

RESOLUTION NO. 1090

**A RESOLUTION EXEMPTING THE CONTRACT WITH THE ARCHITECT FOR THE FREIGHT DEPOT PROJECT FROM COMPETITIVE BIDDING SELECTION**

WHEREAS, BBT Architects, Inc. (“BBT”) has contracted with the City to provide architecture work for Phase 1 of the Freight Depot project under an emergency selection procedure because the City was under a time constraint to begin construction under the terms of the Connect Oregon 1 Grant; and

WHEREAS, the City has been awarded a Connect Oregon 2 Grant for further work on the Freight Depot Project. Because BBT is familiar with the Freight Depot project; has in depth knowledge of the depot site, design conditions, Connect Grant requirements, and work contracted under the Connect Oregon 1 Grant; because the Freight Depot project is a phased project, City staff is very satisfied with the work performed by BBT to date and BBT has met their time frames for completion of specifications and documents, City staff has recommended that the contract for the architect for Phase 2 of the Freight Depot be exempt from competitive bidding and be directly awarded to BBT; and

WHEREAS, a public notice was published in the October 8, 2008, edition of the Central Oregonian setting October 14, 2008, at the Prineville City Council meeting as the time and place to comment on the proposal to exempt the contract with BBT for architecture work on the Freight Depot from the City’s contracting regulations, and

WHEREAS, a public hearing was held on October 14, 2008, at the Prineville City Council meeting to allow an opportunity for any interested party to present comments regarding this exemption, and

WHEREAS, one person, Don Wood, a Prineville architect, testified in favor of the exemption and there was no other testimony, and

WHEREAS, the City Council makes the following findings as their basis for approval of exempting from City’s competitive bidding requirements the awarding of the contract for architect for Phase 2 of the Freight Depot project:

1. The nature of the contract for which the exemption is requested:
  - **Personal services contract for hiring an architect for Phase 2 of the Freight Depot project;**
2. The estimated contract price
  - **\$100,000**
3. Findings to support the substantial costs savings, enhancement in quality or performance, or other public benefit anticipated by the exemption from competitive solicitation:
  - **Any architect other than BBT would need to spend time and therefore expense to the City to familiarize themselves with Phase 1 of the Freight Depot project and the requirements of the Connect Oregon 2 Grant.**
  - **Also, ODOT has allowed the City to combine the Connect Oregon 1 and 2 Grants. Therefore, some of the architectural work for the second phase has been completed as part of the first phase. Because BBT did the architectural work for Phase 1 it**

would be easier and more cost effective for them to build on that work. Another architect would not accept BBT's work under normal circumstances or may not be able to as readily carry on with the work started by BBT;

- **BBT helped develop the procedures for bidding for the first phase of the Freight Depot project. These procedures should be able to be used for the second phase. If another architect was used they may not want to use these procedures and the other architect's procedures may conflict with the procedures used for Phase 1 of 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 the findings in 3 above, BBT could furnish the services more quickly because they would not have to spend time familiarizing themselves with requirements of the Connect Oregon Grants and the previous architectural services;**
5. A description of the proposed alternative contracting methods to be employed:
- **Directly contracting with BBT Architects;**
6. The estimated date by which it would be necessary to let the contract:
- **Immediately**

NOW, THEREFORE, based upon the above recitals, Prineville City Council, sitting as the contract review board for the City of Prineville, hereby resolves as follows:

1. The contract for architectural services between the City and BBT for Phase 2 of the Freight Depot project is hereby exempt from competitive bidding.
2. Issuance of a notice of intent to award the contract is unnecessary because there are no other bidders or proposers to contest the awarding of the contract, the contract needs to be signed immediately, and the City had allowed interested persons to comment on the exemption and no adverse comments were made at the hearing.
3. Appropriate City officials are authorized to immediately sign the contract with BBT for the architecture work for Phase 2 of the Freight Depot project.

Dated: October 28, 2008.

Signed by the Mayor October 28, 2008.

  
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Mike Wendel, Mayor

ATTEST:

  
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Wayne Van Matre, Interim City Manager/Recorder

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