

## RESOLUTION NO. 1543

### A RESOLUTION EXEMPTING FROM COMPETITION A CONTRACT FOR PUMP, MOTOR, AND GENERATOR UPGRADES OF TWO CITY WELLS

#### RECITALS:

A. City of Prineville Resolution No. 1266 authorizes the City Council acting as the Contract Review Board for the City to exempt from competition the award of a specific contract or class of contracts based upon a record before the Council making specific findings regarding exempting the Contract from competitive bidding.

B. A public notice was published in the December 23, 2022 edition of the Daily Journal of Commerce setting the January 10, 2023 Prineville City Council meeting as the time and place to comment on the City's draft findings for exempting a contract from competition for a contract for pump, motor, and generator upgrades to two (2) City wells and directly contracting with Sky's the Limit for the 4 of US, Inc., dba Abbas Well Drilling ("Abbas") for such project.

C. A public notice was published in the January 3, 2023 edition of the Central Oregonian setting the January 10, 2023 Prineville City Council meeting as the time and place to comment on the City's draft findings for exempting a contract from competition for a contract for pump, motor, and generator upgrades to two (2) City wells and directly contracting with Sky's the Limit for the 4 of US, Inc., dba Abbas Well Drilling ("Abbas") for such project.

D. A public hearing was held January 10, 2023, at the Prineville City Council meeting to allow an opportunity for any interested person to appear and present comment.

E. Pursuant to City Resolution No. 1266, the City Council makes the following findings as their basis for exemption from City's competitive bidding requirements the award of a contract for pump, motor, and generator upgrades to two (2) City wells:

1. The nature of the contract for which the exemption is requested:
  - Public Improvement Contract.
2. The estimated contract price is \$615,000.00.
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 quality of Abbas's previous work product has been excellent. They have completed their work in a timely manner and at a reasonable cost to the City.
  - Abbas is in good standing with regulatory agencies which should make it easier to complete the project without delays.
  - Abbas was selected by the City pursuant to a Request for Proposals issued July 12, 2022 for the routine well and booster pump maintenance and repair services.
  - The City Engineer has estimated it would take approximately two months to prepare the scope of work and other documents necessary to issue an invitation to bid, allow other contractors 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.

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, Abbas was previously selected for well and booster pump maintenance and repair services; however, that agreement is for annual services in the amount not to exceed \$150,000.00.

5. A description of the proposed alternative contracting methods to be employed:

- Directly contracting with Abbas for the pump, motor, and generator upgrades to the Heliport and Airport 2 Wells.

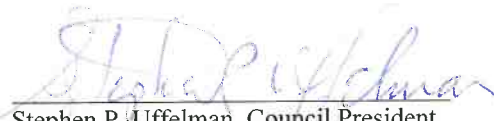
6. The estimated date by which it would be necessary to let the contract is January 20, 2023.

NOW, THEREFORE, based on the above Recitals and findings of fact, the Prineville City Council, sitting as the Contract Review Board for the City of Prineville, hereby resolves as follows:

1. The contract for pump, motor, and generator upgrades to two (2) City wells is hereby exempt from competitive bidding.

2. Appropriate City officials are authorized to sign the contract with Sky's the Limit for the 4 of US, Inc., dba Abbas Well Drilling for the pump, motor, and generator upgrades to two (2) City wells.

Passed by the City Council this 10<sup>th</sup> day of January, 2023.

  
Stephen P. Uffelman, Council President

ATTEST:

  
Lisa Morgan, City Recorder