

**REQUEST FOR APPROVAL  
SPECIAL PROCUREMENT**

**To:** City Council, Local Contract Review Board  
**From:** Bill Molnar, Community Development Director  
**Date:** February 11, 2010  
**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:** Community Development, Planning Division
2. **Department Contact Name:** Bill Molnar and Maria Harris
3. **Type of Request:**          Class Special Procurement   X   Contract-specific Special Procurement
4. **Time Period Requested:** From: Upon Approval To: June 30, 2010
5. **Total Estimated Cost:** \$11,000

**6. Supplies and/or Services or class of Supplies and/or Services to be acquired**

Personal services to update the transportation analysis for the Croman Mill Site Redevelopment Plan to include an additional land use scenario to address the "hybrid" industrial/office land use plan, the phasing of the central boulevard should the ODOT maintenance remain in place indefinitely, impacts of a railroad crossing connecting the plan area to Washington Street and to address new findings requirements of the Transportation Planning Rule. Professional services to be provided by DKS Associates.

**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.

The Croman Mill Site Redevelopment Plan including the transportation analysis was awarded, administered and managed by the state Transportation and Growth Management (TGM) program. The proposed contracting procedure is a direct award.

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

A transportation analysis was completed by DKS Associates as part of the development of the Croman Mill Site Redevelopment Plan. The project including the transportation analysis was funded and administered by the Transportation and Growth Management (TGM), a joint program of the Oregon Department of Land Conservation and Development (DLCD) and Oregon Department of Transportation (ODOT). The TGM project scope of work required a transportation analysis for the redevelopment plan including four initial land use scenarios including an office scenario and an industrial scenario. However, the redevelopment plan ultimately resulted in a fifth scenario, or a "hybrid" scenario including a mix of industrial and office land uses. The proposed update to the Croman transportation analysis would address the hybrid land use plan that came after the initial transportation analysis was completed. DKS Associates performed the original transportation analysis for the Croman Mill Site Redevelopment Plan, and the update of the transportation analysis is an extension of the project. DKS Associates is well acquainted with the study area, as well as the historical travel data, modeling and surrounding opportunities and constraints. The labor associated with locating another firm, providing project background and familiarizing the firm with the intricacies of the project would add costs with no guarantee that the services to be provided would meet or exceed the services provided by DKS Associates.

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:

The update to the Croman transportation analysis is an extension of the previous work that DKS Associates performed for the Croman Mill Site Redevelopment Plan. Based on their previous work on the project, DKS Associates has extensive knowledge of the master plan, project area and background.

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

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

The labor associated with locating another firm, providing project background and familiarizing the firm with the intricacies of the project would add costs with no guarantee that the services to be provided would meet or exceed the services provided by DKS Associates.

(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:

\_\_\_\_\_  
\_\_\_\_\_

(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. The Contracting Agency shall give such public notice of the approval of a Special Procurement at least seven (7) Days before Award of the Contract.**

**Date Public Notice first appeared on [www.ashland.or.us](http://www.ashland.or.us) – February 17, 2010**

**PUBLIC NOTICE**

**Approval of a Special Procurement**

**First date of publication:** February 17, 2010

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 February 16, 2010.

The Contract-Specific Special Procurement was processed to request approval to directly award a contract to DKS Associates for work upon approval to June 30, 2010.

The personal services to be provided by DKS Associates is professional services to update the transportation analysis for the Croman Mill Site Redevelopment Plan as an extension of the previous work that DKS Associates performed on the Croman Mill Site Redevelopment Plan.

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, Community Development Department, Maria Harris, 20 East Main Street, Ashland, OR 97520. The seven (7) protest period will expire at 5:00pm on February 23, 2010.

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.

## **Authority to enter into a Special Procurement:**

### **AMC 2.50.070 Procedures for Competitive Bids**

*All Public Contracts shall be based upon Competitive Bidding pursuant to ORS 279A - 279C and the Attorney General Model Rules, OAR Chapter 137 Divisions 46 - 49, except for the following:*

G. *Special procurements as set forth ORS 279B.085 and herein.*

### **ORS 279B.085 Special procurements.** (1) *As used in this section and ORS 279B.400:*

(a) *“Class special procurement” means a contracting procedure that differs from the procedures described in ORS 279B.055, 279B.060, 279B.065 and 279B.070 and is for the purpose of entering into a series of contracts over time for the acquisition of a specified class of goods or services.*

(b) *“Contract-specific special procurement” means a contracting procedure that differs from the procedures described in ORS 279B.055, 279B.060, 279B.065 and 279B.070 and is for the purpose of entering into a single contract or a number of related contracts for the acquisition of specified goods or services on a one-time basis or for a single project.*

