

**RESOLUTION NO. 1598**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY ENGINEER TO MODIFY THE PROFESSIONAL SERVICES AGREEMENT WITH LEE ENGINEERING, INC. TO PROVIDE ADDITIONAL PROFESSIONAL SERVICES FOR THE LEVEL B RESERVOIR, WATERLINES AND BOOSTER PUMP STATION PROJECT.**

WHEREAS, the City approved a motion at a regular meeting in June, 1999, for the 1999-2000 fiscal year, adopting appropriations of \$1,978,725 for the Level B Reservoir (Project No. 530-49130-5000-327); and

WHEREAS, the City adopted Resolution No. 1375, entering into a Professional Services Agreement with Lee Engineering, Inc. for the design of a water reservoir, pipeline and booster pump station; and

WHEREAS, the City adopted Resolution No. 1505, expanding Lee Engineering's scope of work to include construction management and inspection services; and

WHEREAS, the water pipeline has been completed but additional funds are needed to finish construction management and inspection of the water reservoir and booster station and the City Engineer proposes to utilize the experience and expertise of Lee Engineering, Inc. to provide the necessary professional services;

WHEREAS, if timely made, the completion of these water system improvements will provide for safe, reliable operation of the water supply and distribution system; 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 professional services. The contract to be awarded is for 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 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, Oregon Administrative Rules 137-035-0040 Direct Appointment Procedure allows continuation of existing contracts when the cost of services does not exceed \$75,000; and

WHEREAS, after reviewing the fees associated with providing the requested services, the City Engineer has determined that the estimated fees of \$70,000 are fair and equitable and meet the requirement for contract continuation; and

WHEREAS, the City Engineer desires to modify the Professional Services Agreement to allow performance of the additional work in a timely manner; and

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

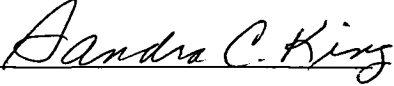
1. The City Council, acting as the Local Contract Review Board, does hereby exempt the award of contract for professional services for the project outlined herein from competitive bidding following the direct appointment procedure and further concludes this award will not diminish competition and will result in substantial cost savings by allowing timely completion of design and construction.
2. The City Council, acting as the Local Contract Review Board, does hereby authorize the City Engineer to modify the Professional Services Agreement between the City of Wilsonville and Lee Engineering, Inc. to provide additional professional services in the amount of \$70,000 with authority to increase this amount by 20% for contingency so long as total project costs do not exceed the budgeted amounts.
3. Authorized the expenditure of project funds as budgeted or amended from:

<u>ACCOUNT NO.</u>	<u>AMOUNT</u>	<u>PROJECT</u>
530-49130-5000-327	\$1,978,725	Level B Reservoir

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of October, 1999, and filed with the Wilsonville City Recorder this date.

  
JOHN HELSER, CITY COUNCIL PRESIDENT

ATTEST:

  
SANDRA C. KING, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Excused
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Kirk	Yes
Councilor Holt	Yes