

RESOLUTION NO. 1175

A RESOLUTION OF THE CITY OF WILSONVILLE EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ENGINEER TO SIGN TASK ORDER #2 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 City of specific Permit violations. The NON instructed the City to comply with previously approved parameters. Because of the recurring violations, City was informed that the matter was being referred to the Department's Enforcement Section for issuance of a Notice of Permit Violation (NPV); and

WHEREAS, on June 8, 1994, DEQ issued a NPV to the City requiring City to submit 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 the Department and City met on June 23, 1994, to discuss the reply; and

WHEREAS, by letter dated April 6, 1994, City notified the Department that it cannot consistently and reliably achieve the Permit limits. City stated that the plant loading is approaching its design capacity and Facilities are unable to adequately treat the waste to meet Permit limits; and

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

WHEREAS, 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 designed, and

WHEREAS, City will complete and provide an approvable Facility Plan, the City will submit engineering plans and specifications for providing wastewater control facilities as needed to assure that the City can continuously comply with the waste discharge limitations; and

WHEREAS, within twenty seven (27) months after written approval by DEQ of the engineering plans and specifications, the City will place new or modified Facilities into operation and comply with all waste discharge limitations, and

WHEREAS, the City of Wilsonville adopted a motion at its regular meeting in June 1994, authorizing budget appropriations for the 1994-95 fiscal year; and

WHEREAS, the approved City budget Capital Projects Fund for 1994-95 contains \$600,000 to cover the costs for the design of the Waste Water Treatment Plant Expansion; and

WHEREAS, the City now wishes to proceed with the design of the Waste Water Treatment Plant Expansion and seeks the services of a private consulting engineering firm to provide the professional services for the subject project; and

WHEREAS, the City Engineer wishes to utilize the experience and expertise of CH2M Hill, Inc. to provide design, of the referenced projects; 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 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, after reviewing the fees associated with providing the requested design, construction, surveying and project management services, staff has determined that the fees for the 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 completing the improvements during the referenced time frame contained herein; and

WHEREAS, these fees are calculated to be \$585,000.

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

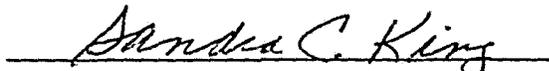
1. That the City Council, serving in its role as Local Contract Review Board does hereby exempt the award of contract for Engineering services for the planned Waste Water Treatment Plant Expansion from competitive bidding and further concludes this award will not diminish competition and will result in substantial costs savings.
2. The City Council, serving as a Local Contract Review Board, does hereby approve and authorize the City Engineer to sign a Task Order #2 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 engineering 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	\$600,000

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 15th day of May, 1995, 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 Leham | YES |
| Councilor Leahy | YES |
| Councilor Hawkins | YES |
| Councilor Leo | ABSENT |