(c) *“Special procurement” means, unless the context requires otherwise, a class special procurement, a contract-specific special procurement or both.*

(2) *Except as provided in subsection (3) of this section, to seek approval of a special procurement, a contracting agency shall submit a written request to the Director of the Oregon Department of Administrative Services or the local contract review board, as applicable, that describes the proposed contracting procedure, 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 in subsection (4) of this section.*

(3) *When the contracting agency is the office of the Secretary of State or the office of the State Treasurer, to seek approval of a special procurement, the contracting agency shall submit a written request to the Secretary of State or the State Treasurer, as applicable, that describes the proposed contracting procedure, 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 in subsection (4) of this section.*

(4) *The director, a local contract review board, the Secretary of State or the State Treasurer may approve a special procurement if the director, board, Secretary of State or State Treasurer finds that a written request submitted under subsection (2) or (3) of this section demonstrates that the use of a special procurement as described in the request, or an alternative procedure prescribed by the director, board, Secretary of State or State Treasurer, will:*

(a) *Be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and*

(b)(A) *Result in substantial cost savings to the contracting agency or to the public; or*

(B) *Otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder.*

(5) *Public notice of the approval of a proposed special procurement must be given in the same manner as provided in ORS 279B.055 (4).*

(6) *If a contract is awarded through a special procurement, the contracting agency shall award the contract to the offeror whose offer the contracting agency determines in writing to be the most advantageous to the contracting agency.*

(7) *When the director, a local contract review board, the Secretary of State or the State Treasurer approves a class special procurement under this section, the contracting agency may award contracts to acquire goods or services within the class of goods or services in accordance with the terms of the approval without making a subsequent request for a special procurement. [2003 c.794 §57; 2005 c.103 §8d]*

### **OAR 137-047-0285 Special Procurements**

(1) *Generally. A Contracting Agency may Award a Contract as a Special Procurement pursuant to the requirements of ORS 279B.085.*

(2) *Public Notice. A Contracting Agency shall give public notice of the Contract Review Authority's approval of a Special Procurement in the same manner as 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. The Contracting Agency shall give such public notice of the approval of a Special Procurement at least seven (7) Days before Award of the Contract.*

(3) *Protest. An Affected Person may protest the request for approval of a Special Procurement in accordance with ORS 279B.400 and OAR 137-047-0700.*



# Oregon

Theodore R. Kulongoski, Governor

## Oregon Department of Transportation

District 8

100 Antelope Road  
White City, OR 97503  
Telephone (541) 774-6299  
FAX (541) 774-6349

RECEIVED

FEB - 2 2010

File Code:

February 1, 2010

Bill Molnar  
Community Development Director  
City of Ashland  
20 East Main Street  
Ashland, OR 97520

City of Ashland  
Community Development

RE: Croman Mill Site Redevelopment Plan

Dear Bill,

We appreciate the work the city has put into redevelopment of the Croman Mill Site and understand the city's desire to revitalize this area. Redevelopment is expected to increase employment and provide needed housing options for city residents. We also appreciate your willingness to work with us in relation to the Ashland Maintenance Yard located within the proposed Croman Mill District. As we discussed on the phone, we would like to share some of our comments as they relate to State transportation facilities.

First, the redevelopment plan indicates development of a "signature street" referenced in the document as Central Boulevard. As currently written, the plan assumes that this road will traverse through the Maintenance Yard via an easement. We understand that the plan is being revised to remove any reference to easements through the property, and will instead add language indicating the need to purchase the property for planned development to occur.

We were also concerned that with our ability to reconstruct the maintenance buildings should a fire or other disaster occur, necessitating their replacement. We are concerned with our ability to rebuild and meet the new design standards contained in the proposed neighborhood commercial zone. You have indicated that city staff is working to develop language that will allow replacement of these buildings should a catastrophic event occur. With these two changes (purchase of property and allowing building replacement), ODOT is satisfied, but would like to review actual language before final adoption.

Alternately, one solution perhaps not considered that would allow building replacement and increase the likelihood of redevelopment would be the "down zoning" of our property. As currently proposed, the maintenance yard zoning will change to allow commercial development. This is expected to greatly increase the value of the property. Instead, the city might consider changing our zoning to public reserve and making the property less costly to redevelop.

Secondly, we understand the city will be updating the traffic analysis completed for the Croman Mill District. One suggestion would be to phase the traffic analysis consistent with expected redevelopment. For example, the current traffic analysis relies upon the new Central Boulevard to distribute traffic both north and south of the site to Ashland Street and Siskiyou Boulevard. Since it is unknown when ODOT will be able to relocate, the traffic analysis should indicate impacts to Siskiyou Boulevard as opposed to diverting some of the traffic northward.

