted, of the interested prospective contractors, the Contracting Agency shall select the prospective contractor, and shall prepare a personal service contract."

WHEREAS, W.C. 2.315 (6) sets forth that the following criteria shall be considered in the evaluation and selection of a personal services contract:

(a) "Specialized experience in the type of work to be performed."

(b) "Capacity and capability to perform the work, including any specialized services within the time limitations for the work."

(c) "Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, the exercise of discretion, ability to meet schedules, and contract administration, where applicable."

(d) "Availability to perform the assignment and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable."

(e) "Any other factors relevant to the particular contract."

WHEREAS, as noted in the staff report dated August 12, 2008, numbered as Exhibit 1 and attached hereto, and it is incorporated herein by reference as though fully set forth:

(a) The contract is greater than \$10,000.

(b) Two (2) prospective contractors who meet minimum qualifications for the proposed project and had the interest and ability to participate responded to the RFP which notified each prospective contractor in reasonable detail of proposed criteria, as noted in the staff report attached as Exhibit 1.

(c) The RFP set forth the evaluation criteria which follows that of W.C. 2.315 (6) recited above; and as set forth in Exhibit 1, the Director and staff applied said criteria and selected *HDR Engineering, Inc.* as the recommended personal service contractor to the Contract Review Board.

WHEREAS, W.C. 2.315 (1), (2), and (3) respectively provide personal service contracts shall provide certain indemnification and waiver provisions, liability insurance, and to follow all

state law mandates as may be required unless specifically exempt, and the proposed contract provides for each of these requirements; and

WHEREAS, *HDR Engineering, Inc.* competed with one other consulting firm for the project in a competitive process by responding to a Request for Proposals which was posted in the Daily Journal of Commerce on July 10, 2008; and

WHEREAS, the cost for *HDR Engineering, Inc.* to provide the professional services necessary to complete Year 1 of the maintenance and monitoring is estimated at \$64,039, and for Years 2-5 is estimated at \$147,971 which equals a combined budget of \$212,010; and

WHEREAS, Staff has determined that the fees for the services as proposed by *HDR Engineering, Inc.* are fair and reasonable for the proposed scope of work; and prompt execution of the contract for professional services will allow the master plan to be developed in a timely manner; and

WHEREAS, estimated fees for contracted personal services are \$212,010 which subjects this contract to the Local Contract Board's approval and will necessitate a budget appropriation adjustment by supplemental budget.

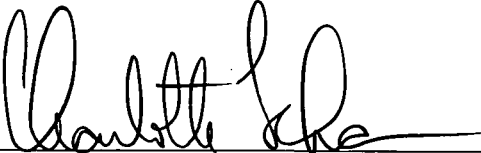
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council, acting as the Local Contract Review Board, does hereby approve and authorize the Community Development Director to sign a Professional Services Agreement between the City of Wilsonville and *HDR Engineering, Inc.*, a copy of which is marked Exhibit "2", attached hereto and incorporated herein, to provide the professional services recited within for the referenced project.
2. Authorize a project budget and expenditure of funds for Year 1 (Contracted and Administrative Services), subject to a future supplemental budget, in the amount of:

<u>Account</u>	<u>Budget Amount</u>	<u>Supplemental Budget</u>	<u>Total</u>
540.950.45030.4138	\$57,000	\$16,004	\$73,004

3. Include an adjustment to the FY 2008-09 budget in the amount of \$16,004 with the next periodic supplemental budget adjustment.
4. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 18th day of August, 2008, and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:



Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Knapp	Yes
Councilor Ripple	Yes
Councilor Núñez	Yes