

RESOLUTION NO. 970

A RESOLUTION OF THE CITY OF WILSONVILLE EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH CASCADE PACIFIC ENGINEERING, INC., TO PREPARE AN ENGINEERING ALIGNMENT STUDY AND CONSTRUCTION DRAWINGS AND TO PROVIDE ENGINEERING SERVICES DURING CONSTRUCTION FOR THE RECONSTRUCTION AND POSSIBLE WIDENING OF WILSONVILLE ROAD FROM BOONES FERRY ROAD TO BROWN ROAD.

WHEREAS, the City of Wilsonville adopted a motion at its regular meeting of May 20, 1992, authorizing an election for an amended Urban Renewal Plan in the City of Wilsonville; and

WHEREAS, the City of Wilsonville adopted Resolution No. 936 certifying the results of the election which affirmed the request for construction of specific capital improvement projects within the Urban Renewal Area of the City which included the reconstruction and possible widening of Wilsonville Road from Boones Ferry Road to Brown Road; and

WHEREAS, the transfer of funds from the Urban Renewal Agency to the City of Wilsonville has been authorized in the adopted City and Urban Renewal Agency FY '92-'93 budgets; and

WHEREAS, the approved City Budget Capital Projects Fund for FY 1992-'93 includes \$128,000 to cover the cost of preliminary design of Wilsonville Road between Boones Ferry Road and Brown Road; and

WHEREAS, in order to properly analyze the many issues that precede construction of the project, a report addressing these issues should be prepared; and

WHEREAS, this report commonly referred to as an alignment study, will focus on the following:

1. Consideration for providing a balance among the interests of the driver, bicycle rider, pedestrian, adjacent property owner, wildlife and the transit user;
2. Consideration of the alternative ways to provide pedestrian and bicycle lanes. This includes a road that does not inhibit cross or parallel pedestrian and bicycle movement and a road that provides for bicycle travel by the recreational, and child rider as well as the avid sport biker;
3. Consideration of the alternatives to a significant widening of Wilsonville Road that recognizes aesthetic concerns as well as minimizing the impact to adjacent residences and businesses;

4. The plan must include long term alignment for Boones Ferry Road at Wilsonville Road and maintain ease of pedestrian movement at the intersection while providing required turns lanes of a realistic length; and

WHEREAS, the City wishes to proceed with the design report of the project and the Community Development Director of the City published in the Daily Journal of Commerce and the Wilsonville Spokesman a request for proposals for the preparation of a design report by a private consulting engineering firm; and

WHEREAS, after reviewing the submitted materials, four (4) consulting engineering firms were found to meet the general guidelines through demonstrated experience on similar projects; and

WHEREAS, the four (4) consulting engineering firms were invited to demonstrate in person and in greater detail, their experience on similar projects and answer questions presented by City staff; and

WHEREAS, after reviewing the combination of experience and answers presented by the four (4) consulting engineering firms, Cascade Pacific Engineering, Inc. was determined to be the firm best suited to provide engineering services for the project; and

WHEREAS, ORS 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 engineering services is for personal service; 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 2.134(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 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, the current patching and asphalt overlay of Wilsonville Road between the railroad tracks and Brown Road will provide only a temporary relief to adverse impacts on the

traveling public because of poor road condition and a permanent solution is needed; and

WHEREAS, the alignment study is required for the expeditious completion of the project by the end of the 1995 construction season; and

WHEREAS, there is an immediate need to coordinate construction of the project with the Oregon Department of Transportation (ODOT) for the planned reconstruction of the interchange of Wilsonville Road and Interstate 5; and

WHEREAS, the Cascade Pacific Engineering, Inc., proposal provides that its fees for the design report will not exceed \$103,500; and

WHEREAS, at the completion and adoption of the alignment study, the City will immediately need to proceed with the preparation of construction plans and specifications; and

WHEREAS, an accurate estimate of the fees to prepare the construction plans, specifications, surveying and project management services (professional services) can not be determined until the design report is completed, however, Cascade Pacific Engineering, Inc., has offered to accomplish the professional services using the applicable provisions of the Farmers Home Administration (FmHA) standard guidelines, and the FmHA guidelines fix the fee for professional services based on an estimated cost of construction of the project; and

WHEREAS, the City Council, as the Local Contract Review Board, finds that under the criteria as outlined above awarding the preparation of the alignment study and construction drawings and provision of professional services during construction to Cascade Pacific Engineering, Inc., will not result in favoritism or substantially diminish competition in awarding the contract and will result in substantial cost savings.

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 preparation of an alignment study and construction plans and to provide professional services during construction recited above for Wilsonville Road from Boones Ferry Road to Brown Road 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 Cascade Pacific Engineering, Inc., to prepare the alignment study and construction drawings and to provide professional services during construction recited above for the Wilsonville Road Project between Boones Ferry Road and Brown Road.

