

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE FOR THE PURPOSE)	ORDINANCE NO. 81-120
OF EXEMPTING RECYCLING SUPPORT)	
FUND PROGRAM FROM COMPETITIVE)	Introduced by the Regional
BIDDING)	Services Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1: The Council wishes to improve recycling in the region by offering funds to support new or existing recycling projects. The Council has appropriated \$75,000 to be used for site improvements, capital purchases, and public awareness/education activities including supplies, equipment and construction and contractual services.

The need for supporting various and unidentified components of recycling prevents effective use of competitive bidding procedures.

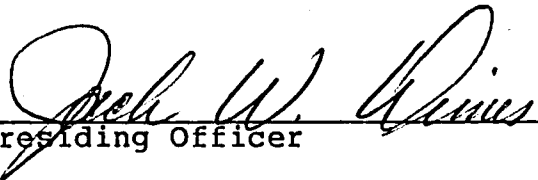
Section 2: The Council finds that for reasons stated in Exhibit 1, which is attached and hereby made a part of this Ordinance, a subjective solicitation and contract award procedure may be substituted for competitive bidding and contract award procedures without encouraging favoritism or substantially diminishing competition for contracts.

Section 3: For the reasons stated in Exhibit 1, the Council finds that the subjective solicitation and contract award procedures will result in substantial cost savings to the District.

Section 4: The Metro Council, in its capacity as the Metro Contract Review Board, hereby exempts all of the contracts related to the Metro Recycling Support Fund Program from competitive bidding requirements and directs that any such contracts be let in

accordance with the procedures contained in Exhibit 1 of this Ordinance.

ADOPTED by the Metropolitan Service District Council
this 5th day of November, 1981.



Presiding Officer

ATTEST:



Clerk of the Council

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EXHIBIT 1

Exemption of Contracts for Metro Recycling Support Fund Program

The Metropolitan Service District (Metro) staff has requested an exemption from the public bidding requirements for helping to develop, encourage and expand residential and/or commercial recycling in the Metro region. This request is based on ORS 279.015.

Program Description

The purpose of the Metro Recycling Support Fund program is to help develop, encourage and expand residential and/or commercial recycling in the Metro region of Washington, Multnomah and Clackamas Counties. Metro intends to provide partial or full funding for new or existing projects which recycle diverse waste materials.

The minimum allocation of funds will be approximately \$500 while the maximum will be approximately \$25,000. The total amount available in the Recycling Support Fund is \$75,000. The money is intended to be used for site improvements, capital purchases, and public awareness/education activities. It can be used to cover the costs of supplies, equipment and construction as well as for contractual services in these categories. It is not intended to be used for wages, taxes, loan repayments or general operating costs.

Those eligible to receive money from the Recycling Support Fund include governmental agencies, municipalities, private organizations/businesses of a profit or nonprofit status and community groups.

Advantages of Subjective Solicitation and Contract Award Process

A subjective solicitation and contract award process will result in greater ease of implementation and cost savings for the following reasons:

1. The program goal is to provide funds for supporting various facets of recycling. Due to the diverse nature of the industry in terms of materials recovered and recycling operations, the proposals submitted will not be sufficiently similar to permit across-the-board comparison. Costs, type of recycling operation and materials recycled are three important factors that will vary for each proposal.
2. To improve as many different recycling operations as possible, Metro needs the flexibility to consider different proposals which may not lend themselves to across-the-board comparisons. For example, some proposals will request assistance for equipment while others may request assistance in terms of promotion and education.

3. To reduce the risk of non-performance, Metro requires reliable and financially strong organizations which can best be determined through this type of solicitation and contract award process.
4. To obtain the most beneficial funding support arrangements, Metro needs the flexibility to consider different proposals which may not lend themselves to across-the-board comparisons. For example, some proposals will include larger in-kind funding of projects while others may not; some may take advantage of State tax credits for the purchase of capital equipment, while others may not.

Selection Process

To ensure a fair selection of organizations a non-partial Evaluation Committee will review the proposals and make recommendations to the Executive Officer who will seek concurrence from the Council.

Proposals will be evaluated according to the following criteria:

- a. Expected immediate and long-term reduction/recycling of waste materials;
- b. Efficient use of money;
- c. Ability to increase public involvement and support of waste reduction/recycling;
- d. Contribution of matching funds or personal services, volunteer services or real/personal property to the project;
- e. Adaptability and usefulness of project methods or technology to other communities or locations in the Metro region and the State;
- f. Originality of approach;
- g. Potential to establish or strengthen markets for recovered materials in the region;
- h. Potential to establish a self-supporting operation; and
- i. The extent to which the proposed program/project involves or promotes cooperation among different groups, organizations and agencies.

Contract Award Process

Notices of award will be sent by mail.

Expenditures incurred before the effective date of the award* may

not be charged against the award. Expenditures after the scheduled expiration date of the funding award may be charged only to honor commitments made prior to the expiration date. Funding will occur after January 1, 1982 and prior to June 30, 1982.

Before Metro will disburse money under the Recycling Support Fund, a funded organization must submit to Metro a written acceptance of the funding award signed by the authorized agent of the organization or municipality.

*Effective date of award: The date the funding agreement is signed by the Metropolitan Service District and the party awarded the recycling support funds.

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There was no one present who wished to speak during the public hearing.

5.6 Order in Contested Case No. 81-5, In the Matter of a Petition for an Urban Growth Boundary Locational Adjustment by WGK Development Corporation.

