

RESOLUTION NO. 2967

RESOLUTION OF THE BEND CITY COUNCIL IN ITS CAPACITY AS THE LOCAL CONTRACT REVIEW BOARD REJECTING CERTAIN ATTORNEY GENERAL MODEL RULES FOR PUBLIC CONTRACTING AND ADOPTING RULES TO ALLOW THE CITY TO AWARD CERTAIN CONSTRUCTION CONTRACTS BY FORMAL COMPETITIVE REQUESTS FOR PROPOSALS

Findings

- A. ORS 279A.065(5) provides that a contracting agency such as the City is bound by the Attorney General Model Rules for public contracting unless the City rejects the Model Rules.
- B. The City has not previously rejected the Model Rules and so has followed those rules.
- C. The Oregon Public Contracting statutes allow local contract review board to adopt exceptions to competitive bidding for construction contracts. The statutes mention Construction Manager/General Contractor as a possible approach but allow other exceptions. The Model Rules can be interpreted as authorizing only Construction Manager/General Contractor, Design/Build, and Energy Savings Performance contracts as alternatives to low bid.
- D. The City has concluded that for a certain class of contracts, a formal competitive proposal process will provide costs savings and greater assurance of a quality final product completed in a timely fashion.

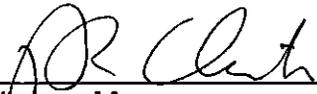
Based on these findings, the City Council of Bend acting as the Local Contract Review Board resolves as follows:

- 1. Except as stated in this Resolution, the City adopts the Attorney General Model Rules for public contracting as the City.
- 2. The City of Bend expressly rejects any portion of the Attorney General Model Rules that prohibits or is interpreted as prohibiting the City from adopting an exemption to competitive bidding for construction contracts that allows a formal competitive request for proposal process as an alternative contracting process.
- 3. The City adopts the following rules for exemptions from the competitive bidding requirement for construction contracts:
 - a. The City may exempt individual or categories of construction contracts from the competitive bid requirement of ORS 279C.335(1).

- b. Any exemption authorized by this section must follow the procedures and be supported by the findings described in ORS 279C.335(2), 279C.335(3), 279C.335(5), 279C.335(6), and 279C.335(7).
- c. To ensure competition, the City shall use one of the following processes when an exemption is adopted.
- (1) Construction Manager/General Contractor, consistent with the Attorney General Model Rules.
 - (2) Design/Build, consistent with the Attorney General Model Rules.
 - (3) Energy Savings Performance Contract, consistent with the Attorney General Model Rules.
 - (4) A formal competitive request for proposal process.

Adopted by roll call vote on December 3, 2014.

YES:	Mayor Jim Clinton Councilor Jodie Barram Councilor Mark Capell Councilor Scott Ramsay Councilor Victor Chudowsky Councilor Doug Knight Councilor Sally Russell	NO: none
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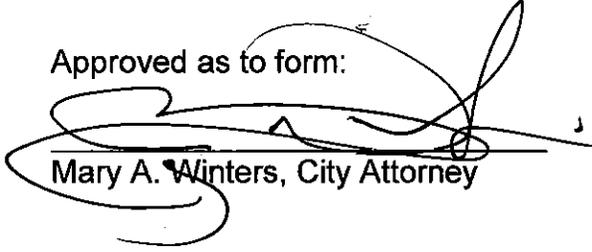
Jim Clinton, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney