

RESOLUTION NO. 3158

**A RESOLUTION TO WAIVE COMPETITIVE BIDDING FOR SOUND REINFORCEMENT FOR THE RIVER RHYTHMS SUMMER CONCERT SERIES**

WHEREAS, the Oregon Revised Statutes exempts contracts from competitive bidding if it is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts;

WHEREAS, the minimum criteria used by the City of Albany to select a sound contractor for the concert series are 1) a significant portion, if not the majority, of the equipment required by the performing artists will be available for the entire concert series, 2) the equipment will be a kind and quality that will meet the requirements of performers, 3) at a minimum, the contractor has a staff of three people who are skilled and trained to provide the level of staff necessary at the concerts, even in the event of illness;

WHEREAS, based on the criteria listed above, our research indicates that there are only two contractors who could adequately provide this service; one being located in Portland, and one in Eugene;

WHEREAS, the City of Albany has solicited proposals for sound reinforcement for the past seven consecutive years and only George Relles Sound Reinforcement of Eugene has been the qualified bidder willing to bid on all of our concerts. The Portland contractor bid only five concerts in 1991.

WHEREAS, there is a significant level of personal artistry involved in the electronic capability to set up the equipment properly and operate (sound mixing) the equipment. This element of artistry makes the contract more like a "personal services" contract than simply a contract for the rental of equipment. A high level personal artistry is required to effectively deal with the specific and often complicated demands of the artists being presented.

WHEREAS, quotes are limited to \$5,000 and it is impractical and inefficient to solicit quotes for each individual concert as that would require too much staff time; and since the total annual contract is exceeding \$5,000, competitive bidding would be required unless the exemption is granted. The competitive bidding process would likely cost a significant amount of staff time and money, but would not be likely to yield a significant number of qualified contractors of equal artistry.

WHEREAS, the City of Albany has made a substantial financial and time commitment to the concert series, and a poor sound production on a single instance could significantly tarnish the City's ability to attract quality artists and sponsors in the future;

WHEREAS, the Albany Municipal Code section 2.64.060(20) allows for the exemption of contracts from competitive bidding if it is found:

(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 considering the type, cost, and amount of the contract and number of persons available to bid.

WHEREAS, based upon these particular findings, the award of this contract without public bidding will not result in favoritism and the exemption will result in substantial cost saving because the City of Albany will receive the kind of service that is important to the financial success of the concert series with the least amount of staff time. The Parks and Recreation staff is already stretched to the maximum during the summer season and does not have the time necessary to supervise the sound crew during this time of year. This makes it particularly important that the contractor be skilled, experienced, and reliable.

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the findings and waives the requirement for competitive bidding for the sound reinforcement for the River Rhythms Concert Series.

DATED this 22nd day of April, 1992.

  
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Mayor

ATTEST:

Deputy

  
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City Recorder