

RESOLUTION NO. 5633

A RESOLUTION AUTHORIZING SPECIAL PROCUREMENT OF LANDSCAPE ARCHITECTURE AND ENGINEERING SERVICES FOR KINDER PARK IMPROVEMENTS.

WHEREAS, Albany Municipal Code 2.66.070 and 2.66.060 (11), Oregon Revised Statutes 279B.085 and OAR 137-047-0285 allow the City Council, acting as the Local Contract Review Board, to authorize the use of the Special Procurement process for the selection of a contractor for a specific personal services contract; and

WHEREAS, such authorization must be based on a written request submitted by the contracting agency seeking the exemption that describes the special procurement method to be used and the circumstances that support the use of the special procurement as set forth below; and

WHEREAS, under authority granted by the City Manager, Parks and Recreation Director Ed Hodney has submitted a written request ("Memorandum") for a special procurement process to select a contractor to provide design, engineering, construction administration and related services for improvements to Kinder Park (the "Project"); and

WHEREAS the Memorandum describes circumstances and facts that support the use of the special procurement, including the following:

1. The Project site was recently donated by the Boys and Girls Club of Albany to the City of Albany for improvement and use as a public park, subject to the City's expeditious construction of various improvements; and
2. Said improvements have been made a part of a successful grant request to the State of Oregon, which has just recently authorized the City of Albany to proceed with the Project; and
3. The City and the Boys and Girls Club have committed to an aggressive project schedule, entering into an agreement that establishes a deadline for substantial completion of major features by December 2008; and in order to meet that schedule, design of the project must commence as soon as possible; and
4. The proposed special procurement will be made of landscape architecture services provided by DLA Inc. which has teamed with K&D Engineering. Both firms possess substantial knowledge and previous experience with the Project; and
5. The City has historically used other design and engineering firms on its park projects; and
6. The standard procurement process would delay initiation of design and engineering work by up to several weeks, which would make it difficult to meet the Project schedule; and
7. The use of the proposed special procurement process is necessary to allow the City to avoid project design delays; and

WHEREAS, based on the circumstances described above and the other facts and circumstances described in the Memorandum, the City Council finds that the use of the special procurement will:

- (1) Be unlikely to encourage favoritism in the awarding of City contracts or to substantially diminish competition for the City's contracts; and
- (2) Result in substantial cost savings to the City as follows:
 - i) The selected consultants have already created concept plans, survey data, and designs for components of the project that would require time and resources of another consultant who is

unfamiliar with the Project, resulting in higher costs to the City and delaying the start of construction; and

- ii) The selection of another consultant would require additional time from City staff who will oversee the Project, increasing staff administration costs; and

WHEREAS, DLA Inc. has confirmed that it has the capacity to complete the project as required by the City; and

WHEREAS, the City is requesting that the contract for Landscape Architecture and Engineering services for the Project be awarded to DLA Inc, in accordance with City Code Section 2.66.070, so that the Parks and Recreation Director may negotiate and enter into the contract without further delay;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALBANY ACTING AS THE LOCAL CONTRACT REVIEW BOARD:

Section 1. Each of the recitals set forth above, and the facts set forth in the accompanying memorandum of the Parks and Recreation Director are hereby adopted as findings of fact; and

Section 2. Notwithstanding the provisions of City Code Section 2.66.070, the City is authorized and directed to use the special procurement method to directly appoint DLA Inc. to provide Landscape Architecture and Engineering Services for the Project; and

Section 3. The Parks and Recreation Director is hereby directed to negotiate and enter into a contract with DLA, Inc., subject to approval by the City Council if the contract sum exceeds \$150,000; and


Section 4. This Resolution shall become effective immediately upon its adoption.

DATED AND EFFECTIVE THIS 9TH DAY OF JULY 2008.



Mayor

ATTEST:



City Clerk