

RESOLUTION NO. 2023-33

A RESOLUTION GRANTING EXEMPTION FROM COMPETITIVE BIDDING FOR CONSTRUCTION OF THE WILLOW LAKE WATER POLLUTION CONTROL FACILITY NORTH PRIMARY ANAEROBIC DIGESTERS NO. 1 AND NO. 2 REHABILITATION PROJECT BY MEANS OF A CONSTRUCTION MANAGER / GENERAL CONTRACTOR (CM/GC) AND AUTHORIZING SELECTION BY REQUEST FOR PROPOSALS (RFP)

Whereas, the Salem City Council (“City”) acts as the local contract review board for the City, and in that capacity, has authority to exempt certain contracts from the competitive bidding requirements of ORS Chapter 279C; and

Whereas, ORS 279C.335(2) provides a process for exempting certain contracts from competitive bidding and authorizes the selection of a contractor through the request for proposals process; and

Whereas, draft Findings of Fact (“Findings”) addressing competition, operational, budget and financial data, public benefits, value engineering, specialized expertise required, market conditions, technical complexity, public safety, and funding sources recommended by the City were available fourteen (14) days in advance of the public hearing on this Resolution; and

Whereas, the City determines that the Willow Lake Water Pollution Control Facility North Primary Anaerobic Digesters No.1 and No.2 Rehabilitation Project should be constructed by CM/GC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALEM, OREGON,
RESOLVES AS FOLLOWS:

Section 1. The City adopts the Findings set forth in Exhibit A to this Resolution.

Section 2. The exemption of the CM/GC contract from competitive bidding will promote competition and will not encourage favoritism, because the CM/GC contractor will be chosen by a competitive RFP process, and the major portion of the construction work performed by subcontractors will be chosen by competitive bidding.

Section 3. The contract for construction of the Willow Lake Water Pollution Control Facility North Primary Anaerobic Digesters No.1 and No.2 Rehabilitation Project by a CM/GC contractor for a Guaranteed Maximum Price (GMP) is exempt from competitive bidding, and the CM/GC contractor shall be selected by the RFP process in accordance with the City’s public contracting rules and the process described in the Findings.

Section 4. This resolution is effective upon adoption.

ADOPTED by the City Council this ____day of _____, 2023

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: A. Dannen