



# Council Business Meeting

May 16, 2023

<b>Agenda Item</b>	Class Special Procurement Sourcing Method Approval for Asphalt Patching		
<b>From</b>	Michael Morrison	Operations Deputy Director	
<b>Contact</b>	<a href="mailto:michael.morrison@ashland.or.us">michael.morrison@ashland.or.us</a> 541-552-2325		
<b>Item Type</b>	Requested by Council <input type="checkbox"/> Update <input type="checkbox"/> Request for Approval <input checked="" type="checkbox"/> Presentation <input type="checkbox"/>		

## **SUMMARY**

Approval is being requested for a **Class-Special Procurement**.

This **Class-Special Procurement** (sourcing method) will allow the use of an alternative solicitation process to procure asphalt patching services. City departments have to make repairs to power lines, storm drains and water lines, etc. which requires the removal of minimal areas of asphalt to expose the areas in need of repairs and/or utility installations. Written price quotes (price/square foot) for jobs up to \$2,500.00 will be obtained every 60 to 90 days for asphalt patching services. Departments will be required to obtain at least three (3) written quotes for each individual asphalt patching job anticipated to exceed \$2,500.00. Currently, there are two (2) asphalt paving contractors willing to do the small jobs and one (1) contractor that only wants to bid on asphalt patching jobs that exceed \$2,500.00. Contracts and insurance certificates will be kept on file for each of the asphalt patching contractors for the term of the Class-Special Procurement.

## **POLICIES, PLANS & GOALS SUPPORTED**

### **BACKGROUND AND ADDITIONAL INFORMATION**

A Special Procurement (sourcing method) is used for the purpose of seeking an exemption from the competitive bid process, custom designing a contracting approach, or the direct selection or award of a public contract or for a series of contracts. The attached Form #9 Special Procurement Request for Approval (written findings) is attached for your review and consideration.

The Class-Special Procurement previously approved by Council on June 7, 2016, is due to expire on June 30, 2023.

### **FISCAL IMPACTS**

Departments budget for repairs such as asphalt patching, each fiscal year.

### **DISCUSSION QUESTIONS**

### **SUGGESTED NEXT STEPS**

Staff recommends the **Class-Special Procurement** be approved for the reasons provided in the attached written findings.





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## **REFERENCES & ATTACHMENTS**

1. Form #9 Special Procurement Request for Approval (Written Findings)

**SPECIAL PROCUREMENT  
REQUEST FOR APPROVAL**

**To:** City Council, Local Contract Review Board  
**From:** Mike Morrison, Operations Deputy Director  
**Date:** May 16, 2023  
**Subject:** REQUEST FOR APPROVAL OF A SPECIAL PROCUREMENT

In accordance with ORS279B.085, this request for approval of a Special Procurement is being presented to the City Council for approval. This written request for approval describes the proposed contracting procedure and the goods or services or the class of goods or services to be acquired through the special procurement and the circumstances that justify the use of a special procurement under the standards set forth ORS 279B.085(4).

- 1. **Requesting Department Name:** Water, Wastewater, and Electric
- 2. **Department Contact Name:** Steve Walker (Water), Jason Robustelli (Wastewater), Rick Barton (Electric)
- 3. **Type of Request:**  X Class Special Procurement  Contract-specific Special Procurement
- 4. **Time Period Requested:** From July 1, 2023 to: June 30, 2028
- 5. **Total Estimated Cost:** \_\_\_\_\_
- 6. **Short title of the Procurement:** Asphalt Patching Services

**Supplies and/or Services or class of Supplies and/or Services to be acquired:**

City departments have to make required and necessary repairs to power lines, storm drains and water lines, etc. which requires the removal of asphalt to expose the areas in need of repairs and/or utility installations. An asphalt paving contractor will then be hired to provide the material and labor to patch (replace) the asphalt as needed. Most of the asphalt paving jobs are relatively small asphalt patching jobs that range in cost from \$450.00 to \$2,500.00.

**7. Background and Proposed Contracting Procedure:** Provide a description of what has been done in the past and the proposed procedure. The Agency may, but is not required to, also include the following types of documents: Notice/Advertising, Solicitation(s), Bid/Proposal Forms(s), Contract Form(s), and any other documents or forms to be used in the proposed contracting procedure. Attach additional sheets as needed.

**Background:** The Class Special Procurement previously approved by Council on June 7, 2016, is due to expire on June 30, 2023.

