

Council Business Meeting

August 20, 2019

Agenda Item	Approval of a Special Procurement – Day Wireless	
From	Mike Morrison	Public Works Superintendent
Contact	michael.morrison@ashland.or.us ; (541) 552-2325	

SUMMARY

This 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 radio 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 Special Procurement will expire on June 30, 2024.

POLICIES, PLANS & GOALS SUPPORTED

City Council Goals:

- Goal 1: Develop current and long-term budgetary resilience
 - Continue to improve the budget process: transparency, rigor, innovation, community involvement, and collaboration
 - Goal 2: Analyze City departments/programs to gain efficiencies, reduce costs and improve services
 - Implement a cost recovery plan and analysis for each department that coincides with the annual review of fees and charges and revenues
 - Goal 3: Enhance and improve transparency & communication
- Maintain Essential Services

Department Goals:

- Maintain existing infrastructure to meet regulatory requirements and minimize life-cycle costs
- Maintain and improve infrastructure that enhances the economic vitality of the community
- Evaluate all city infrastructure regarding planning management and financial resources

PREVIOUS COUNCIL ACTION

A Special Procurement was previously approved on August 19, 2014 and expired on June 30, 2019. Police and Fire have already received Council approval for their FY 2020 annual radio maintenance agreements on July 16, 2019, so this Special Procurement will be available for their use for the remainder of its term.

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

BACKGROUND AND ADDITIONAL INFORMATION

A Special Procurement sourcing method 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 Special Procurement Approval Request Form with written findings is attached for your review and consideration.

The City Council, acting as the Local Contract Review Board, may approval this request for a Special Procurement if it is 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.

FISCAL IMPACTS

Funds are budgeted each fiscal year by individual departments for equipment repairs and maintenance. Upgrades will be dependent on available funding. The Fire and Police Departments funds and manages their annual radio maintenance agreements with Day Wireless.

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

Staff recommends City Council, acting as the Local Contract Review Board, approve this Special Procurement.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

- 1) I move to approve the Special Procurement which will allow public contracts to be directly awarded _ to Day Wireless for the repair and maintenance of radio communication systems, including SCADA and related equipment.
- 2) I move that staff solicit bids in accordance with the procurement requirements set forth in AMC 2.50.

ATTACHMENTS

Attachment 1: Form #9, Special Procurement, Request for Approval (Written Findings)

**SPECIAL PROCUREMENT
REQUEST FOR APPROVAL**

To: City Council, Local Contract Review Board
From: Michael Morrison, Public Works Superintendent
Date: August 20, 2019
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:** PW, Electric, Fire and Police
(City-wide radio communication systems, including SCADA and related equipment)
- 2. **Department Contact Name:** Michael Morrison, Public Works Superintendent
- 3. **Type of Request:** X Class Special Procurement _____ Contract-specific Special Procurement
- 4. **Time Period Requested:** From September 1, 2019 To: June 30, 2024
- 5. **Total Estimated Cost:** To be determined
- 6. **Short title of the Procurement:** Day Wireless

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

Day Wireless to provide repairs and maintenance, including technical support and consulting services, for the City's emergency radio communications and notification systems, including SCADA, and any related equipment. (Includes Fire and Police annual radio maintenance agreements.)

Note: Equipment and components for the systems will continue to be purchased using the highest priority procurement sourcing method.

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: Public contracts have been directly awarded to Day Wireless because they have extensive knowledge and experience building and maintaining the City's emergency communication and notification systems and the integration of these complex and intricate systems. A previous Special Procurement was approved by Council on August 19, 2014 and expired on June 30, 2019.

Proposed procedure: Staff recommends public contracts for repairs and maintenance, including technical support and consulting services, for the City's emergency radio communications and notification systems, including SCADA, and any related equipment be directly awarded to Day Wireless. (Includes Fire and Police annual radio maintenance agreements.)

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 repairs and maintenance, including technical support and consulting services, for the City's emergency radio communications and notification systems, including SCADA, and any related equipment. This Special Procurement will give City staff the authority to directly award public contracts to Day Wireless for these services.

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:

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 imperative that these systems operate 24/7.

(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:

There is a cost saving having a contractor that is highly skilled, with an extensive knowledge of the City's system. This decreases the amount of time having to spend troubleshooting and increases the speed in which the system can be repaired and maintained and made operational again.

(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:

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

(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 - *[August 21, 2019 – If approved by Council]*

PUBLIC NOTICE
Approval of a Special Procurement

First date of publication: *[April 21, 2019 – 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 *[April 20, 2019 – If approved by Council]*.

This Special Procurement was processed to request approval to directly award public contracts to Day Wireless for repairs and maintenance, including technical support and consulting services, for the City's emergency radio 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 Special Procurement will expire on June 30, 2024.

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, Purchasing, 90 N. Mountain, Ashland, OR 97520. The seven (7) protest period will expire at 5:00pm on *[if published August 21st, it will expire August 28, 2019]*

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.