

Council Communication

August 16, 2016 – Business Meeting

Special Procurement for the purchase of Polymer for the WWTP

FROM

David Gies, waste water treatment plant supervisor, david.gies@ashland.or.us

SUMMARY

This “Contract-specific Special Procurement” will allow the Wastewater Treatment Plant to directly award a contract to Polydyne for the purchase of clarifloc C-6286 (Polymer). This chemical is used at the WWTP to assist with the “thickening” of biosolids which removes excess water from the solids. The excess solids that are generated are in the 1-2% range and after being treated with this polymer, the solids are thickened to approximately 20%. Therefore, fewer loads of biosolids are hauled to Dry Creek Landfill as a result of using this polymer. The need for polymer may fluctuate from year to year or season to season based on sludge characteristics. This polymer continues to perform well and is the best product for the application.

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:

The wastewater treatment plant has budgeted \$60,000 for polymer for FY 2017.

STAFF RECOMMENDATION AND REQUESTED ACTION:

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



SUGGESTED MOTION:

The Council, acting as the Local Contract Review Board, moves to approve the public contract award to Polydyne for clarifloc C-6286 (polymer).

ATTACHMENTS:

Form #9, Special Procurement, Request for Approval



**SPECIAL PROCUREMENT
REQUEST FOR APPROVAL**

To: City Council, Local Contract Review Board
From: David Gies, Wastewater Treatment Plant Supervisor
Date: August 16, 2016
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:** Wastewater Treatment Plant
- 2. **Department Contact Name:** David Gies
- 3. **Type of Request:** Class Special Procurement X Contract-specific Special Procurement
- 4. **Time Period Requested:** From July 1, 2016 To: June 30, 2021
- 5. **Total Estimated Cost:** \$60,000 is budgeted for Polymer for FY 2017

Note: The need for Polymer may fluctuate from year to year or season to season based on sludge characteristics.

6. **Short title of the Procurement:** POLYMER CHEMICAL

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

The chemical being acquired is Polydyne Clarifloc C-6286 (Polymer). This chemical is used at the WWTP to assist with the “thickening” of biosolids which removes excess water from the solids. The excess solids that are generated are in the 1-2% range and after being treated with this polymer, the solids are thickened to approximately 20%. Therefore, fewer loads of biosolids are hauled to Dry Creek Landfill as a result of using this polymer.

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: Not all polymer works the same. Finding the right polymer product is done by testing the solids and doing “jar tests” to see what works best for a specific application. When the WWTP

reconstruction was complete, numerous manufacturers of polymer products were contacted and “jar tests” were performed using the different polymers. It was determined at that time that the Polydyne Clarifloc C-6286 was the best product for this application and it has been continually effective in thickening the biosolids. The Special Procurement that was approved July 21, 2012 by the Council is due to expire June 20, 2016.

Proposed procedure: The proposed contracting procedure is “direct award” for a term of five fiscal years.

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

“Jar tests” were performed using various polymers provided by numerous manufacturers. And, at that time, it was determined that the Polydyne Clarifloc C-6286 was the best product for this application.

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

X (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 diminish competition, because numerous manufacturers were contacted when the “jar tests” were performed using the different polymers, and it was determined at that time, after testing various polymers, that the polymer manufactured by Polydyne was the best fit for the application.

(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:

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

X (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:

At this time, there is no need to conduct “jar tests” in search of another polymer that will perform in the same manner. The polymer being used has continued to perform well and is meeting the needs of the WWTP.

(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 - *[If approved, August 17, 2016]*

PUBLIC NOTICE
Approval of a Special Procurement

First date of publication: *[If approved, August 17, 2016]*

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, August 16, 2016]*.

This "Contract-specific Special Procurement" was processed to seek an exemption from the competitive bid process to directly award a contract to Polydyne Inc. for the acquisition of Polydyne Clarifloc C-6286 (Polymer) for a term of 3 years. This chemical is used at the WWTP to assist with the "thickening" of biosolids which removes excess water from the solids. The excess solids that are generated are in the 1-2% range and after being treated with this polymer, the solids are thickened to approximately 20%. Therefore, fewer loads of biosolids are hauled to Dry Creek Landfill as a result of using this polymer.

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, David Gies, Wastewater Treatment Plant Supervisor, 20 East Main Street, Ashland, Oregon, 97520. The seven (7) protest period will expire at 5:00pm on *[if published August 17th, the date will be August 24, 2016]*.

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.