

RESOLUTION NO. 451

A RESOLUTION AMENDING RESOLUTION NO. 448 AUTHORIZING PURCHASE OF WATER LINE MATERIALS FOR WILSONVILLE CENTER, AND DECLARING AN EMERGENCY

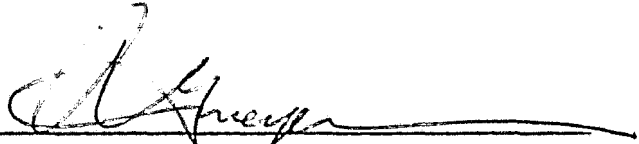
WHEREAS, Resolution 448 was enacted on December 17, 1984, which authorized the purchase of water line materials to connect the Wilsonville Center, and

WHEREAS, the expenditure of all materials was in excess of \$2,000.00 which requires the declaration of an emergency, and

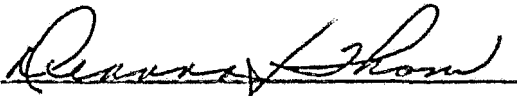
WHEREAS, discussion on the declaration of an emergency was had at the time of enactment of Resolution 448 but no emergency was formally declared.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby expressly amend Resolution No. 448, and does expressly declare that an emergency exists for the construction of the water line to serve the Wilsonville Center.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 21st day of January, 1985, and filed with the Wilsonville City Recorder this same day.

  
A. G. Meyer, Mayor

ATTEST:

  
Deanna J. Thom, City Recorder

CITY OF WILSONVILLE

# MEMO

January 3, 1985  
DATE

Council Meeting: January 7, 1985  
Agenda Category: Continuing Business

TO: MAYOR AND CITY COUNCIL

FROM: LARRY R. BLANCHARD, PUBLIC WORKS DIRECTOR *LRB.*

SUBJECT: WILSONVILLE CENTER CB-R-102-84 EMERGENCY CLAUSE

Action Required: Authorize the addition of a declaration of emergency clause to Resolution CB-R-102-84.

Previous Action Taken:

1. The City Council, at the December 17, 1984 City Council meeting, did approve Resolution CB-R-102-84 attached for your reference.
2. The City Council did discuss adding an emergency clause to the resolution in order to follow the guidelines established in ORS 279.015(3) Competitive Bidding; Exemptions (See Attached).

Conclusionary Findings:

1. It is explicit in the city's purchasing manual as to the amount and process in which materials are purchased. According to the city's requirement, any purchase of \$2,000 or more shall be purchased by bid unless an emergency exists.
2. Timing of the installation of the water line is to be done at the earliest time and could not be a part of the Wilsonville Center Bid package. Therefore, scheduling would not fit the normal time frame of contract specifications since most contract awards are done in thirty days.
3. Final location of the waterline was not determined until recently, due to the numerous changes which occurred in the final design of the Wilsonville Center.

lrb:vr

cc: Wilsonville Center

RESOLUTION NO. 448

A RESOLUTION AUTHORIZING PURCHASE OF WATER LINE MATERIALS FOR WILSONVILLE CENTER.


WHEREAS, the city staff has prepared a report on the above captioned subject which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report; and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville does hereby adopt the staff report attached hereto as Exhibit "A", with the recommendation(s) contained therein and further instructs that action appropriate to the recommendation(s) be taken.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 17th day of December, 1984, and filed with the Wilsonville City Recorder this same day.

  
\_\_\_\_\_  
WILLIAM G. LOWRIE, Mayor

ATTEST:

  
\_\_\_\_\_  
DEANNA J. THOM, City Recorder

CITY OF WILSONVILLE

# MEMO

December 17, 1984

DATE

TO: MAYOR AND CITY COUNCIL  
FROM: DANIEL O. POTTER, CITY ADMINISTRATOR  
SUBJECT: WILSONVILLE CENTER WATER LINE

Council has instructed that the Wilsonville Center Water Line be constructed by the city. In order to accomplish this, we need to purchase the materials as listed in the attached sheet.

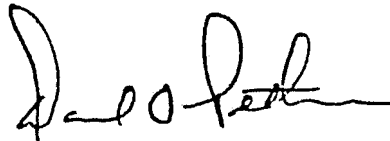
The total estimated cost of all materials is \$4,390.

