

**RESOLUTION NO. 910**

**A RESOLUTION EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO SIGN AN ENGINEERING SERVICES AGREEMENT WITH MACKAY AND SPOSITO TO PROVIDE ENGINEERING SERVICES FOR LID NO. 10.**

WHEREAS, the City of Wilsonville adopted Resolution No. 782, declaring the City's intent to proceed with LID No. 10, July 16, 1990; and

WHEREAS, the City and the property owners initially contemplated financing through Bancroft funding; and

WHEREAS, proceedings were delayed with the consent of the property owners to await the November, 1990 election outcome of Measure No. 5, given the then Oregon Attorney General's opinions on its effect on Bancroft funding and local improvement districts; and

WHEREAS, after voter passage of Measure No. 5 the proceedings were delayed to explore other financing alternatives including private financing with property owners in the late winter and spring of 1991; and

WHEREAS, the property owners paid MacKay and Sposito to prepare construction plans and specifications for construction of 95th Avenue using private financing; and

WHEREAS, over two-thirds of the petitioning property owners, owning over two-thirds of the specially benefited property, have advised the City that they support a financing alternative of a State of Oregon Economic Development Commission loan of One Million, Five Hundred and Twenty-six Thousand, Two Hundred and Fourteen Dollars (total project, with City's contribution, One Million, Six Hundred and Sixteen Thousand, One Hundred and Two Dollars) to be paid back by assessing each of the property owners, specially benefited, their pro-rata share on a per-acreage basis and permitting each to apply for installment payments; and

WHEREAS, the City of Wilsonville based on the LID property owners' support adopted Resolution No. 904 to include Freeman Drive improvements in LID No. 10 as a special benefit to Tax Lots 1802 and 1903; approving Oregon Department of Economic Development loan financing for LID No. 10 and providing for specially assessing benefited properties to repay the loan on April 6, 1992; and

WHEREAS, the City of Wilsonville by Resolution No. 903 approved the filing of the Economic Development final loan application for 95th Avenue on April 6, 1992; 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 Public Contract Review Board"; and

WHEREAS, Section 2.314 (1) states that "All contracts shall be based upon competitive bid with certain exceptions"; and

WHEREAS, 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 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, the property owners have paid MacKay and Sposito Forty Thousand, Seven Hundred and Forty-Seven Dollars to develop construction plans and specifications so that the contract could have been awarded using private funds; and

WHEREAS, the construction plans which were funded by the property owners and significant parts of the specifications could be used in a City Contract with funding by a loan from the State; and

WHEREAS, the use of another consulting engineer firm to prepare construction plans and specifications for LID No. 10 would require that a large part of the work which has been previously accomplished by MacKay and Sposito would have to be duplicated for the new firm to provide a professional engineer's stamp on the plans and specifications; and

WHEREAS, construction of this project needs to be expedited to coordinate with construction which ODOT will accomplish at the interchange between Interstate Five and Elligsen Road; and

WHEREAS, MacKay and Sposito has offered to accomplish the preparation of revised specifications and plans and preparation of legal descriptions for required right-of-way and construction easements, not to exceed Eighteen Thousand Dollars; and

WHEREAS, MacKay and Sposito has offered to provide engineering services during construction at a not-to-exceed figure of Eighty Thousand Dollars.

WHEREAS, the City Council as the Local Contract Board finds that under the circumstances as recited above awarding the engineering services contract to MacKay and Sposito will not result in favoritism or substantially diminish competition in awarding the contract and will result in substantial cost savings.

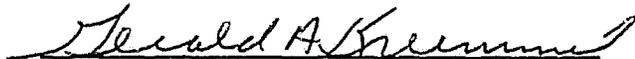
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilsonville resolves as follows:

1. That the City Council serving in its role as a Local Contract Review Board, does hereby exempt the award of the Engineer Service Agreement for modification of plans and specifications and preparation of legal descriptions for the parcels which are required to construct 95th Avenue and Freeman Drive from competitive bidding requirements.

