

## RESOLUTION NO. 2019-16

RESOLUTION GRANTING EXEMPTION FROM COMPETITIVE BIDDING FOR CONSTRUCTION OF THE GEREN ISLAND WATER TREATMENT FACILITY IMPROVEMENTS BY MEANS OF A CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) AND AUTHORIZING SELECTION BY REQUEST FOR PROPOSALS (RFP)

**Whereas**, the City of Salem (“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 City of Salem Geren Island Water Treatment Facility Improvements should be constructed by a CM/GC.

NOW THEREFORE, THE CITY OF SALEM 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 will be chosen by a competitive RFP process, and the major portion of the construction work will be performed by subcontractors chosen by competitive bidding.

**Section 3.** The exemption of the CM/GC contract from competitive bidding is likely to result in substantial cost savings to the City, for the reasons set forth in the adopted Findings.

**Section 4.** The contract for construction of City of Salem Geren Island Water Treatment Facility Improvements by a CM/GC for a Guaranteed Maximum Price (GMP) is exempt from competitive bidding, and the CM/GC shall be selected by the RFP process in accordance with the City’s public contracting rules and the process described in the Findings.

**Section 5.** This Resolution is effective upon adoption.

Adopted by City Council this 24th day of June, 2019.

ATTEST:

City Recorder

Checked by: M.Delaney