Additionally, it is estimated that our employee labor costs will approximate \$3,500.

RECOMMENDATION:

I recommend you authorize the purchase of materials as listed and required to connect to the Wilsonville Center building. I also recommend you authorize the employee costs as indicated.

Respectfully Submitted,



Daniel O. Potter

dop:vr

WILSONVILLE CENTER MATERIALS

224 linear feet 8" ductal iron class 52 @ \$8.75/foot	\$1,960.00
10 linear feet ductal iron class 52 @ \$6.38/foot	63.80
4 - 45° bends @ \$82.96 each	331.84
1 - 8"x8"x8" tee @ \$133.18 each	133.18
1 - 8"x8"x6" tee @ \$127.60 each	127.60
1 - 6" gate valve @ \$221.95 each	221.95
1 - 8" gate valve @ \$317.18 each	317.18
1 - Fire hydrant @ \$511.25 each	511.25
1 - 2" blow-off @ \$32.24 each	32.24
1 - Blow-off assembly @ \$38.88 each	38.88
2 - Valve boxes @ \$33.50 each	67.00
21 yards concrete - 2000 psi @ \$5.07/yard	106.50
70 cubic yards 3/4" - 0" @ \$6.85/yard	479.50
	<hr/>
TOTAL	\$4,390.00

**PURCHASING AND BIDS AND  
BIDDING IN GENERAL**

279.008 [Repealed by 1975 c.771 §33]

279.010 [Repealed by 1975 c.771 §33]

**279.011 Definitions for ORS 279.011 to 279.061.** As used in ORS 279.011 to 279.061:

(1) "Public contract" means any purchase, lease or sale by a public agency of personal property, public improvements or services other than agreements which are for personal service.

(2) "Public agency" or "public contracting agency" means any agency of the State of Oregon or any political subdivision thereof authorized by law to enter into public contracts and any public body created by inter-governmental agreement.

(3) "Public improvement" means projects for construction, reconstruction or major renovation on real property by or for a public agency. "Public improvement" does not include emergency work, minor alteration, ordinary repair or maintenance necessary in order to preserve a public improvement.

(4) "Board" means the Public Contract Review Board or the local contract review board of a city or county as provided for in ORS 279.055. [1975 c.771 §1; 1979 c.196 §1; 1979 c.869 §1a; 1981 c.54 §1]

279.012 [Repealed by 1975 c.771 §33]

**279.013 Public Contract Review Board; members' qualifications, terms, compensation and expenses; recording minutes of meetings.** (1) The Public Contract Review Board shall consist of:

(a) The Secretary of State or, if the secretary so designates, the Deputy Secretary of State;

(b) The State Treasurer or, if the treasurer so designates, the Chief Deputy State Treasurer;

(c) The Attorney General or, if the Attorney General so designates, the Deputy Attorney General;

(d) The Commissioner of the Bureau of Labor and Industries or, if the Commissioner of the Bureau of Labor and Industries so designates, the Deputy Commissioner of the Bureau of Labor and Industries; and

(e) Five members appointed by the Governor. The term of office of each member appointed by the Governor shall be four years. Such members shall be appointed by the Gov-

ernor with terms commencing July 1, 1975. The Governor shall appoint one member who is engaged in the construction industry and who has been so engaged for at least five years prior to such appointment, one member who is a professional purchasing officer and who has been actively so engaged for at least five years prior to appointment, one member from a list of nominees jointly submitted by the League of Oregon Cities, the Association of Oregon Counties and the Oregon School Boards Association, one member from among the members of organized labor and one public member. Of the members first appointed, two shall be appointed for a two-year term and three shall be appointed for a four-year term. Before the expiration of the term of a member, the Governor shall appoint a successor whose term shall begin on July 1 next following. A member shall be eligible for reappointment, but no person shall be eligible to serve more than two consecutive terms. In case of a vacancy for any cause, the Governor shall appoint a person to fill the office for the remainder of the unexpired term.

(2) A member of the board who is appointed by the Governor is entitled to compensation and expenses as provided by ORS 292.495.

(3) The Governor shall appoint one of the members of the board as chairperson to serve as such at the pleasure of the Governor.

(4) The board shall provide for the taking of written minutes in accordance with ORS 192.650, and shall also provide for the tape recording of all its proceedings. [1975 c.771 §2; 1977 c.456 §1; 1979 c.195 §1; 1981 c.466 §1; 1981 c.528 §5; 1981 c.712 §1]

279.014 [Amended by 1967 c.202 §1; 1973 c.42 §1; repealed by 1975 c.771 §33]

**279.015 Competitive bidding; exemptions.** (1) All public contracts shall be based upon competitive bids except:

(a) Contracts made with other public agencies or the Federal Government;

(b) Contracts made with qualified non-profit agencies providing employment opportunities for the handicapped; and

(c) A public contract exempt under subsection (2) of this section.

(2) The board may exempt certain public contracts or classes of public contracts from the requirements of subsection (1) of this section upon the following findings:

(a) It is unlikely that such exemption will encourage favoritism in the awarding of pub-

lic contracts or substantially diminish competition for public contracts; and

(b) The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contracting agency. In making such finding, the board may consider the type, cost, amount of the contract, number of persons available to bid and such other factors the board may deem appropriate.

(3) A public contract also may be exempted from the requirements of subsection (1) of this section if emergency conditions require prompt execution of the contract. The board shall adopt regulations allowing the governing body of a public agency to declare that an emergency exists.

(4) In granting exemptions pursuant to paragraphs (a) and (b) of subsection (2) of this section, the board shall, where appropriate, direct the use of alternate contracting and purchasing practices that take account of market realities and modern or innovative contracting and purchasing methods, which are also consistent with the public policy of encouraging competition. [1975 c.771 §3; 1977 c.304 §6]

279.016 [Amended by 1971 c.481 §1; repealed by 1975 c.771 §33]

**279.017 Specifications for contracts; products.** (1) Specifications for public contracts shall not expressly or implicitly require any product by any brand name or mark, nor the product of any particular manufacturer or seller unless the product is exempt under subsection (2) of this section.

(2) The board may exempt certain products or classes of products from subsection (1) of this section upon any of the following findings:

(a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts,

(b) The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings to the public agency,

(c) There is only one manufacturer or seller of the product of the quality required, or

(d) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies. [1975 c.771 §4]

279.018 [Repealed by 1975 c.771 §33]

**279.019 Petition to test validity of rule.** (1) Exemptions granted pursuant to ORS 279.015 (2) or 279.017 (2) constitute rulemaking and not contested cases under ORS 183.310 to 183.550.

(2) Any person except the public contracting agency or anyone representing it may bring a petition for a declaratory judgment to test the validity of any rule adopted under ORS 279.015 and 279.017 in the manner provided in ORS 183.400. [1975 c.771 §6]

279.020 [Repealed by 1975 c.771 §33]

**279.021 Preferences; foreign contractor.** (1) In all public contracts, the public contracting agency shall prefer goods or services that have been manufactured or produced in this state if price, fitness, availability and quality are otherwise equal.

(2) (a) Where a public contract is awarded to a foreign contractor and the contract price exceeds \$10,000, the contractor shall promptly report to the Department of Revenue on forms to be provided by the Department of Revenue the total contract price, terms of payment, length of contract and such other information as the Department of Revenue may require before final payment can be received on the public contract. The public contracting agency shall satisfy itself that the requirement of this subsection has been complied with before it issues a final payment on a public contract.

(b) For purposes of this subsection, a foreign contractor is one who is not domiciled in or registered to do business in the State of Oregon. [1975 c.771 §5]

279.022 [Repealed by 1975 c.771 §33]

**279.023 Least cost policy for public improvements; costs estimates in budget process; record of costs.** (1) It is the policy of the State of Oregon that public agencies shall make every effort to construct public improvements at the least cost to the public agency.

(2) Not less than 30 days prior to adoption of its budget for the subsequent budget period, each public agency shall prepare and file with the Commissioner of the Bureau of Labor and Industries a list of every public improvement known to the agency that the agency plans to fund in the budget period, identifying each improvement by name and estimating the total onsite construction costs. The list shall also contain a statement as to whether the

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