



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

April 24, 2020

MEMORANDUM

FROM: BRETT ESTES, CITY MANAGER

SUBJECT: **FINDINGS FOR AN EXEMPTION TO THE COMPETITIVE SOLICITATION REQUIREMENTS FOR THE CONTRACT FOR BUILDING PLAN REVIEWER SERVICES**

The Common Council of the City of Astoria, acting as the contract review board, will take comments on the findings for an exemption to the standard solicitation method (Section 1.967 (B) for special procurement of a plans reviewer to Tony Clifton at the May 4, 2020 Council Meeting. The meeting will be held at 7:00 p.m. in the Council Chambers at Astoria City Hall, 1095 Duane Street, Astoria, OR 97103. This meeting is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Jenn Benoit, City Manager's Office, 503-325-5824. The intent is to extend an existing contract with Tony Clifton.

Findings for an Exemption from the Competitive Solicitation Requirements (per City Code Section 1.967 B) are as follows:

B. Special Procurements. In its capacity as contract review board for the City, the City Council, upon its own initiative or upon request of the City Manager, may create special selection, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section.

(1) Basis for Approval. The approval of a special solicitation method or exemption from competition must be based upon a record before the City Council that contains the following:

(a) The nature of the contract or class of contracts for which the special solicitation or exemption is requested:

Finding: The nature of the contract for which the special solicitation is requested is personal services for building plan review;

(b) The estimated contract price or cost of the project, if relevant;

Finding: The contract price is \$250,000.

(c) Findings to support the substantial cost savings, enhancement in quality or performance, or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;

Finding: The continuation of a personal services contract for a plans examiner with Tony Clifton is an efficient use of services in that he has performed these duties for

two years and has the knowledge and expertise needed to continue the work. The services required are available from Mr. Clifton, inasmuch as he has been working on the developments by being involved from project conception through permitting and needs to continue them to completion. Additionally, as there is a shortage of building officials and plans examiners in the State of Oregon, it was necessary to bring on a set of contractors to provide building plan review services. The City has used Mr. Clifton for approximately two years as the building official and later a plans examiner, and he has served the City well and has proven to be vital due to his extensive knowledge of the building codes and State requirements. He is currently involved in reviewing several large and complex ongoing projects that require his expertise, including the Merwyn Hotel and Astoria School District projects. Tony Clifton is familiar with City processes. Obtaining services from other sources would substantially delay the review of these projects because a new service or individual would have to familiarize his or herself with these very complex projects. The City is not aware of an individual or entity who would be available or able to immediately complete these services.

(d) Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations;

Finding: The contract will not encourage favoritism because Mr. Clifton has performed the required duties for two years and needs to continue the work he has begun in reviewing large complex projects into the next fiscal year. He is also needed to serve the public need of reviewing critical and important construction projects. It will substantially promote the public interest to continue his contract to provide seamless public service to builders and, public entities, and property owners that have submitted plans and are awaiting approval. Furthermore, in March 2020, the Astoria City Council passed an emergency declaration, which authorizes the City to use streamlined processes for purchasing goods and services, as allowed per Oregon law while under emergency situations. This service is needed immediately now. The streamlined process is allowed under Oregon law.

(e) A description of the proposed alternative contracting methods to be employed;

Finding: The proposed alternative is a direct appointment to extend the current contract with Mr. Clifton.

(f) The estimated date by which it would be necessary to let the contract(s).

Finding: The contract would begin on May 4, 2020 and continue to June 30, 2021.

In making a determination regarding a special selection method, the City Council may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.

Hearing. The City shall approve the special solicitation or exemption after a public hearing before the City Council. (a) At the public hearing, the City shall offer an opportunity for any interested party to appear and present comment. (b) The City Council shall consider the findings and may approve the exemption as proposed or as modified by the City Council after providing an opportunity for public comment.

Staff is recommending Tony Clifton be awarded a contract amendment after City Council consideration of the proposed findings.

For additional questions related to these findings, please contact Brett Estes at 503-325-5824 or at bestes@astoria.or.us .