

**RESOLUTION NO. 1835**

**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 HDR ENGINEERING, INC. TO PROVIDE PROFESSIONAL (ENGINEERING) SERVICES FOR THE BOECKMAN ROAD EXTENSION PROJECT.**

WHEREAS, the proposed Capital Improvement Program for the City includes a FY 2003/04 appropriation of \$1,500,000 to fund the preliminary engineering and environmental assessment for the design and construction of the extension of Boeckman Road from 95<sup>th</sup> Avenue to Grahams Ferry Road (Project No. 540-49130-5000-548); and

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

WHEREAS, on the 18<sup>th</sup> 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, the City solicited proposals to accomplish the professional services for the referenced project and nine submittals were received after a total of twenty-eight requests for proposals were sent out; and

WHEREAS, the nine submittals were reviewed by a panel and ranked, with the top five consultant firms proceeding to interviews; and

WHEREAS, from the five firms that participated in the competitive, selective process based on qualifications, HDR Engineering, Inc. was selected as the consultant firm that was best qualified to provide the certain professional services for the referenced project; 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, after selecting HDR Engineering, Inc. as the best qualified firm to provide the requested professional engineering services; and

WHEREAS, HDR Engineering, Inc. has proposed to accomplish the professional engineering services for a fee not to exceed \$1,089,062.00 and the selection of its proposal also meets WC 2.314(2); and

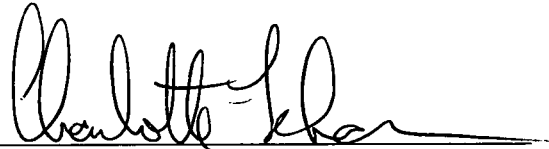
WHEREAS, staff has determined that the fees, as proposed by HDR Engineering, Inc. are fair and reasonable.

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

1. Based upon the recited findings above, 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 HDR Engineering, 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.
2. The City Council hereby authorizes the expenditures for this contract not to exceed the total FY 2003/04 budget amounts from:

<u>Account</u>	<u>Budget Amount</u>
540-49130-5000-548	\$1,500,000.00

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2<sup>nd</sup> day of June, 2003, and filed with the Wilsonville City Recorder this date.

  
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CHARLOTTE LEHAN, Mayor

ATTEST:

  
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Sandra C. King, City Recorder, CMC

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Scott-Tabb	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>