



RESOLUTION NO. 2024-12

A RESOLUTION ADOPTING FINDINGS TO SUPPORT AN EXEMPTION FROM THE FORMAL INVITATION TO BID PROCESS FOR THE CLASS OF PHASE 1 WATER AND WASTEWATER RELATED PUBLIC IMPROVEMENT PROJECTS, DECLARING SUCH EXEMPTION, AND AUTHORIZING FLEXIBILITY IN CHOOSING APPROPRIATE FORMAL PROCUREMENT METHODS FOR SUCH CLASS

WHEREAS, the City of Sandy (“City”) City Council (“Council”) is the Local Contract Review Board for the City; and

WHEREAS, ORS 279C.335(2) authorizes a Local Contract Review Board to exempt certain contracts from the least cost policy for public improvement contracts pursuant to ORS 279C, upon approval of certain findings of fact; and

WHEREAS, the Local Contract Review Board may exempt a class of such public improvement contracts from the least cost policy, provided the class is sufficiently limited in scope and properly identified by written findings; and

WHEREAS, the City’s Local Contract Review Board has determined that Phase 1 of required upgrades, maintenance, repair, and renovation work for the City’s existing water and wastewater systems is a sufficiently defined class of public improvement work; and

WHEREAS, exempting this class of public improvement contracts from solely being awarded to the lowest responsible, responsive bidder lends the City needed contracting flexibility, is unlikely to encourage favoritism, and is likely to result in cost savings and other benefits, based on the findings attached as Exhibit A; and

WHEREAS, pursuant to ORS 279C.335(5)(b), the City published notice of the proposed exemption in the Daily Journal of Commerce on May 6, 2024 not less than 14 days prior to the date on which the City Council intends to take action to approve the exemption; and

WHEREAS, the City held a public hearing to allow comments on the Local Contract Review Board’s draft findings on May 20th, 2024; and

WHEREAS, after due deliberation, the City Council, acting as the Local Contract Review Board, hereby adopts the findings in support of permitting formal procurement flexibility for a defined class of public improvement contracts, as set forth in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY:

Section 1: Exemption Approval. The City Council hereby adopts findings supporting an exemption from the formal invitation to bid solicitation process for the class of Phase 1 Water and Wastewater Related Public Improvement Contracts, declares such an exemption, and authorizes city staff to select, in its

discretion, the appropriate formal solicitation method for such class. The findings are attached to this resolution as Exhibit A.

This resolution is adopted by the City Council of the City of Sandy this 20th day of May, 2024.

Stan Pulliam, Mayor

ATTEST:

Jeffrey Aprati, City Recorder