



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** October 30, 2024

**SUBJECT:** Deliberations regarding Civil and Environmental Consultants, Inc. (CEC) Protest of Contract Award for Landfill Siting Consultant Services – Phase 3

**RECOMMENDED MOTION:**

Move adoption and signature of Order 2024-043 denying the protest of CEC.

**BACKGROUND AND POLICY IMPLICATIONS:**

On September 16, 2024, the Board considered the recommendation of the Landfill Siting Review Committee and voted 3-0 to approve Document No. 2024-079 to issue the Notice of Intent to Award contract to Parametrix. CEC filed a timely protest on September 20, 2024. The BOCC held a protest hearing on October 14, 2024 and held the written record open until October 21, 2024.

For a successful protest, CEC was required to prove one or more of the criteria outlined in ORS 279B.410(1)(b), which states:

(b) The reason for the protest is that:

(A) All lower bids or higher ranked proposals are nonresponsive;

(B) The contracting agency has failed to conduct the evaluation of proposals in accordance with the criteria or processes described in the solicitation materials;

(C) The contracting agency has abused its discretion in rejecting the protestor's bid or proposal as nonresponsive; or

(D) The contracting agency's evaluation of bids or proposals or the contracting agency's subsequent determination of award is otherwise in violation of this chapter or ORS chapter 279A.

CEC's proposal was not rejected by the County; thus, ORS 279B.410(1)(b)(C) is not relevant. Of the remaining three factors outlined in ORS 279B.410(1)(b), it is staff's recommendation that CEC failed to identify any violation in its decision to award the Landfill Siting Consultant Services – Phase 3 Contract to an entity other than CEC. A draft order and findings were

prepared based on staff's recommendation, which the Board can choose to adopt after its deliberations. Should the Board find in the alternative during its deliberations, a revised order and findings can be drafted based on the Board's deliberations.

**BUDGET IMPACTS:**

None.

**ATTENDANCE:**

Kimberly Riley, Sr. Assistant Legal Counsel