

RESOLUTION NO. 5342

A RESOLUTION AUTHORIZING SPECIAL PROCUREMENT OF ENGINEERING SERVICES FOR ST-07-03, 53RD AVENUE ROADWAY AND BRIDGE IMPROVEMENTS.

WHEREAS, Albany Municipal Code 2.66.060 and Oregon Revised Statutes 279B.055 and 279B.085 allow the City Council, acting as the Local Contract Review Board, to authorize the use of the Special Procurement process for the selection of a contractor for a specific personal services contract; and

WHEREAS, such authorization must be based on a written request submitted by the contracting agency seeking the exemption that describes the special procurement method to be used and the circumstances that support the use of the special procurement as set forth below; and

WHEREAS, under authority granted by the City Manager, City Engineer Mark Shepard has submitted a written request ("Memorandum") for a special procurement process to select a contractor to provide design, engineering, construction oversight and related services for the ST-07-03, 53rd Avenue Roadway and Bridge Improvements (the "Project"); and

WHEREAS, the special procurement method described in the Memorandum is based on the Oregon Department of Transportation ("ODOT") procurement process for selection of engineering firms by local governments for state-funded highway projects; and

WHEREAS the Memorandum describes circumstances and facts that support the use of the special procurement, including the following:

1. The proposed special procurement will be made from a panel of engineers selected by ODOT under a competitive solicitation that complied in every respect with the City of Albany's public contracting rules for the solicitation and award of contracts for engineering services; and
2. Because ODOT builds more highways than any other entity in the State of Oregon, it can be presumed that ODOT's competitive solicitation attracted the interest of a larger number of qualified potential engineering firms than might be the case for a solicitation conducted by the City; and
3. The selection process for final selection of an engineer from the ODOT panel will be based upon an objective scoring of criteria determined to be most relevant to the requirements of the Project; and
4. The City has committed to an aggressive project schedule and in order to meet that schedule, design of the project must commence as soon as possible; and
5. The standard procurement process would delay initiation of engineering design by up to three or four months which would make it very difficult to meet the project schedule; and
6. A delay in the initiation of project design would require accelerated design work in an effort to meet scheduling requirements which would substantially increase the cost for engineering; and
7. Use of the proposed special procurement process is necessary to allow the City to avoid project design delays; and

WHEREAS, based on the circumstances described above and the other facts and circumstances described in the Memorandum, the City Council finds that the use of the special procurement will:

- (1) Be unlikely to encourage favoritism in the awarding of City contracts or to substantially diminish competition for the City's contracts; and

(2) Result in substantial cost savings to the City and substantially promote the public interest in a manner that could not practicably be realized by complying with the City's standard contracting procedures; and

WHEREAS, the Memorandum describes how the City used the Oregon Department of Transportation Local Agency Tier 2 Selection Process, Sections 2.2 and 2.3 to determine that OBEC Consulting Engineers had the highest criteria-rated score and would provide the highest quality, most efficient and most reliable services for the Project; and

WHEREAS, OBEC Consulting Engineers has confirmed that it has the capacity to complete the project as required by the City; and

WHEREAS, the City is requesting that the contract for engineering services for the Project be awarded to OBEC Consulting Engineers, in accordance with City Code Section 2.66.040, so that the City Manager may negotiate and enter into the engineering contract without further delay

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALBANY ACTING AS THE LOCAL CONTRACTING REVIEW BOARD:

Section 1. Each of the recitals set forth above, and the facts set forth in the accompanying memorandum of City Engineer Mark Shepard are hereby adopted as findings of fact; and


Section 2. Notwithstanding the provisions of City Code Section 2.66.070, the City is authorized and directed to use the special procurement method proposed in the City's written request, by selecting the Contractor from the panel of engineers selected by ODOT for use by Region 2 local governments in state-funded highway projects, based on the criteria most appropriate for the project, as determined by the City, using the criteria ratings established by ODOT; and

Section 3. The City's award of the contract for engineering design services for ST-07-03, 53rd Avenue Roadway and Bridge improvements to OBEC Consulting Engineers in an amount not to exceed \$700,000 is hereby approved; and

Section 4. This Resolution shall become effective immediately upon its adoption.


BE IT FURTHER RESOLVED that the City Council, acting as the Local Contract Review Board authorizes the contracting agency to negotiate a future amendment to the contract with OBEC Consulting Engineers to include Engineering and Administration Services during construction of the improvements. This amendment will be brought before City Council for approval prior to agency executing the amendment.

DATED AND EFFECTIVE THIS 15TH DAY OF NOVEMBER 2006.



Mayor

ATTEST:



City Clerk



TO: Albany City Council

VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *MWS*
FOR

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*

DATE: November 15, 2006, for the November 15, 2006, City Council Meeting

SUBJECT: ST-07-03, 53rd Avenue Roadway and Bridge Improvements – Special Procurement Approval and Contract Authorization

RELATES TO STRATEGIC PLAN THEME: ● Efficient Government
● Great Neighborhoods

Action Requested:

Staff recommends that the City Council, acting as the Local Contract Review Board, adopt the attached Resolution which will: 1) Approve the Special Procurement method described below for the selection of a contractor to provide Engineering Services for the 53rd Avenue Roadway and Bridge Improvements, and 2) Authorize the award of a consulting engineering contract with OBEC Consulting Engineers for the design engineering services required to complete the project.

