

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 97-3-19-9

(IN THE MATTER OF EXEMPTING THE CONTRACTING FOR
 (REPAIR OF THE PENINSULA (ROAD SLIDE LOCATED AT
 (MILE POINT 7.1 FROM FORMAL BIDDING REQUIREMENTS
 (AND AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS
 (TO UTILIZE ALTERNATIVE PROCUREMENT METHODS TO
 (CONTRACT FOR THE NEEDED EMERGENCY REPAIRS

WHEREAS, a weather related road failure occurred on Peninsula Road at Mile Point 7.1 during December 1996 closing the road;

WHEREAS, the scope of the repairs is beyond the resources of Lane County Maintenance forces;

WHEREAS, repair of the slide is necessary and timing to prepare appropriate contract documents, solicit bids and construct the repair before filling of Fall Creek Reservoir has become a major issue; and

WHEREAS, findings were developed in accordance with ORS 279.015 Competitive Bidding; Exemptions, OAR 125-310-030, and Lane Manual Chapter 20 Contract Review Board Public Contract Rules and Exemptions, to establish the existence of an emergency and to exempt the contracting for emergency repair of the slide on Peninsula Road at Mile Point 7.1 from formal competitive bidding; NOW THEREFORE IT IS HEREBY

ORDERED:

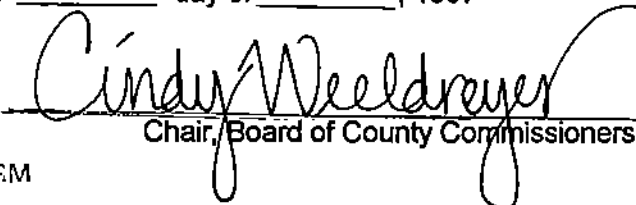
1) The Board of County Commissioners sitting as the Lane County Public Contract Review Board has considered and adopts the findings attached hereto as Exhibit A and incorporated by this reference and declares the existence of an emergency necessitating the prompt execution of contracts;

2) The Board of County Commissioners sitting as the local contract review board in accordance with ORS 279.015 Competitive Bidding; Exemptions, OAR 125-310-030, and Lane Manual Chapter 20 Contract Review Board Public Contract Rules and Exemptions, approves an exemption from formal competitive bidding for the emergency repair of the Peninsula Road Slide at Mile Point 7.1.

3) The Department of Public Works be authorized to utilize alternate procurement methods; and

4) The Director of the Department of Public Works, Purchasing Manager, and/or County Administrator be authorized to execute the resulting Purchase Orders and/or contracts.

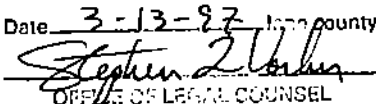
DATED this 19 day of March, 1997


 Chair, Board of County Commissioners

FILED

APR 04 1997

APPROVED AS TO FORM

Date 3-13-97 Lane County

 OFFICE OF LEGAL COUNSEL

COUNTY CLERK
 BY 

FINDINGS:

1. Peninsula Road has been closed to through traffic as a result of a slide which occurred as a result of unseasonable storm events in December 1996.
2. The road closure has caused the Lowell School District to re-route school bussing adding 38 miles to the normal bus route and adding approximately 1.5 hours to the trip time.
3. Emergency service response time through the Lowell Fire District has been impacted by adding eight miles additional distance through use of the alternate routing over Big Fall Creek Road.
4. Access to Fall Creek Reservoir for recreational and maintenance purposes by the Army Corps of Engineers has been impaired.
5. Depending on summer weather conditions there are unknown and potentially serious impacts resulting from possible fires in the surrounding forest.
6. The scope of the repair work was deemed to be beyond the resources Lane County Maintenance forces.
7. The time required to perform an engineering survey and geotechnical studies had to be delayed as a result of unstable site conditions.
8. Engineering design of the repair indicates a need to excavate below the high pool elevation of the reservoir. The repair work requires that the work be initiated prior to the filling of the reservoir in mid-May.
9. There is insufficient time to prepare contract plans and specification documents, advertise and bid the project, award a contract and initiate work prior to the mid-may date.
10. It is anticipated the County will incur costs savings to complete the work prior to the filling of the reservoir. Cost savings by performing the work early this spring will emanate from local contractors being able to work their forces prior to the initiation of the summer construction season.
11. Additional costs are anticipated to complete the repair next fall due to saturation of the soils at the toe of the slide. Actual site conditions in the fall will not be known until after the reservoir elevation has receded due to normal winter drawdown. The scope of the additional costs can not be accurately identified. It is anticipated that a fall bid letting and repair will result in higher prices due to encroachment on contractors normal construction season resources and degradation of the site.
12. It is unlikely that an emergency exemption to the normal competitive bidding procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.
13. Based on the above, the Board concludes an emergency exists consisting of substantial risk of loss, damage, interruption of services or threat to public health and safety that could not have been reasonably foreseen and requires prompt execution of contracts to remedy the condition.