As DLCD pointed out in their November letter, the traffic analysis will be important to make findings consistent with the transportation-planning rule. We would be happy to offer our assistance as you develop these findings. Findings will need to identify planned improvements as well as their funding.

We look forward to working with you further as this plan moves forward. Please enter this letter into the record. If you have any questions, I can be reached at 541-957-3658.

Sincerely,

Michael Baker  
ODOT Principal Planner

Attachment: DKS Traffic Impact Analysis (Croman Mill) Review

**STATE OF OREGON**

**INTEROFFICE MEMO**

**Department of Transportation  
 Region 3, District 8 Development Review  
 Traffic Engineering Section  
 100 Antelope Road  
 White City, Oregon 97503  
 P: (504) 774-6316 F: (504) 774-6349**

Date: January 29, 2010

**TO: Shawn Stephen  
 Assistant District 8 Manager**

**FROM: Wei "Michael" Wang, P.E. & M.S.  
 Development Review Traffic Engineer**

**SUBJECT: Review of Croman Mill Transportation Report  
 Dated January 2, 2009**

No.	Page	Paragraph	Comment
1	4	Figure 2	The peak hour volumes are not balanced in Figure 2. There is no information about truck percentage, peak hour factor, pedestrian, bike volume, and bus percentage in this analysis.
2	6,14,16, 17,18,19 20,21	Table 1,7, 8, 9, 10, 11, 12,13	Please provide 95 <sup>th</sup> percentile queue length for all the intersections. Region 3 Traffic would like to review the related Synchro files and default settings for these intersections.
3	12,16		On page 12, the TIA indicates that the realignment of Tolman Road has the potential to divert 24 % or between 50-100 peak hour trips due to a less direct north/south route to connect to/from OR 99 and Hwy 66. Please provide detailed analysis to show the fact that the 50-100 diverted trips are included in the new Signature Street & OR 99 intersection v/c calculation.  On page 16, the TIA discusses changing the peak hour factor from 0.81 to 0.92 for future analysis based on the commuter rail service. Region 3 Traffic are not aware of the commuter rail system in Rogue Valley area. Please provide the detailed information and verify this mitigation measurement.
4	17	Paragraph 3	Based on Figure 6 mitigation, there will be an EB left turn and a WB right turn mitigation at the intersection of Hwy 66 & I5 NB Alternative B.  Change the phrase "In addition, a separate westbound right turn pocket would be..." to "In addition, a separate eastbound left and a westbound right turn pocket would be..."
5	21	Paragraph 3	Based on Figure 6, there will be an EB left turn and a WB right turn mitigation at the intersection of Hwy 66 & I-5 NB Alternative D.  Change the phrase "This consisted of signalization and adding a separate westbound right turn pocket." to "This consisted of signalization and adding a separate eastbound left and a westbound right turn pocket."

6	General	Mitigation	ODOT is planning to rebuild the Exit 14 interchange. The proposed interchange will have a four lane cross road with ramps in a diamond configuration. The intersections of Hwy 66 & I-5 NB, Hwy 66 & I-5 SB will be signalized. Please coordinate with ODOT for the 2030 Croman Mill mitigation at these two intersections.
7	General	Mitigation	At the intersection of Hwy 66 & Washington Street, Region 3 Traffic is not willing to support the signalization of this intersection due to its proximity to the Hwy 66 & I-5 SB intersection, which will be signalized with the interchange reconstruction project.  A non-traversable median will be installed along the west side of the interchange from the ramp terminals to Tolman Creek Road as outlined in the I-5 interchange 14 IAMP.
8	General	Mitigation	There is not enough sight distance for turning movement from OR 99 to Mistletoe Road and from Mistletoe to OR 99. Region 3 Traffic would like to seek the opportunity to close the Mistletoe approach due to this safety issue. Mistletoe should become a cul-de-sac. The traffic will access to OR 99 via the proposed Signature Street.
9	General	Mitigation	The mitigation for the intersection of Tolman Creek & Mistletoe is proposed to be a signalized intersection with the lane configuration changed to a tee intersection. Please notify the ODOT Rail department of these proposed changes and get approval with this mitigation.
10	General	Mitigation	The Signature Street proposal indicates the street will go through the existing ODOT maintenance facility. Is the developer proposing to purchase ODOT's property for the new street? Please indicate any additional mitigation if this connection is not completed.

If you have any questions regarding my comments, please call me at (541) 774-6316.

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cc: Shyam Sharma, Region 3  
Ron Hughes, Region 3  
Jerry Marmon, Region 3