

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE	AGENDA ITEM NUMBER
February 2, 2016	

TO: Mayor Shoji and City Councilors

FROM: Jim Hossley, Public Works Director *JH*

THROUGH: Rodger Craddock, City Manager *RC*

ISSUE: Consider Using State Contracting Rules and Suspending City Contracting Rules for the Dolphin Theater Façade Project

BACKGROUND:

On January 5, 2016 the URA approved funding Agency management of a façade improvement project for the Dolphin Theater not to exceed \$97,200. Prior to URA consideration of the project, the Dolphin Players obtained three quotes for the façade project. The procurement process was in accordance with the State of Oregon contracting rules found in ORS 279B.070, Intermediate procurements. When conducting an intermediate procurement, it is necessary to seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors.

The Dolphin Players secured the following quotes:

- Tom Gayeski Construction Inc. - \$97,200
- Welborne & Sons Inc. - \$122,970
- Scott Partney Construction, Inc. - \$125,892

City rules for public contracting (Resolution 08-02) require that acquisition of services for a project of the magnitude (over \$25,000) of the Dolphin Theater façade be procured using an advertised Invitation To Bid (ITB). The ITB process was not used in this case.

The City Council, acting in its capacity as the Contracting Board, has the power to create the contracting rules. The Contracting Board has the power to suspend a portion of those rules in favor of the State Contracting rules. There is no specific rule that staff can point to which gives the Council that power. It is the inherent authority of the Council, acting as the Contracting Board, to create, modify, and in this case suspend the City's rules in favor of the State's rules.

ADVANTAGES:

Suspension of the City contracting rules in favor of the State's may minimize project cost and will save time. It will eliminate the need to advertise for bid and repeat seeking responses from contractors. Rebidding the project could result in higher bids from contractors over what was originally received.

DISADVANTAGES:

Staff sees no disadvantages.

BUDGET IMPLICATIONS:

No budget implications if the Council suspends the City contracting rules in favor of the State's. If Council chooses not to suspend the rules, there will be additional cost associated with preparing bid documents, advertising the ITB, and possibly higher bids.

ACTION REQUESTED:

If it pleases council, consider a onetime suspension of the City's contracting rules (Resolution 08-02) for the Dolphin Theater Façade Project in favor of the State contracting rules, particularly ORS 279B.070.