

Draft Findings Regarding Exemption from Competition for a Contract to Repair City of  
Prineville Railway Bridge Located on Oregon Highway 26

City Staff recommends that the City Council make the following findings as their basis for approval, if they approve, exempting the contract for the repair of the City Prineville Railway bridge located on Oregon Highway 26 and directly contracting with Koppers Railroad Structures, Inc. (“Koppers”).

1. The nature of the contract for which the exemption is requested:
  - Transportation public improvement contract exceeding \$50,000.00.
2. The estimated contract price is a base price of \$74,405.00 subject to amendment based on prevailing wage requirements.
3. Findings to support the substantial costs savings, enhancement in quality or performance, or other public benefit anticipated by the exemption from competitive solicitation:
  - The railway bridge on highway 26 was damaged by a vehicle on November 29, 2021, necessitating repairs to be made for the effective operations of the railroad. Based on the accident, railway operations over the bridge require speed and weight restrictions.
  - Railroad bridge repair is a highly specialized field that requires qualifications and approvals from the Federal Railroad Administration (“FRA”), thus limiting the number of contactors that are qualified for this type of project.
  - Koppers has the requisite tools and materials that have been approved by the FRA and is available to perform the work in late January.
  - Based on the limited number of contactors and availability, by directly contracting with Koppers to have the work performed in January 2022, unnecessarily delays will be avoided that may adversely affect City of Prineville Railway operations, safety for railway personnel and public, and services to Railway customers.
  - It is anticipated that it would take approximately three months to prepare the scope of work and other documents necessary to issue an invitation to bid, allow other contractors to study the project to prepare their bid, and to select the lowest bidder.
  - Additional costs to the City for preparing the documents to issue an invitation of bid would be eliminated.
  - Koppers have the available personnel to complete the job within the next thirty days.
  - Railway engineers have recommended Koppers as a reputable company within the industry.

4. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or would otherwise substantially promote the public interest in a manner that could not practically be realized by complying with the solicitation requirements that would otherwise be applicable:
  - In addition to findings in Section 3 above, based on the qualifications required to work on the bridge, only a select number of contractors are eligible for the project. Based on availability, Koppers can repair the bridge sooner than any other contractor within the country.
5. A description of the proposed alternative contracting methods to be employed:
  - Directly contracting with Koppers Railroad Structures, Inc. for the repair of the City of Prineville Railway bridge located on Oregon Highway 26.
6. The estimated date by which it would be necessary to let the contract is January 22, 2022.