Motion that the order be adopted; carried unanimously. (Kafoury/Schedeen)

5.7 Public Hearing on Ordinance No. 81-119, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-5.

Motion that the ordinance be adopted. (Schedeen/Bonner)

There was no one present who wished to speak during the public hearing.

5.8 Public Hearing on Ordinance No. 81-120, An Ordinance for the Purpose of Exempting the Recycling Support Fund Program from Competitive Bidding.

Motion that the ordinance be adopted. (Banzer/Rhodes)

There was no one present who wished to speak during the public hearing.

General discussion between the Council and Richard Hertzberg on the selection process for recipients of recycling support funds.

5.9 Ordinance No. 81-114, An Ordinance Repealing Ordinance No. 80-91 (which established the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District).

A vote on the previous motion (Schedeen/Burton) indicated that adoption of the ordinance carried by the following vote:

YEAS: Banzer, Bonner, Burton, Deines, Etlinger, Rhodes and Schedeen.

NAYS: Berkman, Kafoury, Oleson and Williamson.

ABSENT: Kirkpatrick.

ABSTAINING: None.

5.10 Ordinance No. 81-115, For the Purpose of Providing for a Temporary Partial Waiver of Charges at the St. John's Landfill for Vegetative Yard Debris.

A vote on the previous motion (Banzer/Burton) indicated that adoption of the ordinance carried unanimously.

5.11 Ordinance No. 81-116, An Ordinance Relating to Personnel, Adopting Personnel Rules and Repealing Metro Code Chapter 2.02 (Ordinance No. 79-73).

A vote on the previous motion (Kafoury/Burton) indicated that adoption of the ordinance carried unanimously.

Further discussion of the recycling support funds program.

Item No. 6.1 (Penguinarium Design Contract: Approval of Bid) was removed from the agenda.

The meeting was called to order by Presiding Officer Deines.

Presiding Officer stated he had received one written communication regarding the Resource Recovery Facility and had turned it over to Coun. Banzer, Chairman of the Services Committee.

4. Consent Agenda

Motion that the consent agenda (4.1 A-95 Review) be adopted; carried unanimously. (Schedeen/Bonner)

5.1 Ordinance No. 81-117, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-3. (Second Reading)

A vote on the previous motion (Kafoury/Burton) indicated that adoption of the ordinance carried unanimously.

5.2 Ordinance No. 81-118, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-4. (Second Reading)

A vote on the previous motion (Berkman/Schedeen) indicated that adoption of the ordinance carried unanimously.

5.3 Ordinance No. 81-119, An Ordinance Amending the Metro Urban Growth Boundary in Washington County for Contested Case No. 81-5. (Second Reading)

A vote on the previous motion (Schedeen/Bonner) indicated that adoption of the ordinance carried unanimously.

5.4 Ordinance No. 81-120, An Ordinance for the Purpose of Exempting the Recycling Support Fund Program from Competitive Bidding. (Second Reading)

A vote on the previous motion (Banzer/Rhodes) indicated that adoption of the ordinance carried unanimously.

Resolution No. 81-286, For the Purpose of Declaring a Public Necessity to Acquire Real Property in Oregon City Adjacent to the Clackamas Transfer and Recycling Center and the Resource Recovery Facility.

Executive Officer Gustafson stated that passage of this resolution would clear the way for Metro to send a letter to Southern Pacific Railroad threatening condemnation of the property in order that Eucon Corp. may proceed to expand the property under their present contract which expires January 1, 1982.

Motion that Resolution No. 81-286 be adopted; carried unanimously. (Schedeen/Bonner)

General discussion.

6.1 Executive Officer's Report.

Executive Officer Gustafson introduced Jane Hartline, the Public Involvement Coordinator for the Zoo.

A G E N D A M A N A G E M E N T S U M M A R Y

Ord 81-120

TO: Metro Council
FROM: Executive Officer *PLG.*
SUBJECT: Exempting Recycling Support Fund Program From Competitive Bidding

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Approve and authorize Ordinance exempting Recycling Support Fund from competitive bidding.
- B. POLICY IMPACT: Approval of this Ordinance will allow Metro to implement part of the first phase of the Waste Reduction Plan as approved by the Council in adopting Resolution No. 81-212 on January 8, 1981.
- C. BUDGET IMPACT: No specific economic impacts; however, adoption of the Ordinance will allow Metro to evaluate proposals received under the Recycling Support Fund in an efficient and cost-effective manner.

II. ANALYSIS:

- A. BACKGROUND: Metro has issued a Request for Proposals under the \$75,000 Recycling Support Fund. The guidelines do not specify particular work tasks to be performed but instead are general in nature. This will allow a wide variety of proposals to be received and will give staff flexibility in evaluating the proposals.

Since we are not requesting proposals on a designated work scope but instead have broad funding areas (e.g., education/promotion, site improvements, equipment, curbside collection, market improvement), normal competitive bidding procedures are inappropriate. Furthermore, since we are dealing with a sum of money (\$75,000) that is to be distributed throughout the aforementioned categories, competitive bidding would consume an inordinate amount of staff time to administer. The small number of proposals that could conceivably be subject to competitive bidding do not justify this expenditure of staff time. The evaluation criteria for processing proposals that have been adopted by the Council, as well as the various levels of review established (Evaluation Committee - Executive Officer - Regional Services Committee - Council), will ensure that an objective, impartial perspective that is applied to each proposal.

- B. ALTERNATIVES CONSIDERED: The alternative considered was to use standard competitive bidding processes for the Recycling Support Fund. This alternative was rejected because it is inappropriate for the terms of the fund and would prove to be administratively cumbersome.
- C. CONCLUSION: Approve Ordinance No.81-120.

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