

RESOLUTION NO. 998

**A RESOLUTION EXEMPTING A CONTRACT WITH OTAK INC, FROM
COMPETITIVE BIDDING REQUIREMENTS**

The Prineville City Council acting as the public contract review board for the City of Prineville finds as follows:

1. OTAK Inc, has served as engineers for the design and construction of sanitary sewer interceptor as an oversized on-site facility related to the Pahlisch Homes (Elkhorn Development) Ochoco Point Sub-division.
2. OTAK Inc, has served as engineers for the preliminary and final design of an off site sanitary sewer interceptor from the Ochoco Point Sub-division to the existing sanitary sewer interceptor on N. Main Street near NE Loper St.
3. OTAK Inc, has served as engineers for feasibility studies and preliminary engineering for a Waste Water Facility Plan sewer interceptor between N. Main near NE Loper Street known as the NW 10th Street to the Madras Highway Interceptor. Brooks Resources commissioned this effort.
4. The City has determined it is necessary and urgent to complete the final design and construction of the NW 10th Street Sanitary Sewer Interceptor between NE Main at NE Loper and the Madras Highway Interceptor in 2005.
5. The City has determined through the Department of State Lands, Army Corp of Engineers, US Fish and Wildlife Department and Oregon Department of Fish and Wild Life that an in water work window of July to October 2005 is available to complete the NW 10th Street Sanitary Sewer Interceptor prior to March of 2006. The interceptor must be in service prior to April 2006 and the next available in water work window July 2006 .
6. The City has determined that Requests for Proposals, screening, selection and negotiating a contract through normal bidding processes for an engineering firm will result in an unacceptable delay in start of design of the NW 10th Street Sewer.
7. The City has determined the minimum design and bid period for the NW 10th Street Sewer Interceptor process will require 4 months
8. The City has determined that significant cost savings may be achieved by utilizing a qualified engineering firm that has completed feasibility, design and/or construction of major elements of the overall new Sanitary Sewer Interceptor System
9. The City has determined that expeditious completion of the new Sanitary Sewer Interceptor System will benefit the City by reduction in other Facilities Plan sewer interceptor improvements previously anticipated.
10. There are applications before the City or discussions with developers for developments directly related to the need for the new Sanitary Sewer Interceptor system that will be delayed or negatively impacted by its delay in construction

11. The City has determined that current Waste Water Treatment Plant Expansion and subsequent improvements to the connection from Madras Highway Interceptor and new influent pump station have been designed for and will accommodate the new 10th Street Sanitary Sewer Interceptor System by late July 2005.
12. Because of OTAK Inc.'s familiarity with the overall scope and requirements of the NW 10th Street Sewer interceptor requirements, the City's Sanitary systems and, the inter-related developments and improvements associated with its creation, it is most likely their bid would be the most responsive and favorable to the City as well as the lowest, and therefore, it is most likely that granting this exemption will not encourage favoritism or substantially diminish competition in awarding the contract.
13. City has determined and directed that no City employee or other City contractor will benefit from the City selecting OTAK Inc.
14. Because of the ability to more quickly start and complete the final design and bidding process for the NW 10th Street Sewer Interceptor Project it will result in a substantial cost savings to the City.

BASED UPON the above findings, it is hereby resolved as follows:

The contract between the City of Prineville and OTAK, Inc. in the amount not to exceed \$149,500 for final design, bidding and construction management services for the NW 10th Street Sewer Interceptor System is exempt from competitive bidding.

The City Manager is directed to prepare final contract documents under the advice of the City Attorney and execute such documents and contracts.

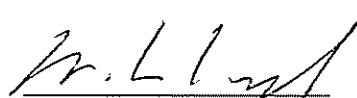
Passed by the City Council this 25th day of January, 2005

Signed by the Mayor this 25~~th~~ day of January, 2005

ATTEST:



Robb W. Corbett
City Manager



Mike Wendel, Mayor