

RESOLUTION 2009-14

A RESOLUTION MAKING A SPECIFIC EXEMPTION OF THE GARIBALDI PUBLIC CONTRACTING ORDINANCE ON BEHALF OF THE GARIBALDI CONTRACT REVIEW BOARD TO THE COMPETITIVE BID REQUIREMENTS OF THE GARIBALDI MUNICIPAL CODE SECTION 3.10. PUBLIC CONTRACTS, AND AUTHORIZING STAFF TO ACQUIRE COMPETITIVE BIDS FOR THE PAVING OF CITY STREETS IN GARIBALDI.

WHEREAS, the City has received a Special City Allotment grant from the Oregon Department of Transportation in the amount of \$25,000 for the purpose of maintaining city streets in Garibaldi; and

WHEREAS, The City has budgeted an additional \$27,000 for the purpose of maintaining city streets in Garibaldi; and

WHEREAS, state law provides that repair and maintenance of a public improvement is not considered a "public improvement" for purposes of state contracting requirements; and

WHEREAS, state law and Garibaldi Municipal Code authorize use of an alternate contracting method of requesting quotes for a contract less than \$150,000; and

WHEREAS, under the "public works project" requirements of the Garibaldi Municipal Code a contractor that is selected by the special exemption process is required (1) to comply with the determinable prevailing wage rate within Tillamook County, (2) to have a performance bond, and (3) comply with the registration requirements of the State of Oregon.

WHEREAS, Garibaldi Municipal Code (GMC) 3.10.090, Public Contracts, allows for specific exemptions when the method of awarding such a bid is unlikely to encourage favoritism or substantially diminish competition for public contracts; and

WHEREAS, Garibaldi Municipal Code (GMC) 3.10.090, Public Contracts, allows for specific exemptions when the method of awarding such a bid will result in substantial savings to the City, in this case, through immediate action based on current prices of paving materials, and savings associated with direct contact of service providers instead of a request for proposal advertisement in trade journals; and

WHEREAS, the GMC 3.10.090(B) states that a Specific Exemption may be made by the Contract Review Board (City Council) for contracts more than \$5,000 and less than \$150,000 and that such an exemption shall be made by resolution; and

WHEREAS, the City Council determines that completing the repair project before the next storm season and for the lowest available cost will benefit the public good; NOW, THEREFORE,

THE COMMON COUNCIL OF THE CITY OF GARIBALDI RESOLVES AS FOLLOWS:

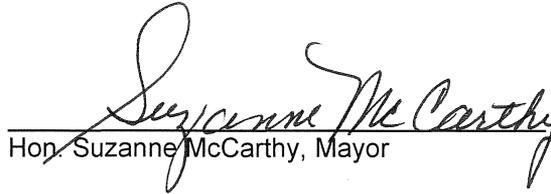
Section 1. The Garibaldi Contract Review Board hereby approves the use of an alternate contracting method as a specific exemption to public contracting competitive bid requirements, pursuant to GMC 3.10.090(E).

Section 2. The Garibaldi Contract Review Board authorizes staff to obtain at least three informally solicited competitive quotes for materials and services associated with the paving of Acacia Ave. from 6th Street to 7th Street, and 7th Street from Garibaldi Ave. to Cypress Ave., ("Project"). A written record of at least three quotes shall be included in subsequent staff reports to the Council.

Section 4. The Garibaldi Contract Review Board will authorize the Mayor to sign a contract with the lowest competitive bidder upon acceptable documentation associated with recitals of this resolution.

Section 3. The recitals of this resolution are incorporated herein by reference and adopted as findings in support of this approval of exemption.

PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR, this 23rd Day of June, 2009.


Hon. Suzanne McCarthy, Mayor

ATTEST:


John O'Leary, Interim City Administrator