

Draft Findings Regarding Exemption from Competition for a Contract for Barnes Butte  
Pedestrian Bridge

City Staff recommends that the Council make the following findings as their basis for approval, if they approve, an exemption from competition for a contract for the construction of a pedestrian bridge for the Barnes Buttes Recreational Area and directly contracting with Marcum and Son's, LLC ("Marcum").

1. The nature of the contract for which the exemption is requested:
  - Contract for the construction of a pedestrian bridge. This is considered a public improvement project.
2. The estimated contract price is \$150,000.00.
3. Findings to support the substantial costs savings, enhancement in quality or performance, or other public benefit anticipated by the exemption from competitive solicitation:
  - The quality of Marcum's previous work product has been excellent. They have completed their work in a timely manner and at a reasonable cost to the City. Marcum recently completed the reconstruction of the Elm Bridge and a pedestrian bridge over Ochoco Creek. The project was completed on time, under budget with excellent workmanship.
  - Marcum is in good standing with regulatory agencies which should make it easier to complete the project without delays.
  - Marcum has agreed to the project in consideration of the purchase of real property and therefore no City funds would be expended for the project.
4. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or would otherwise substantially promote the public interest in a manner that could not practically be realized by complying with the solicitation requirements that would otherwise be applicable:
  - In addition to findings in Section 3 above, Marcum has agreed to the project on the contingency of being sold City property valued at the amount of the Contract. As such, the City is able to utilize surplus property to accomplish a public need, which is required to complete the project based on budget considerations.
5. A description of the proposed alternative contracting methods to be employed:
  - Directly contracting with Marcum for the construction of a pedestrian bridge for the Barnes Butte Recreational Area.

6. The estimated date by which it would be necessary to let the contract is September 1, 2021.