

RESOLUTION NO. 06-1

**RESOLUTION OF THE BOARD OF DIRECTORS FOR
LA PINE SPECIAL SEWER DISTRICT
FOR AN EMERGENCY PUBLIC IMPROVEMENT CONTRACT**

WHEREAS, the Board of Directors for the La Pine Special Sewer District (District) adopted public contracting rules for the District on March 10, 2005, and properly published notice of this adoption; and

WHEREAS, pursuant to ORS 279A.060, the District Board is the local Public Contract Review Board for the District; and

WHEREAS, pursuant to ORS 279C.335(6) and District Rule 137-049-0150, the District may declare that emergency circumstances exist that require prompt execution of a public contract for emergency construction or repair work; and

WHEREAS, the District has been informed by Deschutes County (County) that County will commence a construction project on or before June 1, 2006 to lower the intersection on First and Huntington Streets (Intersection) by 18 inches. The District must immediately lower its sewer line in this area to accommodate this change. The District project must be completed prior to the County project commencement date to avoid: (1) conflict between two contractors working in the same project area; and (2) significantly increased project costs; and

WHEREAS, the County has also informed the District that it will not allow the new pavement at the Intersection to be cut for five years after completion of the project. Therefore, any District sewer line sizing increases must be undertaken prior to the June 1, 2006 deadline; and

WHEREAS, after the District learned of the County's project, District attempted first to include its sewer line project (Project, as more specifically described in Exhibit 1, attached and incorporated herein) within the larger County project, but found that County had already put the project out to bid and awarded the contract; and

WHEREAS, the District believed that County's contractor would provide a lower cost to undertake District Project work, as it would already be mobilized on the Project site; and

WHEREAS, the District therefore solicited a contract under District Rule 137-049-0160, allowing intermediate procurements, but both quotes received on the Project, including County's contractor, came over the \$100,000 limit; and

WHEREAS, the lesser of the two quotes received was from Vic Russell Construction, Inc., for a total of \$132,745; and

WHEREAS, anticipated harm from failure to enter into an emergency contract with Vic Russell Construction, Inc., for Project work could result in District sewer lines being inoperative and/or too small to serve District growth over the next five years, or both, which significantly impacts public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the La Pine Special Sewer District Board of Directors that:

Section 1: **Findings.** The above findings are hereby adopted as the basis for declaring an emergency.

Section 2: **Declaration of Emergency.** An emergency, as described above, is hereby declared to exist, and the public works contract for the above-described project is hereby exempt from the competitive bidding requirements of ORS 279C.335(1).

Section 3: **Award.** Pursuant to ORS 279C.335(6) and District Rule 137-049-0150, regarding emergency public improvement contracts, the District hereby awards the contract for Project to Vic Russell Construction, Inc., as the offeror with the lowest quote which will best serve the interests of the District.

Section 4: **Emergency Clause.** It is hereby adjudged and declared that existing conditions are such that this resolution is necessary for the immediate preservation of the public peace, health and safety of the La Pine Special Sewer District, and an emergency is hereby declared to exist and this resolution shall be in full force and effect when signed by the President of the Board of Directors.

DATED this 13th day of April, 2006.

Vice Chairman,
Board of Directors

ATTEST:

Secretary,
Board of Directors