

RESOLUTION NO. 1240

A RESOLUTION OF THE CITY OF WILSONVILLE EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ENGINEER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH KPFF CONSULTING ENGINEERS TO PROVIDE PROFESSIONAL (ENGINEERING) SERVICES FOR THE PARKWAY AVENUE SANITARY SEWER LIFTSTATION UPGRADE (PROJECT NO. 520-49130-5000-219).

WHEREAS, the City of Wilsonville adopted a motion at a regular meeting in June 1995, authorizing and approving budget appropriations for the 1995-96 fiscal year; and

WHEREAS, the approved City budget Capital Projects Fund for 1995-96 contains \$104,150 to cover the costs for the design and construction of the Parkway Avenue Sanitary Sewer Lift Station Upgrade; and

WHEREAS, the City now wishes to proceed with the design and construction of the Parkway Avenue Sanitary Sewer Lift Station Upgrade and seeks the services of a consulting engineering firm to provide the Professional Services for the referenced project; and

WHEREAS, the City Engineer wishes to utilize the experience and expertise of KPFF Consulting Engineers on the Memorial Park and Charbonneau Liftstations to provide design, construction, surveying and project management services during the construction of the Parkway Avenue Sanitary Sewer Lift Station Upgrade; and

WHEREAS, these Oregon Revised Statutes 279.011 (5) and Section 2.310 (1) (a) of the Wilsonville code define public contracts as being other than agreements for personal service. The contract to be awarded for Professional Services is for personal 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 contracts shall be based upon competitive bid with certain exceptions," 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, additionally, 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, Oregon Revised Statutes 279.015 Competitive Bidding Exemptions also allows exemptions as stated in the City Code; and

WHEREAS, after reviewing the fees associated with providing the requested design, construction, surveying and project management services, Staff has determined that the fees for the services as proposed by KPFF Consulting Engineers have found to be fair and reasonable; and

WHEREAS, if authorized at this time, KPFF Consulting Engineers can provide the Professional Services for the Parkway Avenue Sanitary Sewer Lift Station Upgrade during the off-peak construction season and the City will realize substantial cost savings by completing the design and advertisement during a more competitive bidding environment; and

WHEREAS, these fees are calculated to be \$26,000.

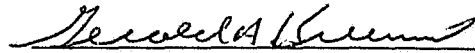
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. That the City Council, serving in its role as Local Contract Review Board does hereby exempt the award of contract for Professional Services for the planned Parkway Avenue Sanitary Sewer Liftstation Upgrade from competitive bidding and further concludes this award will not diminish competition and will result in substantial costs savings by completing the design and advertisement of the proposed improvements during the off-peak construction season (a more competitive bidding environment).
2. The City Council, serving as a Local Contract Review Board, does hereby approve and authorize the City Engineer to sign a Professional Services Agreement between the City of Wilsonville and KPFF Consulting Engineers, a copy of which is marked Exhibit "A", attached hereto and incorporated herein, to provide the Professional Services recited above for the referenced project.

3. Authorize the expenditures for this contract not to exceed budget amount from:

Account	Budget Amount
520-49130-5000-219	\$26,000

ADOPTED by the City Council of the City of Wilsonville at a special meeting thereof this 9th day of January, 1996, and filed with the Wilsonville City Recorder this date.


GERALD A KRUMMEL, Mayor

ATTEST:


Sandra C. King, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Leahy	<u>Yes</u>
Councilor Hawkins	<u>Absent</u>
Councilor Leo	<u>Yes</u>