

CITY OF ST. HELENS

Findings in Support of an Emergency Procurement of Forestry Management Services

1. General

The City of St. Helens public contracting code is found at Chapter 2.04 of the St. Helens Municipal Code (“SHMC”). The City Council of the City of St. Helens is designated as the Local Contract Review Board (“LCRB”). The City Administrator is the purchasing manager for the City.

SHMC 2.04.100 defines “emergency” as: circumstances that (A) create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and (B) require prompt execution of a contract to remedy the condition.

SHMC 2.04.120(7) permits an official with authority to enter into a contract on behalf of the City to make emergency procurements of services in an emergency. The official shall document the nature of the emergency and describe the method used for the selection of the particular contractor. The official shall ensure competition for a contract for the emergency work that is reasonable and appropriate under the emergency circumstances.

OAR 137-047-0280, Emergency Procurements, provides that a Contracting Agency may award a contract as an Emergency Procurement pursuant to the requirements of ORS 279B.080. When an Emergency Procurement is authorized, the Procurement shall be made with competition that is reasonable and appropriate under the circumstances.

2. Background

The City of St. Helens is in Columbia County, Oregon. Located on the Columbia River approximately 30 miles north of Portland, the City serves an area of 5.3 square miles with a population of 14,560.

The City has contracted for forest management services since 2006. The contract involves the ongoing management of City property, including the management and sale of City natural resources for the benefit of the public. The City’s existing contract has a termination date of June 30, 2022 with two (2) one-year annual renewal periods at the City’s discretion. The City executed both annual renewal options and the contract will expire June 30, 2024.

The City has initiated the process to competitively solicit proposals from qualified contractors for the forest management services. However, the solicitation process will not be completed by the end of June 2024 when the existing contract expires. If the current competitively solicited contract expires prior to the completion of the new solicitation process, the City property and resources will be without the specialized management necessary to maximize their value to the City.

3. Findings - Emergency

The City Administrator, as purchasing manager for the City, hereby declares that emergency circumstances exist that require prompt execution of a public contract for forest management services. There is insufficient time for the City to complete the procurement process, including evaluation, before the expiration of the existing contract. These circumstances have created a substantial risk of loss, damage and/or interruption of services as well as a substantial damage or injury to property requiring prompt execution of a public contract to remedy the emergency condition. The declaration of emergency and the continuation of the existing management contract during the new solicitation period will eliminate the risk to the city property and resources.

4. Findings - Competition

In order to ensure the continuity of the forest management services , to preserve and protect the City's interest in City-owned land, to continue management of City resources on the property, and to continue receiving City revenue from the sale of products, which are in the best interests of the City, the City Administrator deems it necessary to execute a short-term, month-to-month extension with the existing contractor without competitive selection. During this short-term extension, the City Administrator will utilize and follow the City's standard procurement procedures in its public contracting code to a competitive sealed proposal process when selecting a new contractor.