

RESOLUTION NO. 1243

A RESOLUTION OF THE CITY OF WILSONVILLE EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ENGINEER TO SIGN TASK ORDER #3 WITH CH2M HILL, INC., TO PROVIDE ENGINEERING SERVICES FOR THE WASTE WATER TREATMENT PLANT EXPANSION (PROJECT #520-49130-5000-214).

WHEREAS, on October 28, 1993, February 11, and May 20, 1994, the Department of Environmental Quality (DEQ) issued Notices of Noncompliance (NON) notifying the City of specific violations of the Discharge Permit (Permit) for the operation of the City's Waste Water Treatment Plant (Facilities). The NON instructed the City to comply with the previously approved parameters of the Permit. Because of the recurring violations, the City was informed that the matter was being referred to the Department's Enforcement Section for issuance of a Notice of Permit Violation (NPV);

WHEREAS, on June 8, 1994, the DEQ issued a NPV requiring the submission by the City, to DEQ, a written plan with a conservative schedule to bring the Facilities into compliance with the schedules, terms, and conditions of the Permit; and

WHEREAS, on June 13, 1994, City replied to the NPV and met with the DEQ to discuss the reply; and

WHEREAS, by letter dated April 6, 1994, the City notified the DEQ that it could not consistently and reliably achieve the Permit limits. City stated that the Facilities were approaching their design capacity were unable to adequately meet the Permit limits; and

WHEREAS, the City believes that it can meet interim waste discharge limitations until upgraded Facilities can be constructed and placed into operation; and

WHEREAS, the City and DEQ recognize that the Permit limit excursions shall be resolved as soon as practicable. City and DEQ also agree that upgraded facilities can be planned, designed and constructed; and

WHEREAS, by mutual agreement between the DEQ and the City a Stipulated Final Order (SFO) was developed wherein the City will complete and provide a Facility Plan, submit engineering plans/specifications and complete the construction of Facilities to assure that the City can continuously and consistently comply with the Permit within twenty-seven (27) months after written approval by DEQ of the engineering plans and specifications; and

WHEREAS, the City of Wilsonville adopted a motion at its regular meeting in June 1995, authorizing budget appropriations for the 1995-96 fiscal year; and

WHEREAS, the approved Capital Projects Fund contains \$3,244,500 to cover the 1995-96 costs for the construction of the Facilities; and

WHEREAS, the City now wishes to proceed with the construction of the Facilities and seeks the services of a private consulting engineering firm to provide selected Professional (Engineering) Services; and

WHEREAS, the City Engineer wishes to utilize the experience and expertise of CH2M Hill, Inc. in the completion of the Facility Plan (Task Order #1) and Facility Design (Task Order #2) to provide bidding services; and

WHEREAS, these Oregon Revised Statutes 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 Professional Services is for personal services; 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, "All contract 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, after reviewing the fees associated with providing the requested bidding services, Staff has determined that the fees for the Professional Services as proposed by CH2M Hill, Inc. have found to be fair and reasonable; and

WHEREAS, if CH2M Hill, Inc. provides the Professional Services for the above referenced project, the City will realize additional cost savings by utilization of the work completed previously by CH2M Hill, Inc. in Task Orders #1 and #2 and completion of the Facilities in compliance with the SFO; and

WHEREAS, these fees are calculated to be \$32,900.

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

1. That the City Council, serving in its role as Local Contract Review Board does hereby exempt the award of contract for Engineering Services for the planned Waste

Water Treatment Plant Expansion from competitive bidding and further concludes this award will not diminish competition and will result in substantial cost savings.

2. The City Council, serving as the Local Contract Review Board, does hereby approve and authorize the City Engineer to sign a Task Order #3 Agreement between the City of Wilsonville and CH2M Hill, Inc., a copy of which is marked Exhibit "A", attached hereto and incorporated herein, to provide the Professional Services recited above for the referenced project.

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

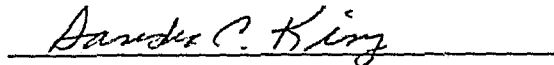
Account	Budget Amount
520-49130-5000-214	\$3,244,500

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 5th day of February, 1996, and filed with the Wilsonville City Recorder this same date.



GERALD A. KRUMMEL, Mayor

ATTEST:



Sandra C. King, City Recorder

SUMMARY OF VOTES:

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