

RESOLUTION NO. 1165

A RESOLUTION EXEMPTING A CONTRACT FOR THE DESIGN PHASE OF THE CITY'S EFFLUENT DISPOSAL WETLAND FROM COMPETITIVE SOLICITATION

RECITALS:

- A. Anderson Perry and Associates, Inc. ("AP") were selected by the City of Prineville ("City") pursuant to a request for proposals procedure to perform the hydraulic analysis of the City's wastewater treatment plant pastureland. AP successfully completed the hydraulic analysis on time and within budget.
- B. On September 1, 2009, City contracted with AP to perform a preliminary ground water assessment of certain city properties to determine if the site was suited for an effluent disposal wetland.
- C. City also contracted with AP for the development of a wastewater facilities plan update. AP delivered the product on time and at reasonable cost.
- D. The next step in the development of the City's effluent disposal wetland is the design stage. City staff is very satisfied with the work performed by AP to date and AP has met their time frame for completion of different projects related to the effluent disposal wetland. City staff has recommended that the contract with AP for the design phase of the City's effluent disposal wetland be exempt from competitive solicitation and be directly awarded to AP.
- E. A public notice was published in the April 19, 2011, edition of the Central Oregonian setting April 26, 2011, at the Prineville City Council meeting as the time and place to comment on the proposal to exempt the contract with AP for the design phase of the City's effluent disposal wetland.
- F. A public hearing was held on April 26, 2011, at the Prineville City Council meeting to allow an opportunity for any interested persons to present comments regarding this exemption.
- G. There were no persons offering testimony at the public hearing.
- H. The City Council makes the following findings as their basis for approval of exempting from City's competitive bidding requirements the awarding of the contract for the design phase of the City's effluent disposal wetland:
1. The nature of the contract for which the exemption is requested:
 - **Engineering contract for the design phase of the City's Effluent Disposal Wetland**
 2. The estimated contract price
 - **\$450,000.00**
 3. Findings to support the substantial costs savings, enhancement in quality or performance, or other public benefit anticipated by the exemption from competitive solicitation:

- Anderson Perry and Associates has been involved with the City's proposed wetlands project from the beginning. The quality of their work product has been excellent. They have completed their work on time and at a reasonable cost to the City. Anderson Perry and Associates, Inc. has experience designing similar wetlands for other cities in Oregon.
 - The DEQ has jurisdiction over and must approve wetlands used for the disposal of sewer effluent in Oregon. Other wetlands in Oregon used for disposal of sewer effluent and designed by Anderson Perry and Associates, Inc. have been approved by DEQ. Understanding and complying with DEQ rules and regulations to get approval is critical. The longer it takes to get DEQ approval, the more costly the project will be.
 - Since Anderson Perry and Associates have been involved in the wetlands project from the beginning, they will not need to review previous phases of the project but can immediately begin the design phase without "catching up" or trying to understand what a prior engineer has previously done on the project.
 - The City Engineer has estimated it would take three months to prepare the scope of work and other documents necessary to issue a request for proposals, allow engineering firms to study and prepare their proposals and to select the highest ranking proposer to perform the design phase for the City's effluent disposal wetland. As a practical matter, if the City did prepare a request for proposal, the criteria would include such items as experience working with DEQ approved Effluent Disposal Wetlands and experience with City's wetland project which would most likely make Anderson Perry and Associates, Inc. the top ranked proposer.
 - The SIP Grant for \$300,000.00 is currently available. However because of state budget problems, it is unknown how long the grant will be available. If selection of an engineer for the design phase is extended into the next fiscal year, the SIP Grant may not be available.
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 the findings in 3 above, awarding the contract for the design phase of the wetland project is a continuation of the work Anderson Perry and Associates, Inc., have performed on the wetland project. Other sections of Oregon laws and regulations allow continuation of projects when a formal selection process was used to initially select the engineering firm. (See OAR 125-248-0200.) Anderson Perry and Associates, Inc. were initially selected through a formal RFP process for the hydraulic analysis on the wetland property in November of 2008 and have continued to be involved in each subsequent phase of the wetland project.

5. A description of the proposed alternative contracting methods to be employed:
 - **Directly contracting Perry and Associates, Inc. to perform the design phase of the City's effluent disposal wetland.**
6. The estimated date by which it would be necessary to let the contract:
 - **As soon as the City verifies the SIP Grant and money from Portland General Electric is available.**

NOW, THEREFORE, based upon 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 design phase of the City's effluent disposal wetland project is hereby exempt from competitive bidding.
2. Appropriate City officials are authorized to sign the contract with AP for the design phase of the City's effluent disposal wetland project once it is verified that the OWEB SIP grant and \$75,000 from Portland General Electric is available to the City.

Passed by the City Council this 10th day of May, 2011.


Betty Roppe, Mayor

ATTEST:


Lisa Morgan, City Recorder