

RESOLUTION NO. 1270

A RESOLUTION OF THE CITY OF WILSONVILLE EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ENGINEER TO SIGN A MODIFICATION TO THE PROFESSIONAL SERVICES AGREEMENT WITH DE HAAS & ASSOCIATES, INC. TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE PUBLIC IMPROVEMENTS ASSOCIATED WITH LOCAL IMPROVEMENT DISTRICT #11-94-ST. (PROJECT #540-49130-5000-435)

WHEREAS, on March 6, 1995, the City Council adopted Resolution No. 1164 which authorized the City Engineer to sign a professional services agreement between the City and De Haas and Associates, Inc. to provide specific engineering services for the public improvements associated with Local Improvement District #11-94-ST; and

WHEREAS, Exhibit "A" of Resolution No. 1164 contains and outlines specific professional services to be completed by De Haas and Associates, Inc., which professional services include provisions for design, construction inspection and project management services; and

WHEREAS, at the request of City Staff due to circumstances beyond the control of the City or De Haas and Associates, De Haas and Associates, Inc. provided construction inspection and project management services in excess of the original estimates at construction commencement and outlined on Exhibit "A" of the professional services agreement; and

WHEREAS, the City wishes to amend the professional services agreement to increase the compensation due De Haas and Associates for providing construction inspection and project management services beyond the control of City Staff or De Haas and Associates; and

WHEREAS, in conformance with Exhibit "A" of the professional services agreement, De Haas and Associates, Inc. provided continuous construction inspection and project management of the work being completed by the Contractor during the construction period; and

WHEREAS, De Haas and Associates provided a resident inspector experienced in construction inspection, project management; and

WHEREAS, after reviewing the fees associated with providing the requested additional professional services, the City Engineer has determined that the fees for the services have been found to be fair and equitable; and

WHEREAS, these Oregon Revised Statutes 279.011(5), Section 2.310(1)(a) of the Wilsonville code define public contracts as being other than agreements for professional services. The contract to be awarded for engineering services is for professional services; and

WHEREAS, Section 2.312 of the Wilsonville Code states that the Council is hereby designated as a local Contract Review Board and relative to contract concerns for the City, shall have 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 to 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 279.105 competitive bidding exemptions will also allow exemptions as stated in the City Code; and

WHEREAS, if De Haas and Associates, Inc., provides the additional professional services for the above referenced project, the City realize additional cost savings and a timely completion of the project improvements; and

WHEREAS, these fees are not to exceed \$55,000.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. That the City Council, serving in its role as local Contract Review Board will hereby exempt the award of additional professional services for LID #11-94-ST from competitive bidding and further concludes this award will not diminish competition and will result in substantial cost savings.

2. That the City Council, serving as the local Contract Review Board, does hereby approve and authorize the increase in the Professional Services Agreement by and between the City and De Haas and Associates, Inc., by Resolution No. 1164 as approved March 6, 1995, to provide additional professional services recited above for the referenced project.

3. Authorize the expenditures for this contract not to exceed budget amount from:

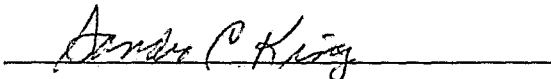
Account	Amount
540 49130 5000 435	\$55,000

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 6th day of May, 1996, and filed with the Wilsonville City Recorder this date.



GERALD A KRUMMEL, Mayor

ATTEST:



SANDRA C. KING, City Recorder

SUMMARY of Votes:

Mayor Krummel	Yes
Councilor Lehan	Yes
Councilor Leahy	Yes
Councilor Hawkins	Absent
Councilor Leo	Absent