

RESOLUTION 2011-17

A RESOLUTION OF THE CITY COUNCIL ACTING AS THE GARIBALDI CONTRACT REVIEW BOARD AUTHORIZING USE OF COMPETITIVE QUOTES AS AN APPROVED EXEMPTION TO COMPETITIVE BIDS FOR A PUBLIC WORKS PROJECT CONSISTING OF PAVING DRIFTWOOD AVENUE FROM 6TH STREET TO 7TH STREET; AND DELEGATING AUTHORITY TO THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE SELECTED OFFEROR ON BEHALF OF THE CITY OF GARIBALDI

WHEREAS, the City has received a Special City Allotment grant from the Oregon Department of Transportation in the amount of \$25,000 for the purpose of maintaining city streets in Garibaldi; and

WHEREAS, state law and Garibaldi Municipal Code (GMC) authorize use of an alternate contracting method of requesting quotes for a contract for public improvement less than \$150,000; and

WHEREAS, a contractor is required by the GMC to (1) comply with the prevailing wage rate for Tillamook County, (2) provide a performance bond, and (3) comply with the registration requirements of the State of Oregon, in addition to other criteria; and

WHEREAS, GMC §3.10.090 allows for specific exemptions from competitive bidding and the use of informally solicited competitive quotes for contracts from \$5,000 but less than \$150,000; and

WHEREAS, GMC §3.10.090 allows for specific exemptions from competitive bidding and the use of informally solicited competitive quotes when the method of awarding such a bid is unlikely to encourage favoritism or substantially diminish competition for public contracts; and

WHEREAS, GMC §3.10.090 allows for specific exemptions from competitive bidding including use of alternate contracting methods when the method of awarding the contract will result in substantial savings to the City: in this case, through savings associated with direct contact of service providers instead of a request for proposal advertisement in trade journals; and

WHEREAS, the GMC §3.10.090 requires the city council to approve such a specific exemption under this section by resolution containing findings authorizing the exemption; NOW, THEREFORE,

THE COMMON COUNCIL OF THE CITY OF GARIBALDI RESOLVES AS FOLLOWS:

Section 1. To approve an exemption from competitive bidding, GMC §3.10.090 requires findings that consider "the type, cost, amount of contract, number of persons available to bid and such other factors as the council deems appropriate to support the exemption."

Section 2. The Garibaldi Contract Review Board finds:

- A. The paving work project is estimated under \$25,000.
- B. ORS 279C.810(2)(a) exempts public works contracts that do not exceed \$50,000 from prevailing wage requirements.
- C. The project involves capping asphalt for Driftwood Avenue from 6th Street to 7th Street and by its nature is limited in methods and materials used.

Section 3. Based on the findings in Section 2 and the resolution recitals, which are incorporated in this section by reference as additional findings, the Garibaldi Contract Review Board authorizes the use of competitive quotes as an alternate contracting method and adopts a specific exemption to public contracting competitive bid requirements pursuant to GMC §3.10.090(E).

Section 4. The Garibaldi Contract Review Board authorizes staff to obtain at least three informally solicited competitive quotes for materials and services associated with the paving of Driftwood Avenue from 6th Street to 7th Street.

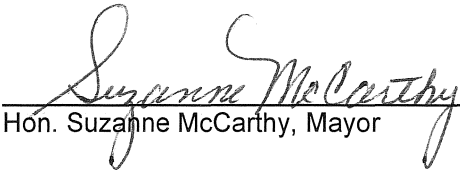
1 -- A RESOLUTION MAKING A SPECIFIC EXEMPTION OF THE GARIBALDI PUBLIC CONTRACTING ORDINANCE ON BEHALF OF THE GARIBALDI CONTRACT REVIEW BOARD FOR A PUBLIC WORKS PROJECT.

Section 5. The Garibaldi Contracting Review board delegates its contracting agency authority to the City Manager as provided in GMC §3.10.040 as follows:

- A. The City Manager will implement the alternative contracting method approved in this resolution and solicit competitive quotes for the project. The City Manager is authorized to waive the application of GMC §3.10.090E requirements for prevailing wage as this provision is superceded by state law.
- B. The City Manager will award the contract to the prospective contractor whose quote will best serve the interests of the city, taking into account price as well as any other applicable factors such as, but not limited to, experience, specific expertise, availability, project understanding, contractor capacity and responsibility. If an award is not made to the prospective contractor offering the lowest price quote, the City Manager will make a written record of the basis for award. (ORS 279C.414(2).)
- C. The City Manager will enter into a contract with the prospective contractor as may be required by law, and in a form reviewed and approved by the City Attorney.

Section 6. This resolution is effective as of the day of adoption.

PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR, this 18th day of July, 2011.



Hon. Suzanne McCarthy, Mayor

ATTEST:



John O'Leary, City Manager