Discussion:

The City entered into a Development Agreement with various state agencies and SVC Corporation to secure the locating of a major new manufacturing plant to Albany. The Development Agreement requires the City to complete roadway and bridge improvements linking 53rd Avenue at Highway 99E to Ellingson Road at Lochner by September 2009.

City staff has developed a schedule for completing the required roadway and bridge improvements as required by the Development Agreement. In order to meet the schedule, design of the improvements needs to commence as quickly as possible. To facilitate initiating the design quickly, the City needs to utilize the Special Procurement process outlined in state purchasing guidelines to secure engineering services for the design of these improvements. Use of the standard Request for Proposals (RFP) method would add additional time to the project schedule and make it very difficult to try to meet the schedule required for the project.

ORS 279B.085 of the State Public Contracting Code provides for the use of a Special Procurement process when the City Council, acting as the Local Contract Review Board, finds that a written request demonstrates that the use of a Special Procurement process will be unlikely to encourage favoritism or substantially diminish competition for public contracts and will either result in substantial cost savings to the City or otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with formal selection process.

Use of the Special Procurement process for this project is anticipated to both result in a cost savings and promote the public interest by allowing the City to meet schedule requirements outlined in the Development Agreement.

The Special Procurement process will allow design of the improvements to commence as quickly as possible. The project schedule is very tight. The normal procurement process would require the City to develop a Request for Proposals (RFP) in which a detailed scope is developed by the City. The RFP would then be advertised and consultants would be given time to respond with

their detailed proposals. The proposals would then be evaluated by City staff and negotiations entered into with the selected firm. If this procurement process is followed, it is estimated to add up to an additional three to four months to the schedule, thus not allowing the City to meet the schedule requirements in the Development Agreement.

The Special Procurement process requested for the 53 Avenue project would be based on the selection process created by the Oregon Department of Transportation (ODOT) for the selection of engineers for highway and bridge construction projects in the "Region 2" geographic area that includes the City of Albany. This process requires local agencies in State-funded projects to select one of six (6) engineering firms pre-qualified by ODOT for Region 2. Although the City is not required to use this process for the 53rd Avenue Project, the City believes that it would be in the best interest of the City to use this process because it could take advantage of ODOT's considerable knowledge and experience in the evaluation and selection of transportation engineers to obtain the highest quality, most efficient and most reliable contractor for the Project.

The six firms on ODOT's Region 2 list were selected under a publicly advertised request for proposals that would have fully complied with the City of Albany's public contracting rules if the solicitation had been conducted by the City. ODOT spends more money on bridges and highway construction projects each year than any other entity in the State of Oregon. Therefore, it can be assumed that all engineering firms qualified to perform engineering services for highway projects in the State of Oregon would have been aware of the ODOT solicitation and would have submitted proposals.

Staff has evaluated consultants based upon the ODOT Local Agency Tier 2 Selection process for Region 2. This process makes it unlikely to encourage favoritism or substantially diminish competition in the awarding of this public contract. Under this process, the City evaluates consultants that are on a list that ODOT has previously developed under a widely publicized competitive solicitation process. ODOT completed its "Tier 1" Selection process by seeking proposals from consultants to provide engineering services and then rating the consultants in various qualification categories. Under the "Tier 2" process created by ODOT, local agencies may select consultants from the rated list based upon the criteria that are important to the specific project and evaluating the highest scored consultant's capacity to provide key personnel for the project in accordance with the project schedule.

City staff evaluated the consultants on ODOT's list using the Tier 2 process. OBEC Consulting Engineers was selected as the best firm for this project because it had the highest scoring under the criteria relevant to the City's project requirements. A capacity summary was not requested from OBEC since they had previously developed a project schedule in aiding the City during negotiations with SVC Corporation. OBEC has indicated that they have available the resources that the City will require to complete the project in the time frame required. Based on preliminary discussions with OBEC, we anticipate that the OBEC contract would not exceed \$700,000.

The attached Resolution authorizes the use of the Special Procurement process, adopting the findings that it meets the requirements of City and State purchasing requirements. The Resolution also authorizes the City to enter into a contract with OBEC Consulting Engineers for the design of the roadway and bridge improvements and acknowledges that an amendment will be entered into in the future for OBEC to provide construction inspection and administration services during the project design.

An Ordinance amending the City's existing purchasing rules is being developed by the City Attorney and the Public Works and Finance Departments that will be on Council's dais at the November 15, 2006, meeting. This Ordinance will be presented for Council's consideration prior to the attached Resolution. The purchasing rules modification is required to facilitate the Special procurement request.

Budget Impact:

The use of the Special Procurement process is anticipated to reduce the overall cost of the project. The City will hire a consultant that has current knowledge of the project scope and needs. OBEC assisted the City in developing schedule and cost estimates during the planning and negotiation stage of this project. OBEC is familiar with the project scope and schedule as well as the permitting issues involved in the project. This previous work for the City on this project will allow OBEC to expedite project design quickly and will not require additional costs to scope the project and bring the consultant up to speed on project issues. This knowledge base would be lost if a consultant without this background and information is hired.

All engineering costs will be included in the entire project costs. Project costs will be paid for from a combination of City, Linn County, and State Agency contributions as well as assessments to benefited properties.

MWS:kw
Attachment