

RESOLUTION NO. 33 FOR 2022

A RESOLUTION OF THE CITY OF SWEET HOME APPROVING THE SOLE-SOURCE PROCUREMENT OF CERTAIN LED STREET LIGHT CONVERSION SERVICES; DETERMINING THAT THE SERVICES ARE AVAILABLE FROM ONLY ONE SOURCE; AND ADOPTING CERTAIN FINDINGS IN SUPPORT OF THE USE OF THE SOLE SOURCE PROCUREMENT METHOD TO OBTAIN THE SERVICES.

WHEREAS, pursuant to ORS 279A.060 and SHMC 2.08.010, the Sweet Home City Council (the “Council”) acts as the local contract review board (the “LCRB”) for the City of Sweet Home (“City”); and

WHEREAS, ORS 279B.075 authorizes the City LCRB to purchase a particular product or service available from only one source if City satisfies the requirements of ORS 279B.075 and OAR 137-047-0275; and

WHEREAS, prior to purchasing a product and/or acquiring services available from one source, ORS 279B.075 requires City to determine that the product and/or service is available from only one seller or source; and

WHEREAS, ORS 279B.075 and OAR 137-047-0275 also require City to adopt certain findings in support of the sole-source determination; and

WHEREAS, pursuant to agreements with PacifiCorp, City is responsible for the cost of electricity to streetlights within the City of Sweet Home that are owned by PacifiCorp; and

WHEREAS, City’s maintenance obligations would be significantly reduced if street lighting is converted to light-emitting diode (“LED”) fixtures; and

WHEREAS, as more particularly described in the findings and determinations contained in the attached Exhibit A, Ameresco, Inc. (“Contractor”) is the only contractor authorized by PacifiCorp to perform LED conversions on PacifiCorp owned streetlights (the “Services”); and

WHEREAS, by adoption of this Resolution No. 33 for 2022 (this “Resolution”), the Council desires to adopt findings in support of a sole-source determination and approve the use of a sole-source procurement method (i.e., award a contract without competition) for the Services.

NOW, THEREFORE, the City Council resolves as follows:

1. Findings; Determination; Approval. In addition to the above-stated findings, which are hereby adopted, the Council, acting as the LCRB, adopts those findings and determinations in support of a sole source procurement contained in the attached Exhibit A. Subject to and in accordance with ORS 279B.075 and the Public Contracting Ordinance, the Council hereby (a) determines that the Services are available from one source, (b) determines that the attached findings support the determination that the Services are available only from one source, and (c) approves the use of a sole-source procurement method (i.e., award a contract without competition) to procure the Services from Contractor.
2. Notice. In accordance with OAR 137-047-0275(2), the city manager or his or her designee will give notice of the Council’s approval of the sole-source procurement

described herein. Any affected person may protest City's determination that the Services are available from only one source in accordance with OAR 137-047-0710.

This Resolution will take effect upon adoption. PASSED by the Council and approved by the Mayor, this 8th day of November, 2022.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

Exhibit A
Sole-Source Determinations and Findings

A. Background

1. Pursuant to agreements with PacifiCorp, City is responsible for the cost of electricity used by streetlights within the City that are owned by PacifiCorp. There are approximately 900 PacifiCorp-owned streetlights within the City.
2. City determined that conversion to LED streetlights will significantly reduce maintenance costs as LED lighting fixtures have a longer life span and less operating costs than other forms of lighting fixtures.
3. Contractor is the only contractor authorized by PacifiCorp to perform LED conversions on PacifiCorp owned streetlights.

B. Description of the Services

City desires to retain Contractor to perform the Services, which include the following: (i) cost-benefit analysis of converting particular streetlights to LED fixtures; (ii) determination of suitable LED fixtures; (iii) acquisition of selected LED fixtures; (iv) installation of chosen LED fixtures; (v) recycling of replaced fixtures; (vi) project management and quality control; and (vii) other tasks necessary or proper to complete the LED streetlight conversion project.

C. Description of Contract

1. City desires to enter into a contract with Contractor pursuant to which Contractor will perform the Services and be reimbursed for materials acquired by Contractor in the performance of the Services. Payment will be structured such that Contractor will be reimbursed over time from maintenance expenses City would ordinarily pay for maintaining PacifiCorp's streetlights pursuant to its agreement with PacifiCorp. City estimates that the value of the Services will be approximately \$500,000.00.
2. In accordance with ORS 279B.075(3), City will negotiate with Contractor to obtain contract terms that are advantageous to City. Notwithstanding anything contained in this Resolution to the contrary, the contract for the Services (a) will be in form and content satisfactory to City and contain such terms and conditions the city administrator and/or city attorney determine necessary and/or appropriate, and (b) will be subject to the review and approval of the city administrator and city attorney

D. Findings

Subject to and in accordance with ORS 279B.075(2), City's determination of a sole-source procurement for the Services is supported by findings, including, without limitation, the following:

1. The efficient maintenance and operation of PacifiCorp's streetlights requires a conversion to LED fixtures. LED fixtures have a longer life span and less operating costs than other forms of lighting fixtures. Conversion to LED fixtures will provide City better lighting while reducing City's long term maintenance obligations.
2. As noted above, Contractor is the only contractor authorized to perform the Services on PacifiCorp owned streetlights.
3. Contractor is the single most experienced firm in the Northwest when it comes to streetlight conversion. Twenty-five plus municipal and state clients in Oregon and Washington have selected Ameresco for streetlight conversion including Oregon Department of Transportation and Washington Department of Transportation. Projects include conversions in City of Bend, City of St. Helens, City of Milwaukie, City of Medford, City of Coos Bay, City of Madras, and City of Pendleton.
4. Contractor has been sole sourced with the City of Coos Bay, City of Madras, and the City of Pendleton to complete similar streetlight conversion projects.
5. Contractor provides a complete turnkey service under one contract including audit, design, labor and material, construction management and financing.

6. Because Contractor is the sole source of the Services, the use of the sole-source procurement method is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.