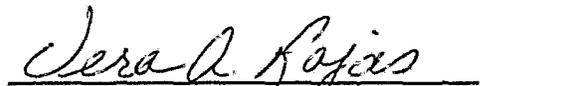
2. The City Council, serving as a Local Contract Review Board, does hereby approve and authorize the City Manager to sign an Engineering Services Agreement between the City of Wilsonville and MacKay and Sposito, to provide engineering services for Local Improvement District No. 10, a copy of which is marked Exhibit A, attached hereto and incorporated herein.

3. That the City reserves the right to delete Phase II from the Engineering Service Agreement if the loan from the State of Oregon Department of Economic Development is not approved by either the Wilsonville City Council or the Oregon Department of Economic Development.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 4th day of May, 1992 and filed with the Wilsonville City Recorder this same date.

  
GERALD A. KRUMMEL, Mayor

ATTEST:

  
VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>
Councilor Lehan	<u>AYE</u>



City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT  
ENGINEERING  
MEMORANDUM

DATE: APRIL 28, 1992

TO: ARLENE LOBLE  
CITY MANAGER

FROM: ELDON JOHANSEN *Eldon Johansen*  
COMMUNITY DEVELOPMENT DIRECTOR

RE: RESOLUTION NO. CB-R-586-92 - EXEMPTING THE CITY FROM  
COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING AN  
ENGINEERING SERVICES AGREEMENT WITH MACKAY AND  
SPOSITO

On April 6, 1992, Council approved a Resolution to include Freeman Drive improvements in LID No. 10 as a special benefit to Tax Lots 1802 and 1903, to approve Oregon Department of Economic Development loan financing for LID No. 10 and to provide for specially assessing benefited properties to repay the loan. On April 6, 1992 Council also approved a Resolution authorizing the filing of the Economic Development loan application for the construction of 95th Avenue.

Local Improvement District No. 10 includes the construction of 95th Avenue from Hillman Court to Ridder Road and also from approximately 400 foot south of the southern portion of Commerce Circle to Commerce Circle. This will tie to a future extension by ODOT of 95th Avenue from the southern part of Commerce Circle to the north part of Commerce Circle. This will allow for the future elimination of part of Boones Ferry Road.

MacKay and Sposito previously prepared a set of plans and specifications for the construction of 95th Avenue from Hillman Court to Ridder Road and for the section from 400 feet south of Commerce Circle to Commerce Circle. The plans also included a western extension of Freeman Drive. It was previously planned that the construction would be privately funded. The property owners paid MacKay and Sposito \$40,747.00 to prepare the plans and specifications for private funding.

The plans and specifications need to be modified to meet requirements for municipal bidding and also to include the special requirements that are included with a project funded with a loan from the Oregon Department of Economic Development. In addition, the legal descriptions and sketches for the right-of-way and the construction easements, which will be required for the project, need to be developed. This work needs to be accomplished prior to the Council approval of the Ordinance for approving the receipt of a loan from the Oregon Department of Economic Development. This work needs to be accomplished early

Memo To: Arlene Lobl  
Re: Resolution No. CB-R-586-92  
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so that the right-of-way and easements can be obtained and the project can be awarded for construction this calendar year.

A tentative schedule of essential actions is as follows:

1. Award Engineering Services Agreement May 4, 1992.
2. Approve Inter-Government Agreement with State for use of special Public Works funds June 1, 1992.
3. Advertise for bids for construction contract June 2, 1992.
4. Open bids for construction contract June 26, 1992.
5. Award construction contract July 6, 1992.
6. Complete construction November of 1992.

There are other ongoing actions which will be accomplished within the approval authority of the City Manager. One which will specifically require a commitment of funds is for a right-of-way specialist to acquire signatures on the right-of-way dedications and dedication of easements. At present it appears that this will be within the City Manager's approval authority.

