



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Megan George, Assistant to the City Manager
DATE: January 27, 2020

SUBJECT:

Consideration of Resolution No. 5482-20 Adopting Findings in Support of a Special Procurement and Authorizing the City Manager to Enter into a Direct Negotiation Contract with Barney & Worth, Inc. for Services for the Tualatin Moving Forward Bond Program.

RECOMMENDATION:

Staff recommends Council adopt the attached resolution.

EXECUTIVE SUMMARY:

Resolution No. 5482-20 authorizes the City Manager to amend the current Professional Services Agreement to allow Barney & Worth to continue to provide strategic communication services for the Tualatin Moving Forward Bond Program. An additional authorization of \$155,000 is necessary to allow the continuation of current services through the end of the bond program. The additional services would bring the total contract amount to approximately \$260,000.

This contract-specific special procurement is allowed by both state law and the Tualatin Municipal Code (ORS 279B.085 and TMC 1-21-090) when certain circumstances are met, such as when it would substantially promote the public interest and when it is not likely to encourage favoritism nor substantially diminish competition. Both circumstances will be met for this project and are the basis for requesting this authorization.

In 2018, Barney & Worth, Inc. was selected from the City's Qualified Pool List (QPL) to provide strategic communication services to prepare for the Tualatin Moving Forward bond vote and to assist the City with ongoing program-wide communications following the bond's passing.

The City's QPL is a qualifications based selection process that creates a qualified pool list for different types of professional services normally required by the City. The QPL is based on a biennial Request for Qualifications (RFQ) that is open to all qualified firms. The city selects firms to be included on the QPL based on qualifications. Once firms are included on the QPL, the City may select firms from the QPL for fees up to \$150,000 without the need for an additional procurement process.

The Special Procurement Will Substantially Promote the Public Interest in a Manner that Could not Practicably Be Realized by Complying with the Competitive Contracting Requirements, and Provides a Public Benefit

Barney & Worth, Inc. has already worked with the Tualatin Moving Forward Bond Program, starting before the bond was approved by the voters, and is now mid-way through the process of work on

the program. A new RFQ process would take approximately two-months, which would result in a significant lapse in program-wide communication and transparency with the public. In addition, a new consultant would need to become familiar with the projects, program, community, and technology used to communicate in order to perform similar work likely requiring further delays and continued insufficient dispersal of information. Continuing with Barney & Worth's knowledge and experience will ensure there is no disruption in communication to the public.

Not amending Barney & Worth's contract could adversely impact:

- Communications with the traditional news media;
- Updates to the Tualatin Moving Forward website;
- Updates to the program's "Report Card" or up-to-date project-specific status information; and
- Communication materials available for distribution to the public.

The Special Procurement is Unlikely to Encourage Favoritism

Granting the special procurement process will be unlikely to encourage favoritism because it is for a single contract (Barney & Worth) on a single project (Tualatin Moving Forward). In addition, Barney & Worth was already vetted as per the City's qualifications-based selection process to be entered on the Qualified Pool List.

The terms and conditions of the contract amendment will be reviewed and approved by the City Manager and City Attorney. Barney & Worth will be required to comply with all City requirements and public contracting code requirements. These requirements are the same as if the project was competitively procured; thus, the City will not be engaging in favoritism in the execution of the contract documents.

The City provided public notice of the special procurement by posting the notice in the Tualatin Times Business Tribune on January 17, 2020.

OUTCOMES OF DECISION:

Adoption of Resolution 5482-20 would allow staff to proceed with the five-year communications plan for the Tualatin Moving Forward Bond Program.

ALTERNATIVES TO RECOMMENDATION:

Direct staff to conduct a Request for Qualifications (RFQ) process.

FINANCIAL IMPLICATIONS:

Funding is available in the Non-Departmental division of the General Fund for the amendment to this contract.

ATTACHMENTS:

Resolution No. 5482-20