

RESOLUTION NO. 1292

A RESOLUTION OF THE CITY OF WILSONVILLE EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH DAVID EVANS & ASSOCIATES, INC. TO PROVIDE PHASE 2 CONSTRUCTION MANAGEMENT SERVICES FOR THE PUBLIC IMPROVEMENTS ASSOCIATED WITH LOCAL IMPROVEMENT DISTRICT #12-95-ST, CANYON CREEK ROAD NORTH.

WHEREAS, on June 5, 1995, the City of Wilsonville City Council adopted Resolution No. 1179 which declared the City's intent to initiate formation of a Local Improvement District (LID) No. 12-95-ST, as defined in ORS 223.387. The costs of which are to be paid by special assessment according to the benefits received for the purpose of constructing sanitary sewer, storm drain, water, and street improvements in the area in and around Canyon Creek Road North; and

WHEREAS, on October 2, 1995, the City Council adopted Resolution No. 1222 accepting the Engineer's and Financial Investigation Reports for LID No. 12-95-ST; and

WHEREAS, on December 18, 1995, Council adopted Resolution No. 1233 authorizing execution of a Professional Services Agreement with David Evans & Associates for project Phase 1 engineering services; and

WHEREAS, City staff now desires to proceed with the construction of public improvements associated with LID No. 12-95-ST and seeks the services of a private consulting engineering firm to provide the professional services for the subject project; and

WHEREAS, the LID participants by petition requested that David Evans and Associates, Inc. provide the professional services for the public improvements in association with LID No. 12-95-ST, and City staff concurs in order to take advantage of their familiarity with the site and the project, and be able to proceed in a timely manner; and

WHEREAS, after reviewing the fees associated with providing the requested professional services, City Staff have determined that the fees for the services have been found to be equitable; and

WHEREAS, these Oregon Revised Statutes 279.011(5), Section 2.310(1)(a) of the Wilsonville code define public contracts as being other than agreements for professional services. The contract to be awarded for engineering services is for professional services; and

WHEREAS, Section 2.312 of the Wilsonville Code states that the council is hereby designated as a local Contract Review Board and relative to contract concerns for the City, shall have 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 279.105 competitive bidding exemptions will also allow exemptions as stated in the City Code; and

WHEREAS, after reviewing the fees associated with providing the requested Phase 1 professional services, staff has determined that the fees for the services as proposed by David Evans & Associates are found to be fair and reasonable.

WHEREAS, these fees for Phase 2 are not to exceed \$259,000.00.

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

1. That the City Council, serving in its role as local Contract Review Board, will hereby exempt the award of professional services for LID #12-95-ST from competitive bidding.

2. That the City Council, serving as the local Contract Review Board, does hereby approve and authorize the execution of a Professional Services Agreement by and between the City and David Evans and Associates, Inc., to provide Phase 2 professional services for the referenced project, a copy of which is marked Exhibit "A", attached hereto and incorporated herein.

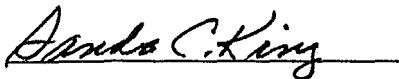
3. Authorize the expenditures for this contract not to exceed \$259,000.00 plus 15% contingency from Account No. 540-49130-5000-437.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of June, 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	Yes
Councilor Lehan	Yes
Councilor Leahy	Yes
Councilor Hawkins	Yes
Councilor MacDonald	Yes

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resolution David Evans #2