

## RESOLUTION NO. 1511

### A RESOLUTION EXEMPTING FROM COMPETITION A CONTRACT FOR THE REPAIR OF THE CITY OF PRINEVILLE RAILWAY'S BRIDGE LOCATED ON OREGON HIGHWAY 26

#### RECITALS:

A. City of Prineville Resolution No. 1266 authorizes the City Council acting as the Contract Review Board for the City to exempt from competition the award of a specific contract or class of contracts based upon a record before the Council making specific findings regarding exempting the Contract from competitive bidding.

B. A public notice was published in the January 7, 2022 edition of the Daily Journal of Commerce setting the January 21, 2022 Prineville City Council meeting as the time and place to comment on the City's draft findings for exempting a contract from competition for a contract for the repair of the City of Prineville Railway bridge located on Oregon Highway 26 and directly contracting with Koppers Railroad Structures, Inc. for such project.

C. A public notice was published in the January 11 & 18, 2022 editions of the Central Oregonian setting the January 21, 2022 Prineville City Council meeting as the time and place to comment on the City's draft findings for exempting a contract from competition for a contract for the repair of the City of Prineville Railway bridge located on Oregon Highway 26 and directly contracting with Koppers Railroad Structures, Inc. for such project.

D. A public hearing was held January 21, 2022, at the Prineville City Council meeting to allow an opportunity for any interested person to appear and present comment.

E. Pursuant to City Resolution No. 1266, the City Council makes the following findings as their basis for exemption from City's competitive bidding requirements the award of a contract for transportation public improvement project of repairing the Railway bridge located on Oregon Highway 26:

1. The nature of the contract for which the exemption is requested:

- Transportation public improvement contract exceeding \$50,000.00.

2. The estimated contract price is \$94,015.00

3. Findings to support the substantial costs savings, enhancement in quality or performance, or other public benefit anticipated by the exemption from competitive solicitation:

- The railway bridge on highway 26 was damaged by a vehicle on November 29, 2021, necessitating repairs to be made for the effective operations of the railroad. Based on the accident, railway operations over the bridge require speed and weight restrictions.

- Railroad bridge repair is a highly specialized field that requires qualifications and approvals from the Federal Railroad Administration (“FRA”), thus limiting the number of contactors that are qualified for this type of project.
- Koppers has the requisite tools and materials that have been approved by the FRA and is available to perform the work in late January.
- Based on the limited number of contactors and availability, by directly contacting with Koppers to have the work performed in January 2022, unnecessarily delays will be avoided that may adversely affect City of Prineville Railway operations, safety for railway personnel and public, and services to Railway customers.
- It is anticipated that it would take approximately three months to prepare the scope of work and other documents necessary to issue an invitation to bid, allow other contractors to study the project to prepare their bid, and to select the lowest bidder.
- Additional costs to the City for preparing the documents to issue an invitation of bid would be eliminated.
- Koppers have the available personnel to complete the job within the next thirty days.
- Railway engineers have recommended Koppers as a reputable company within the industry.

4. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or would otherwise substantially promote the public interest in a manner that could not practically be realized by complying with the solicitation requirements that would otherwise be applicable:

- In addition to findings in Section 3 above, based on the qualifications required to work on the bridge, only a select number of contractors are eligible for the project. Based on availability, Koppers can repair the bridge sooner than any other contractor within the country.

5. A description of the proposed alternative contracting methods to be employed:

- Directly contracting with Koppers Railroad Structures, Inc. for the repair of the City of Prineville Railway bridge located on Oregon Highway 26.

6. The estimated date by which it would be necessary to let the contract is January 22, 2022.

NOW, THEREFORE, based on the above Recitals and findings of fact, the Prineville City Council, sitting as the Contract Review Board for the City of Prineville, hereby resolves as follows:

1. The contract for the repair of the City of Prineville Railway bridge located on Oregon Highway 26 is hereby exempt from competitive bidding.

2. Appropriate City officials are authorized to sign the contract with Koppers Railroad Structures, Inc. for the repair of the Railway bridge located on Oregon Highway 26.

Passed by the City Council this 21<sup>st</sup> day of January, 2022.

  
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Rodney J. Beebe, Mayor

ATTEST:

  
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Lisa Morgan, City Recorder