



# COBURG CITY COUNCIL

## ACTION ITEM

### Wastewater Facilities Plan Sole Source Procurement

Meeting Date	Staff Contact	Email
December 12, 2023	Adam Hanks, City Administrator Brian Harmon, Public Works Director	<a href="mailto:Adam.Hanks@ci.coburg.or.us">Adam.Hanks@ci.coburg.or.us</a> <a href="mailto:Brian.Harmon@ci.coburg.or.us">Brian.Harmon@ci.coburg.or.us</a>

#### REQUESTED COUNCIL ACTION

The adopted FY23-24 budget includes \$65,000 appropriated for a Wastewater Facilities Plan. Prior to the development of a contract for securing engineering services for this plan, Staff is seeking Council approval, in its role of the Local Contract Review Board, for a special solicitation method as detailed in Ordinance A-91-c, (Section 7) Rules for Public Contracting.

The special solicitation method proposed and requested by staff is for an exemption from competition for the contract award based on the findings provided below that, in staff's opinion, contain the necessary justification for Council to concur and grant the process exemption.

#### Suggested Motion

*I move to approve a sole source exemption from competitive bidding for the planned wastewater facilities plan contract and concur that the request complies with the exemption requirements set forth in Ordinance A-91-c, Section 7, the City of Coburg Rules for Public Contracting.*

#### BACKGROUND

The City of Coburg previously secured the services of Kennedy Jenks Consultants to complete its Wastewater Master Plan. Staff has developed the following responses to the standards required for Council to make a special solicitation determination. (in bold and italics)

**B. Basis for Approval.** The approval of a special solicitation method or exemption from competition must be based upon a record before the City Council that contains the following:

(1) The nature of the contract or class of contracts for which the special solicitation or exemption is requested;

*The exemption request is for a professional services contract for engineering services to conduct and complete a Wastewater Facilities Plan that will be utilized by staff and City Council to support future capital infrastructure planning and prioritization as well as potential updating or modifications to operations and maintenance of the system.*

- (2) The estimated contract price or cost of the project, if relevant;  
*The estimated contract price for the project is \$65,000, which has been appropriated in the FY23-24 Adopted Budget.*
- (3) Findings to support the substantial cost savings, enhancement in quality or performance or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;  
*The City of Coburg has utilized the proposed sole source vendor, Kennedy Jenks Consultants, in the past for the most recent Wastewater Master Plan. The unique knowledge of both the design and operating characteristics of the City's wastewater system, as well as the technical data and analysis that formed the current Master Plan make Kennedy Jenks uniquely qualified to efficiently and effectively complete and deliver a high quality final product as a cost that is exceedingly competitive within the very select market of wastewater specific engineering firms that are qualified and available to bid on such a 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 class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations;  
*There are a limited number of firms within the region that are qualified and specialize in wastewater systems, with an even few number that have the ability to take on new customers and projects. Firms outside the region are not as familiar with the City's system, often have higher rate schedules and would have higher travel related costs.*
- (5) A description of the proposed alternative contracting methods to be employed; and  
*The City secure the services of its contract engineers, Branch Engineering, to develop a formal request for proposals bid package and manage that process on the City's behalf. There would be additional costs associated with this alternative for Branch's technical RFP document as well as response review, scoring and recommendation.*
- (6) The estimated date by which it would be necessary to let the contract(s).  
*If Council confirms the use of a sole source procurement process, staff intends to develop a contract and present to Council for approval and authorization to execute at either the February or March 2024 Council meetings with the work commencing upon contract execution. Project completion is estimated to be early fall 2024.*

In making a determination regarding a special selection method, the City Council may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.

#### C. Hearing.

- (1) The City shall approve the special solicitation or exemption after a public hearing before the City Council following notice by publication in at least one newspaper of general circulation in the city's area.
- (2) At the public hearing, the city shall offer an opportunity for any interested party to appear and present comment.

- (3) The City council will consider the findings and may approve the exemption as proposed or as modified by the City council after providing an opportunity for public comment.

**RECOMMENDATION AND ALTERNATIVES**

Staff recommends the approval of the use of a sole source procurement with Kennedy Jenks Consultants for the wastewater facilities plan project

**BUDGET / FINANCIAL IMPACT**

The Wastewater Facilities Plan is included in both the City’s adopted Capital Improvements Plan (CIP) and its FY23-24 Adopted budget, with an appropriation set at \$65,000.

**PUBLIC INVOLVEMENT**

The CIP and FY23-24 Budget were both presented and approved in prior Council and Budget Committee public hearings.

**NEXT STEPS**

Upon authorization, staff will coordinate with Kennedy Jenks on the development of a professional services contract that will be presented for Council review and authorization to execute at a future Council meeting, likely in either February or March of 2024.

**ATTACHMENTS**

1. Ordinance A-91-c – Rules for Public Contracting