

**RESOLUTION NO. 969**

**A RESOLUTION OF THE CITY OF WILSONVILLE, EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH MACKAY & SPOSITO TO PREPARE AN ENGINEERING DESIGN REPORT AND CONSTRUCTION DRAWINGS FOR THE PLANNED EXTENSION OF TOWN CENTER LOOP WEST AND TOWN CENTER LOOP EAST.**

WHEREAS, the City of Wilsonville adopted a motion at its regular meeting of May 20, 1992, authorizing an election for an amended Urban Renewal Plan in the City of Wilsonville; and

WHEREAS, the City of Wilsonville adopted Resolution No. 936 certifying the results of the election which affirmed the request for construction of specific capital improvement projects within the Urban Renewal Area of the City which included the extension of Town Center Loop West and Town Center Loop East, commonly known as the Day Dream Escape; and

WHEREAS, the transfer of funds from the Urban Renewal Agency to the City of Wilsonville has been authorized in the adopted City and Urban Renewal Agency FY '92-'93 Budget; and

WHEREAS, the approved City Budget Capital Projects Fund for FY 1992-93 includes \$70,000 to cover the cost of design of the project commonly known as the Day Dream Escape Project; and

WHEREAS, in order to properly analyze the many issues that proceed construction of the project, a report addressing these issues should be prepared; and

WHEREAS, this report commonly referred to as a design report, will address common issues of horizontal and vertical alignment, effects on local properties and landscaping, access to local properties and existing streets, public utility installations and relocations, development potential along the proposed alignment; and

WHEREAS, the City wishes to proceed with the design report of the project and the Community Development Director of the City published in the Daily Journal of Commerce and the Wilsonville Spokesman a request for proposals for the preparation of

a design report by a private consulting engineering firm; and

WHEREAS, after reviewing the submitted materials, five (5) consulting engineering firms were found to meet the general guidelines through demonstrating experience on the preparation of design reports for similar projects; and

WHEREAS, the five (5) consulting engineering firms were invited to demonstrate in person and in greater detail their experience on similar projects and answer questions presented by City staff; and

WHEREAS, after reviewing the combination of experience and answers presented by the five (5) consulting engineering firms, MacKay & Sposito was determined to be the firm best suited to provide engineering services for the project; and

WHEREAS, ORS 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 engineering services is for personal service; 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, the design report is required for the expeditious completion of the project during the 1993 construction season; and

WHEREAS, construction of the project is urgently needed in order to alleviate severe traffic congestion along Parkway Avenue, Wilsonville Road and Town Center Loop West ; and

WHEREAS, there is an immediate need to coordinate construction of the project with the Oregon Department of Transportation (ODOT) for the planned reconstruction of the interchange of Wilsonville Road and Interstate 5; and

WHEREAS, the MacKay & Sposito proposal provides that its fees for the design report will not exceed forty-five thousand dollars; and

WHEREAS, at the completion and adoption of the design report, the City will immediately need to proceed with the preparation of construction plans and specifications; and

WHEREAS, an accurate estimate of the fees to prepare the construction plans, specifications, surveying and project management services (professional services) can not be determined until the design report is completed, however, MacKay & Sposito has offered to accomplish the professional services using the applicable provisions of the Farmers Home Administration (FmHA) standard guidelines, and the FmHA guidelines fix the fee for professional services based on an estimated cost of construction of the project; and

WHEREAS, the City Council, as the Local Contract Review Board, finds that under the criteria as outlined above awarding the preparation of the design report and professional services to MacKay & Sposito will not result in favoritism or substantially diminish competition in awarding the contract and will result in substantial cost savings; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville resolve as follows:

1. That the City Council, serving in its role as Local Contract Review Board, does hereby exempt the award of contract for engineer services for the preparation of a design report and professional services recited above for Day Dream Escape from competitive bidding requirements.
2. The City Council, serving as a Local Contract Review Board, does hereby approve and authorize the City Manager to sign an Engineering Services Agreement between the City of Wilsonville and MacKay & Sposito to Provide the design report and professional services recited above for the Day Dream Escape project.
3. Authorize the expenditures for this contract not to exceed budget





City of  
**WILSONVILLE**  
in OREGON

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**MEMORANDUM**

**TO:** ARLENE LOBLE, CITY MANAGER  
**FROM:** MICHAEL A. STONE, CITY ENGINEER *MAS*  
**RE:** COUNCIL MEETING OF NOVEMBER 2, 1992  
**DATE:** OCTOBER 29, 1992  
**SUBJECT:** CONSULTANT SELECTION FOR DESIGN REPORT  
PREPARATION FOR DAY DREAM ESCAPE

Consultant interviews for the above-referenced project were held the week of October 19, 1992. The interview committee consisted of Eldon Johansen, Jim Long, George Jacobs and myself.

In all, five (5) consulting engineering firms were interviewed. The results of the interview committee decision ranks the firms interviewed in the following order:

1. MacKay & Sposito, Inc.
2. David Evans & Associates, Inc.
3. OTAK, Inc.
4. HGE, Inc.
5. Kampe Associates, Inc.

mas:jme

# PROPOSED ROUTES FOR DAY DREAM ESCAPE

PREPARED BY THE CITY OF WILSONVILLE,  
ENGINEERING DEPARTMENT  
JULY 1992

