

RESOLUTION NO. 3114

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL, INC. FOR ENGINEERING CONSULTING SERVICES FOR THE BOECKMAN CREEK FLOW MITIGATION PROJECT (CAPITAL IMPROVEMENT PROJECT NO. 7068).

WHEREAS, the City has planned and budgeted for engineering consulting for Capital Improvement Project (CIP) No. 7068 known as the Boeckman Creek Flow Mitigation project (the Project); and,

WHEREAS, Brown and Caldwell was selected using the Direct Appointment Procedure provided by OAR 137-048-0200(1)(d) that duly followed State of Oregon Public Contracting Rules and the City of Wilsonville Municipal Code; and

WHEREAS, the Project consists of work that has been substantially described, planned or otherwise previously studied or rendered in earlier contracts that were awarded under rules adopted under ORS 279A.065; and

WHEREAS, Brown and Caldwell completed the engineering services for CIP #7065 – Boeckman Creek Hydraulic Analysis under Professional Services Agreement MPSA 2018-103BC between Brown and Caldwell and the City of Wilsonville; and

WHEREAS, Brown and Caldwell completed design services for CIP #2102, 4205, 4206, 4212, 7067 - Boeckman Road Corridor Project under the Progressive Design Build Agreement with Tapani|Sundt A Joint Venture; and

WHEREAS, the Project is a continuation of the CIP #7065 and CIP #4212 projects; and

WHEREAS, Brown and Caldwell is completing engineering services for CIP #7064 – Stormwater Master Plan Update for which they have developed modeling data and drainage basin information and completed the Boeckman Creek Flow Mitigation Alternatives Study all of which are integral to the Project; and

WHEREAS, Brown and Caldwell continues to be qualified to provide engineering services for the Project on the basis of their specialized experience and technical expertise;

WHEREAS, the Project will promote efficient use of public funds and resources by continuing to contract with Brown and Caldwell to complete the engineering services for Boeckman Creek Flow Mitigation design and construction; and

WHEREAS, seeking engineering services from another firm will take time and will delay the Project which is needed to complete the stream restoration associated with the Boeckman Bridge for which construction has started; and

WHEREAS, seeking engineering services from another firm will result in not only redundant expenditure of City funds for knowledge transfer that Brown and Caldwell possesses, but will take significant time for a different firm and for City staff; and

WHEREAS, the Project scope utilizes the services of approximately a half-dozen design sub-consultants who benefit from participating in the Project, thus distributing work opportunity and not showing favoritism among engineering firms; and

WHEREAS, the City of Wilsonville selectively uses the direct appointment procedure, realizing the importance of protecting the integrity of the Public Contracting process.

WHEREAS, the City conducted contract negotiations with Brown and Caldwell to develop the Professional Services Agreement, Scope and Fee for Engineering Services for the Project that are found to be acceptable and appropriate for the services to be provided.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1. Selecting and contracting with Brown and Caldwell for the Project through the use of the Direct Appointment Procedure duly followed Oregon Public Contracting Rules and the City Council finds that using this process:

1. Promotes efficient use of public funds and resources and results in substantial cost savings to the City of Wilsonville, and
2. Protects the integrity of the Public Contracting process and the competitive nature of the Procurement by not encouraging favoritism or substantially diminishing competition in the award of the Contract.

Section 2. The City Council, acting as the Local Contract Review Board, authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, a Professional

Services Agreement with Brown and Caldwell for a not-to-exceed amount of \$1,079,366 which is substantially similar to **Exhibit A** attached hereto.

Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 22nd day of February 2024, and filed with the Wilsonville City Recorder this date.

JULIE FITZGERALD, MAYOR

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBIT:

A. Ash Meadows Flow Mitigation Project Professional Services Agreement