There is a possible liability to the City in the amount of \$18,000, by approving this Agreement with MacKay and Sposito prior to approval of the Agreement between the City and State for use of Special Projects Public Works funds. This liability would occur if the use of Special Project Funds was subsequently not approved by the City Council or by the State Department of Economic Development. If this occurs staff would recommend to Council that the payment of \$18,000 to MacKay and Sposito be accomplished from one of the other funds in the 1992 - 93 Budget. An informal check with the Project Manager for the Oregon Department of Economic Development indicates that the initial review of the loan application indicates that there are no problems which would deter approval of the loan application. Therefore, staff feels that the chance that the loan will not be approved is minimal and that the Engineering Service Agreement should be approved now so that the project can be accomplished during 1992.

ej:md

pc: Project file  
IOC-CD

City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E • PO Box 220  
Wilsonville, OR 97070  
(503) 682-1011

## FAX COVER SHEET

Please deliver the following pages:

To: Nancy Green Fax No. 626-89003  
Attn: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Date: 5-4-92 Total Pages 6  
From: Dora Rojas Phone No. 682-1011  
Office of the City Attorney and Recorder FAX- 682-1015  
Re: Resolution CB-R-886-92

### Comments:

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*If this transmission is not complete, please call back as soon as possible.*

*Thank you!*

**7:05 P.M. - II. COMMUNICATIONS**

- A. Oral
1. Tualatin Valley Fire & Rescue, Fire Safety and other Programs - Jim Washburn
  - \*2. Update on Participation in America Japan Week by Wilsonville's Sister-City Kitakata - Ellen Kyle
- \*B. Written - Adult Literacy Program for Tutoring

**7:35 P.M. - III. MAYOR'S BUSINESS**

- A. Appointment of Pam Vann to Planning Commission for term ending April 7, 1994.
- \*B. Wilsonville Clean-Up Day, Saturday, May 16, 1992.
- \*C. Proclamations - "Municipal Clerks' Week", May 3 - 9, 1992;  
"Bike Commute Week", May 18-22, 1992.

**7:45 P.M. - IV. CITIZENS INPUT** - This is an Opportunity for Visitors to Address the City Council on Items Not on the Agenda

**7:50 P.M. - V. PUBLIC HEARINGS**

- \*A. Ordinance CB-0-171-92 - 2nd Reading - An Ordinance Establishing Section 4.018 of the Wilsonville Code to Provide a City Council Call-Up Procedure of City Planning Commission or Design Review Board Approvals, and Setting a Public Hearing For May 4, 1992.  
(Staff - Kohlhoff)  
(Action taken \_\_\_\_\_)
- \*B. Ordinance CB-O-172-92 - 2nd Reading - An Ordinance Providing for Term Limits For Boards and Commissions and Amending Wilsonville Code 2.320(1), 2.330(2)(c), 2.340(1), and 2.360(2), and Setting a Public Hearing for May 4, 1992.  
(Staff - Kohlhoff)  
(Action taken \_\_\_\_\_)

**8:25 P.M. - VI. CONSENT AGENDA**

- \*A. Resolution CB-R-586-92 - A Resolution Exempting the City From Competitive Bidding Requirements and Authorizing the City Manager to Sign an Engineering Services Agreement With McKay & Sposito to Provide Engineering Services for L.I.D. #10. (Staff - Johansen)
- \*B. Approval of Minutes of April 20, 1992 (Staff - Rojas)  
(Action Taken \_\_\_\_\_)

Spocht/Portland Pacific  
3005 S.W. 154th Terrace, Suite 6  
Beaverton, Oregon 97006  
(503) 646-2202

**FAX TRANSMISSION COVER SHEET**

TO: VERA A. ROJAS CMC/AEC Date: 5-4-92  
Name  
CITY OF WILSONVILLE  
Company

FROM: PORTLAND PACIFIC PROPERTIES, INC. FAX NUMBER: (503) 626-8903

Nancy T. Greene  
By:

Re:

Number of pages: 2 (including cover sheet)-  
Please call sender at (503) 646-2202 if pages are missing at end of transmission.

**COMMENTS/SPECIAL INSTRUCTIONS:**

Please fax me information on the attached  
referenced LID # 10 (RESOLUTION CB-R-586-92)  
I'm interested in knowing what property owners  
will be effected.  
Please call if you have any questions.  
My fax # is 626-8903  
Thanks

INTERNAL USE ONLY:  
COMPLETE Y/N  
BY \_\_\_\_\_ TIME \_\_\_\_\_

ADDRESSEE FAX NUMBER: 682-1015