**Proposed procedure:** Written price quotes (price/square foot) for jobs up to \$2,500.00 will be obtained every 60 to 90 days for asphalt patching services. Departments will be required to obtain at least three (3) written quotes for each individual asphalt patching job anticipated to exceed \$2,500.00. Currently, there are two (2) asphalt paving contractors willing to do the small jobs and one (1) contractor that only wants to bid on asphalt patching jobs that exceed \$2,500.00. Contracts and insurance certificates will be kept on file for each of the asphalt patching contractors for the term of the Class-Special Procurement.

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**8. Justification for use of Special Procurement:** Describe the circumstances that justify the use of a Special Procurement. Attach relevant documentation.

This Class Special Procurement (sourcing method) will allow the use of an alternative solicitation process to procure asphalt patching services. This process will simplify the solicitation and contracting process for the departments by eliminating the need for each department to request quotes, process a contract and obtain insurance certificates for each of the small asphalt paving jobs. The proposed solicitation process will continue to be an open and competitive process and contracts and insurance certificates will be maintained for each of the asphalt patching contractors.

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**9. Findings to Satisfy the Required Standards:** This proposed special procurement:

(a) will be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts because:

The proposed solicitation process is open and competitive and will remain open and competitive.  
(Please provide specific information that demonstrates how the proposed Special Procurement meets this requirement.);  
**and**

(b)(i) will result in substantial cost savings to the contracting agency or to the public because:

Eliminating a duplication of efforts by the departments in regard to satisfying the public contracting requirements will result in cost savings for each city department that has a need for asphalt patching services.

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(Please provide the total estimate cost savings to be gained and the rationale for determining the cost savings); **or**

(b)(ii) will otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the requirements of ORS 279B.055, 279B.060, 279B.065, or 279B.070, or any rules adopted thereunder because:

The proposed solicitation process will remain open and competitive, result in cost savings by eliminating a duplication of efforts by departments and satisfy the City's public contracting requirements.

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(Please provide specific information that demonstrates how the proposed Special Procurement meets this requirement.)

**Public Notice:**

Pursuant to ORS 279B.085(5) and OAR 137-047-0285(2), a Contracting Agency shall give public notice of the Contract Review Authority's approval of a Special Procurement in the same manner as a public notice of competitive sealed Bids under ORS 279B.055(4) and OAR 137-047-0300. The public notice shall describe the Goods or Services or class of Goods or Services to be acquired through the Special Procurement and shall give such public notice of the approval of a Special Procurement at least seven (7) Days before Award of the Contract.

After the Special Procurement has been approved by the City Council, the following public notice will be posted on the City's website to allow for the seven (7) day protest period.

Date Public Notice first appeared on [www.ashland.or.us](http://www.ashland.or.us) - *[if approved, May 17, 2023]*

**PUBLIC NOTICE**  
**Approval of a Special Procurement**

**First date of publication:** *[if approved, May 17, 2023]*

A request for approval of a Special Procurement was presented to and approved by the City Council, acting as the Local Contract Review Board, on *[if approved, May 16, 2023]*

This Class Special Procurement (sourcing method) will allow the use of an alternative solicitation process to procure asphalt patching services. Written price quotes (price/square foot) for jobs up to \$2,500.00 will be obtained every 60 to 90 days for asphalt patching services. Departments will be required to obtain at least three (3) written quotes for each asphalt patching jobs anticipated to exceed \$2,500.00. This process will simplify the solicitation and contracting process for the departments by eliminating the need for each department to request quotes, process a contract and obtain insurance certificates for each of the small asphalt paving jobs. The proposed solicitation process will continue to be an open and competitive process and contracts and insurance certificates will be maintained for each of the asphalt patching contractors.

It has been determined based on written findings that the Special Procurement will be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts, and result in substantial cost savings or substantially promote the public interest in a manner that could not be realized by complying with the requirements that are applicable in ORS 279B.055, 279B.060, 279B.065, or 279B.070.

An affected person may protest the request for approval of a Special Procurement in accordance with ORS 279B.400 and OAR 137-047-0300. A written protest shall be delivered to the following address: City of Ashland, Kariann Olson, Purchasing Representative, 90 N. Mountain Avenue, Ashland, OR 97520. The seven (7) protest period will expire at 5:00pm on *[if published May 17, 2023, will expire May 24, 2023]*

This public notice is being published on the City's Internet World Wide Web site at least seven days prior to the award of a public contract resulting from this request for approval of a Special Procurement.