

RESOLUTION NO. 5804-24

A RESOLUTION AUTHORIZING AN INCREASE OF THE NOT-TO-EXCEED PRICE OF THE SCADA UPGRADE PROJECT WITH CONTROL SYSTEMS NW, LLC AND ADOPTING FINDINGS APPROVING AN EXEMPTION FROM COMPETITIVE BIDDING FOR THE PUBLIC IMPROVEMENT PORTION OF THIS PROJECT.

WHEREAS, in January of 2021, the City formally advertised a Request for Qualifications for design and installation of Supervisory Control and Data Acquisition (SCADA) System Improvements;

WHEREAS, eleven (11) proposals were received and reviewed in February of 2021;

WHEREAS, Control Systems NW, LLC, submitted the highest-ranked proposal for the project, and the City approved the award of a contract in the amount of \$1,980,372 on September 12, 2022 per Resolution #5643-22;

WHEREAS, during the design phase of the project, Portland General Electric required metering work that included underground electrical and concrete construction in the nature of a public improvement;

WHEREAS, per TMC 1-21-090(2), the Council has considered the following findings in support of an exemption from competitive bidding to award Control Systems NW, LLC a contract for the public improvement portion of this work:

- a) The nature of the contract is design and installation of a SCADA system, with additional underground electrical and concrete work.
- b) The estimated cost of the public improvement portion of this work is \$1,881,603.
- c) Approving an award to Control Systems NW, LLC is both cost-effective and practical. Issuing a separate Invitation to Bid for the underground electrical and concrete work would be impractical, as it would effectively split a single project into two, thereby increasing project oversight costs and likely causing time delays. Moreover, Control Systems NW, LLC, as the original designer of the SCADA upgrade, possesses specialized knowledge and expertise that would enhance the quality of the public improvement work.
- d) Approval of the proposed resolution is unlikely to result in favoritism. The City has conducted research on the availability of contractors and found that most are currently engaged in projects funded by the CHIPS and Science Act. Additionally, PGE mandates that public improvement work must be performed by a contractor from its approved list, thereby limiting the pool of available contractors for this specific type of work. Notice of this public hearing was duly advertised in the Daily Journal of Commerce, providing any interested contractors the opportunity to submit their comments at the hearing.
- e) The City proposes awarding a contract for the public improvement portion of

this work to Control Systems NW, LLC on the basis of the Request for Qualifications previously issued in 2021.

f) The City will enter in the contract promptly upon Council approval; and

WHEREAS, there are funds budgeted for this project in the Water Operating and Water Development Funds.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Council adopts the findings presented above in support of an exemption from competitive bidding.

Section 2. Control Systems NW, LLC, is hereby awarded a contract for the public improvement portion of the above-referenced SCADA project.

Section 3. The City Manager is authorized to execute a contract with Control Systems NW, LLC in the amount of \$3,435,316, which includes the \$1,980,372 previously authorized by Resolution #5643-22.

Section 4. The City Manager, or the City Manager's designee, is authorized to execute Change Orders totaling up to 10% of the original contract amount.

Section 5. This resolution is effective upon adoption.

Adopted by the City Council this 26th day of August, 2024.

ATTEST:

CITY OF TUALATIN, OREGON

BY _____
City Recorder

BY _____
Mayor