



RESOLUTION NO. 2020-22

A Resolution Granting an Exemption from Competitive Bid Requirements and Authorizing Execution of a Contract with Five Star Builders to Design and Construct a “Welcome to Banks” Monument Sign, not to Exceed \$20,000.

WHEREAS, the City’s Economic Development Commission considered and recommended that the City design and construct a monument sign at the south entrance to the city; and

WHEREAS, Five Star Builders is a local builder who is qualified and capable of designing and constructing the monument sign recommended by the Economic Development Commission and who prepared a preliminary estimate of the cost to design and construct the monument sign in the amount of \$56,324.36 and offered to donate all but \$20,000 of that cost to the City; and

WHEREAS, under the current cost estimate, Five Star Builders proposes to donate at least \$36,324.36 of the total cost of designing and constructing the monument sign, leaving a maximum of \$20,000 for the City to pay; and

WHEREAS, BCO 36.070 considers a contract for goods and services between \$5,000 and \$100,000 to be an intermediate procurement, for which BCO 36.070 and ORS 279B.070(3) require three informally solicited price quotes. ORS 279B.070(4) provides that the selection in an intermediate procurement should be based on the quote or proposal that best serves the City’s interests taking into account price, experience, expertise, contractor responsibility, the end result of the project in question, and other factors; and

WHEREAS, Five Star’s offer to donate the entire cost of the monument sign design and construction less \$20,000 is a significant donation to the City and provides a significant cost savings to the City for this project and makes it highly unlikely that any competitive quotes could meet or exceed the public benefit of Five Star’s offer; and

WHEREAS, BCO 36.09(D) allows an exemption to the public bidding requirements that would normally apply when the following requirements are met:

- (a) It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; and
- (b) The awarding of public improvement contracts under the exemption will result in substantial cost savings to the city.

WHEREAS, in granting an exemption under BCO 36.09(D), the city, when appropriate, shall use alternate contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition and shall hold a public hearing on the question before adopting the exemption to the public bidding requirements; and

WHEREAS, the City advertised the proposed exemption to the intermediate procurement procedures for a contract with Five Star Builders more than 14 days prior to the City Council's regular August 11, 2020 meeting; and

WHEREAS, at its regular August 11, 2020 meeting the City Council convened a public hearing on the question of whether to allow an exemption from the normal procurement procedures in accepting a donation from Five Star Builders as reflected in its proposal attached as Exhibit A to this Resolution, for the design and construction of a "Welcome to Banks" monument sign, at which time it accepted all manner of public comment and testimony.

NOW, THEREFORE BE IT RESOLVED that, pursuant to BCO 36.09(D), the Banks City Council finds that the award of a contract not to exceed \$20,000, for the design and construction of a monument sign as reflected in Exhibit A will not encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts because of the significant contribution and donation that Five Star Builders has committed to make toward this project. The magnitude of Five Star's contribution to this project also will result in substantial cost savings to the City because the City's contribution is limited to \$20,000 for the design and construction of the monument sign.

IT IS FURTHER RESOLVED that, pursuant to BCO 36.09(D), the Banks City Council hereby grants an exemption to the competitive intermediate procurement requirements applicable to the contract for the design and construction of a "Welcome to Banks" monument sign, as reflected in the proposal from Five Star Builders and attached hereto as Exhibit A. The amount of the City's expenditure in this contract shall not exceed \$20,000.

IT IS FURTHER RESOLVED that the City Manager is authorized to award and execute a contract with Five Star Builders for the design and construction of a new "Welcome to Banks" monument sign as described in Exhibit A, attached hereto, in a contract amount not to exceed \$20,000.

Approved, Adopted, and Effective this 11th day of August 2020 by the Banks City Council.

Mayor Peter Edison

Attest:

City Recorder: Angie Lanter