

City of St. Helens
RESOLUTION NO. 2002

**A RESOLUTION ADOPTING FINDINGS IN SUPPORT OF AND
AUTHORIZING AN EMERGENCY PROCUREMENT OF TOURISM
SERVICES**

WHEREAS, Section 2.04.100 of the St. Helens Public Contracting Code defines “emergency” to be those circumstances that create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety, and requires the prompt execution of a contract to remedy the condition; and

WHEREAS, on May 16, 2022, the City of St. Helens (the “City”) and E2C Corporation (“E2C”) entered into an agreement for E2C to provide special event coordination and management services to the City in support of the City’s Tourism program (the “Agreement”); and

WHEREAS, the Agreement, per the terms and conditions stated therein, was set to expire on December 31, 2023; and

WHEREAS, on January 24, 2024, the City Council agreed to extend the Agreement until June 30, 2024; and

WHEREAS, the expiration of Agreement falls in the middle of the City’s tourism season and would result in a substantial interruption of the City’s tourism program; and

WHEREAS, the prompt execution of a public contract would remedy the emergency circumstance.

NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:

Section 1. The City Council, acting as Local Contract Review Board, approves adopts the City of St. Helens Findings in Support of an Emergency Exemption from Competitive Bidding for Tourism Services, attached as Exhibit A.

Section 2. The City Council declares that emergency circumstances exist that require prompt execution of a public contract for special event coordination and management services.

Section 3. The City Council further declares the City shall extend the Agreement with E2C through December 31, 2024 to prevent any interruption of the tourism-related services provided to the City.

Section 4. The City Council designates, authorizes and directs the City Administrator to execute necessary documents on behalf of the City to implement the intent of this Resolution.

Section 5. The City Council further directs the City Administrator to undertake the appropriate measures to competitively solicit proposals for tourism-related services commencing on January 1, 2025.

Approved and adopted by the City Council on April 3, 2024, by the following vote:

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder

APPROVED AS TO FORM:

City Attorney

**CITY OF ST. HELENS
WRITTEN DETERMINATION OF
EMERGENCY PROCUREMENT
FOR TOURISM SERVICES**

DATE: April 3, 2024

AUTHORITY FOR EMERGENCY PROCUREMENT:

The City Council of the City of St. Helens is designated as the “Local Contract Review Board” under the State of Oregon Public Contracting Code and St. Helens Municipal Code (“SHMC”). The Local Contract Review Board has the authority to delegate to any employee or agent of the City of St. Helens any of the duties or authority of a contracting agency. ORS 279B.080 permits the head of a contracting agency, or a person designated under ORS 279A.075, to make or authorize others to make emergency procurements of services in an emergency. The contracting agency shall document the nature of the emergency and describe the method used for the selection of the particular contractor. *See* ORS 279B.080/ OAR 137-047-0280 and St. Helens Municipal Code (“SHMC”) 2.04.070.

SUBJECT OF CONTRACT:

Special event coordination and management services (the “Services”) in support of the City’s Tourism program.

JUSTIFICATION FOR EMERGENCY PROCUREMENT:

The following nature of the emergency is relevant to the Local Contract Review Board’s determination that the procurement is an emergency under SHMC 2.04.120:

An “Emergency” means circumstances that create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and require prompt execution of a contract to remedy the condition.

Emergency procurement shall document the nature of the emergency, the method used for selection of the particular contractor, and the reason why the selection method was deemed in the best interest of the City of St. Helens and the public.

On May 16, 2022, the City and E2C Corporation entered into an independent contractor agreement (the “Agreement”) in which E2C agreed to provide Services to the City. According to the terms and conditions therein, the Agreement was set to expire on December 31, 2023. On January 24, 2024, the City Council agreed to extend the Agreement through June 30, 2024.

The City’s Tourism program has a number of events scheduled to occur during the remainder of the 2024 calendar year, including, but not limited to, 4th of July celebration, 13 Nights on the River, and Spirit of Halloweentown. Each of these events requires significant coordination and management by E2C leading up to, and during, the actual event. Each of these events also requires E2C to take certain steps to handle post-event close-out, including, but not limited to, ensuring all vendors and subcontractors of the event have been promptly paid for goods and/or services rendered . Allowing the existing agreement with E2C to expire during the

City's tourism season would result in a substantial interruption of the City's Tourism program. Such interruption may result in the potential cancellation of certain events as it is unlikely the City would be able to engage another contractor in the midst of the tourism season. In addition to the tremendous amount of goodwill that successful tourism programs create amongst the residents of St. Helens as well as visitors, the City's tourism program brings in a significant amount of money to the City each year which is critical for the tourism program to continue.

In order to prevent a substantial interruption of tourism-related services and given E2C's familiarity and existing working relationships with local businesses to coordinate and manage the tourism events scheduled to be held in St. Helens in 2024, the Local Contract Review Board finds that extending the City's existing contract with E2C through December 31, 2024, promptly and without extended delay, is in the best interest of the City and the public and is necessary and appropriate to remedy the condition. The short-term nature of this emergency procurement is unlikely to affect competition as the City intends to solicit the Services under the appropriate procurement method later this year for a long-term contract for the desired Services.