

# Council Communication

## August 19, 2014, Business Meeting

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### Class-Special Procurement – Day Wireless

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#### **FROM**

John Karns, Fire Chief, [john.karns@ashland.or.us](mailto:john.karns@ashland.or.us)

Terry Holderness, Police Chief, [terry.holderness@ashland.or.us](mailto:terry.holderness@ashland.or.us)

Mike Morrison, Public Works Superintendent, [mike.morrison@ashland.or.us](mailto:mike.morrison@ashland.or.us)

Stu Wilkie, Fleet/Safety Supervisor, [stu.wilkie@ashland.or.us](mailto:stu.wilkie@ashland.or.us)

#### **SUMMARY**

This Class-Special Procurement (sourcing method) is being used to seek an exemption from the competitive bid process, which will allow City departments to directly award contracts to Day Wireless for repairs and maintenance, including technical support and consulting services, for the City's emergency communications and notification systems, including SCADA, and any related equipment. Day Wireless has extensive knowledge and experience building and maintaining the City's emergency communication and notification systems and the integration of these complex and intricate systems. It is in the City's best interest to have Day Wireless continue providing these services to maintain the existing quality of service and mandatory 24/7 coverage. This Class-Special Procurement will expire on June 30, 2019.

#### **BACKGROUND AND POLICY IMPLICATIONS:**

A Special Procurement 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 and completed special procurement, approval request form is attached for your review and consideration.

#### **AMC 2.50.090 Exemptions from Formal Competitive Selection Procedures**

All Public Contracts shall be based upon Competitive Sealed Bidding (Invitation to Bid) or Competitive Sealed Proposals (Request for Proposal) pursuant to ORS 279A – 279C and the Model Rules except for the following:

- G. Special Procurements – a public contract for a class special procurement, a contract specific procurement or both, based upon a contracting procedure that differs from procedures described in ORS 279B.055, 279B.060, 279B.065, 279B.070. The contracting approach may be custom designed to meet the procurement needs.
  - 1. Special procurements shall be awarded in accordance with ORS 279B.085 and all other applicable provisions of law.

#### **FISCAL IMPLICATIONS:**

This Class-Special Procurement will generate savings by eliminating the duplication of efforts by departments to satisfy the public contracting requirements.



The Fire Department manages the City-wide annual agreement for radio maintenance for approximately \$28,000 to \$30,000 per year and the cost is shared by the Fire, Police and Public Works.

The Fire Department budgets approximately \$10,000 per year for services not covered by the annual agreement. Installation services for new equipment will be subject to available and approved funding.

The Police Department budgets approximately \$2,000 per year for services not covered by the annual maintenance agreement. Installation services for new equipment will be subject to available and approved funding.

The Fleet Department budgets and charges these services to the “outside services” account each year. The actual cost for installing new radio communications equipment and/or repairing existing radio equipment is dependent on need and the type and number of vehicles being removed from service and/or new vehicles being put in service.

**STAFF RECOMMENDATION AND REQUESTED ACTION:**

Staff recommends that the “class-special procurement” be approved.

**SUGGESTED MOTION:**

I move that the Council, acting as the Local Contract Review Board, approve the “class-special procurement” with Day Wireless for emergency communication and notification systems.

**ATTACHMENTS:**

Form #9, Special Procurement, Request for Approval



**SPECIAL PROCUREMENT  
REQUEST FOR APPROVAL**

**To:** City Council, Local Contract Review Board  
**From:** Fire, Police, Fleet/Shop and Public Works  
**Date:** August 19, 2014  
**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:** Fire, Police, Fleet/Shop, and Public Works
- 2. **Department Contact Name:** John Karns, Terry Holderness, Mike Morrison, and Stu Wilkie
- 3. **Type of Request:** X Class Special Procurement \_\_\_\_\_ Contract-specific Special Procurement
- 4. **Time Period Requested:** From Upon Council approval To: June 30, 2019
- 5. **Total Estimated Cost:** Cost will be determined by need and funds budgeted by each department.
- 6. **Short title of the Procurement:** Installation, maintenance and consulting for the City's emergency communication and notification systems equipment, including SCADA (Supervisory Control and Data Acquisition), and any related equipment.

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

Day Wireless provides radio repair services, installation of new equipment, infrastructure repair, FCC frequency coordination and consulting to various City departments

**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:** In the past, these contracts were directly awarded to Day Wireless. One of the reasons for this is because Day Wireless was the "exclusive authorized agent for Motorola in the Rogue Valley" per the letter from Motorola received in March, 2005. In February, 2014, the City

received a letter from Motorola describing a new arrangement between Day Wireless and Motorola, which is more restrictive and limited to a term of one year expiring on 12/31/2014 at which time it will be reviewed again by Motorola.

Contracts were also directly awarded using the "Sole Source" sourcing method due to the necessity of the departments needing someone with extensive knowledge of the intricate systems in need of repairs, maintenance and upgrades.

**Proposed procedure:** City departments are seeking an exemption from the competitive bid process to directly award contracts for these types of services to Day Wireless.

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

Day Wireless has consistently provided dependable and reliable services (labor, technical support, and equipment) for Fire, Police, Fleet/Shop and Public Works over the last 10+ years. This Special Procurement will give departments authority to continue working directly with Day Wireless. Day Wireless has extensive experience and knowledge installing first responder and emergency service personnel communications equipment, including the integration of these systems. It is mandatory that the City maintain this quality of service for 24/7 coverage.

NOTE: This Special Procurement is for labor and consulting services (installations, repairs, maintenance, infrastructure repairs and consulting) only. Major hardware and equipment purchases will be competitively bid or may be purchased using a cooperative agreement (State of Oregon/Washington or WSCA contract).

**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:

It is unlikely to encourage favoritism due to the extensive knowledge and experience Day Wireless has working with the City's emergency communications and notification system.

(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:

It is a definite cost savings to the City to have Day Wireless continue building and maintaining the City's emergency communications and notification system and the integration of these systems due to their extensive knowledge of these systems and the need to maintain the existing quality of service.

(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:

Day Wireless has extensive knowledge and experience building and maintaining the City's emergency communication and notification systems and it is in the City's best interest to have Day Wireless continue providing these services to maintain the existing quality of service and 24/7 coverage

(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) - *[August 20, 2014 – If approved by Council]*

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

**First date of publication:** *[August 20, 2014 – If approved by Council]*

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 *[August 19, 2014 – If approved by Council]*.

This Class-Special Procurement will allow City departments to directly award contracts to Day Wireless for repairs and maintenance, including technical support and consulting services, for the City's emergency communications and notification systems, including SCADA, and any related equipment. Day Wireless has extensive knowledge and experience building and maintaining the City's emergency communication and notification systems and the integration of these complex and intricate systems. It is in the City's best interest to have Day Wireless continue providing these services to maintain the existing quality of service and mandatory 24/7 coverage. This Class-Special Procurement will expire on June 30, 2019.

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, Kari Olson, 90 N. Mountain Avenue, Ashland, OR 97520, Telephone 541-488-5354. The seven (7) protest period will expire at 5:00pm on *[August 27, 2014 – if approved and posted August 20, 2014]*

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.