

RESOLUTION NO. 18-___-__

A RESOLUTION OF CITY OF JOHN DAY APPROVING A CONTRACT-SPECIFIC SPECIAL PROCUREMENT OF TWO GREENHOUSE STRUCTURES AND RELATED EQUIPMENT; AND AUTHORIZING AND APPROVING THE USE OF DIRECT APPOINTMENT PROCUREMENT PROCEDURES FOR A GREENHOUSE PURCHASE AGREEMENT WITH EUROMEX GREENHOUSE MANUFACTURING & SALES, LLC.

WHEREAS, pursuant to ORS 279A.060 and Ordinance No. 16-169-02 (the “Public Contracting Ordinance”), the John Day City Council (the “Council”) acts as the local contract review board (the “LCRB”) for City of John Day (“City”); and

WHEREAS, Section C(1) of the Public Contracting Ordinance authorizes the Council to exempt certain contracts or classes of contracts for goods and services from competitive bidding under the procedures described in ORS 279B.085; and

WHEREAS, pursuant to ORS 279B.085, City staff submitted a written request to Council (by staff report dated November 13, 2018), requesting approval of a contract-specific special procurement of two greenhouse structures; and

WHEREAS, City staff’s written request described the contracting procedure (direct appointment), the goods subject to the special procurement (two greenhouse structures and related equipment), and the circumstances that justify the use of a special procurement; and

WHEREAS, Council desires to approve the contract-specific special procurement described in City staff’s written request and authorize and approve the use of direct appointment procurement procedures for a greenhouse purchase agreement with Euromex Greenhouse Manufacturing & Sales, LLC (“Euromex”).

NOW, THEREFORE, BE IT RESOLVED, by and through the Council meeting in regular session, the following:

1. Findings. In addition to the above-stated findings, which are hereby adopted, Council, acting as the LCRB, adopts those findings in support of a contract-specific special procurement under ORS 279B.085 contained in the attached Exhibit A.
2. Approval. Pursuant to ORS 279B.085, Council hereby approves a contract-specific special procurement of two greenhouse structures and related equipment and authorizes and approves the use of direct appointment procurement procedures for a greenhouse purchase agreement with Euromex. Council finds that the written request submitted by staff and the findings attached as Exhibit A demonstrate that the use of direct appointment procurement procedures (a) is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts, (b) is reasonably expected to result in substantial cost savings to City, and (c) otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder.

3. Notice. The city manager or his or her designee will give notice of Council’s approval of the contract-specific special procurement in accordance with ORS 279B.085(5).

4. Miscellaneous. All pronouns contained in this resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. The provisions of this resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this resolution. This resolution may be corrected by order of the Council to cure editorial and/or clerical errors.

APPROVED, ADOPTED, AND MADE EFFECTIVE by the Council on November 13, 2018.

Ron Lundbom, Mayor

ATTEST:

Nicholas Green, City Manager

Exhibit A
Findings

1. Pursuant to ORS 279B.085(4)(a), the use of direct appointment procurement procedures is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts because there are limited greenhouse structure providers available to supply City with greenhouse structures and related equipment. On July 6, 2018, City received two proposals in response to its formal Request for Competitive Sealed Proposals – Greenhouse Structure and Related Equipment. As a result of that solicitation, City entered into an agreement with Euromex for the purchase of certain greenhouse structure and related equipment. City desires to ensure conformity and consistency with the existing greenhouse structures supplied by Euromex. Also, City supports and promotes open competition for its public contracts and this is a unique and isolated instance that will not impact competition for City’s public contracts.

2. Pursuant to ORS 279B.085(4)(b)(A), the use of direct appointment procurement procedures is reasonably expected to result in substantial cost savings to City as demonstrated by the following:

a. Due to City’s previous agreement with Euromex, City is able to purchase the additional greenhouse structures and related equipment at a reduced purchase price (below the price offered for the initial greenhouses).

b. In addition, by purchasing the additional greenhouse structures and related equipment in November 2018, City will realize cost savings arising out of the mobilization, assembly, installation, and related work necessary to construct the greenhouses. In other words, purchasing the additional greenhouse structures and related equipment ties into City’s existing greenhouse project schedule and will reduce City’s overall costs in completing the greenhouse projects.

3. Pursuant to ORS 279B.085(4)(b)(B), the use of direct appointment otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder. The use of direct appointment procedures allows City to take advantage of a unique opportunity to purchase two additional greenhouse structures from City’s current vendor. Also, City anticipates that it will receive grant funding for the purchase of these additional structures.