

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD

RESOLUTION OF METRO COUNCIL, ACTING)
AS THE METRO CONTRACT REVIEW BOARD,)
FOR THE PURPOSE OF APPROVING A SOLE)
SOURCE CONTRACT FOR THE PURCHASE OF)
CIRCULATION EQUIPMENT AT BLUE LAKE)

RESOLUTION NO. 09-4036
Introduced by Chief Operating Officer
Michael Jordan, with the concurrence of
Council President David Bragdon.

WHEREAS, pursuant to ORS 279A.060 and Metro Code 2.04.010 the Metro Council is designated as the Public Contract Review Board for the agency; and

WHEREAS, Metro Code 2.04.062 requires Council approval for contracts awarded without competitive bidding when it has been determined that the goods or services are available from only one source; and

WHEREAS, There has been an increasing problem at Blue Lake with the presence of blue-green algae, which can be toxic to animals and humans; and

WHEREAS, the Parks and Environmental Services Department has partnered with the residents of the Interlachen neighborhood to coordinate the installation of three circulation devices at Blue Lake. This two-year trial period has resulted in no toxic blooms of blue-green algae in Blue Lake, improved water quality and reduced odor; and

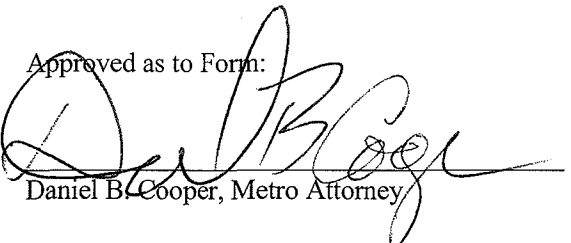
WHEREAS, The Director of Parks and Environmental Services has determined that the solar powered circulation equipment manufactured and provided by Solar Bee is the only known provider of this type of equipment; and

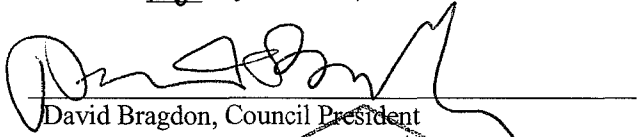
WHEREAS, The Metro Procurement Officer believes that the specialized and unique function of this equipment warrants the use of a sole source contract, and that such action is in accordance with the Oregon Public Contracting Code dealing with sole source procurements (ORS 279B.075); and

WHEREAS, After the successful two-year trial installation of this equipment at Blue Lake, and considering the unique function of the equipment, it would be impractical to use a competitive bid process; now therefore

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Metro Procurement Officer to negotiate and execute a sole source contract with Solar Bee for the purpose of providing circulation equipment in Blue Lake.

ADOPTED by the Metro Council Contract Review Board this 26 day of March, 2009

Approved as to Form:

Daniel B. Cooper, Metro Attorney


David Bragdon, Council President



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 09-4036, FOR THE PURPOSE OF APPROVING A SOLE SOURCE CONTRACT FOR THE PURCHASE OF CIRCULATION EQUIPMENT AT BLUE LAKE.

Date: March 2, 2009

Prepared by:
Jeff Tucker, 797-1913
Darin Matthews, 797-1626

BACKGROUND

High counts of toxic blue-green algae (cyanobacteria) have been a problem in Blue Lake for many years. In spring 2007, the residents of the Interlachen neighborhood partnered with Metro to invite a company called Solar Bee to install 3 devices (SB10000v12 solar-powered 10,000 gallon per minute long distance circulation equipment) in the lake on a 2-year free trial basis. These devices have proven to reduce the blooms of algae and have contributed to overall improved water quality in the lake.

Parks and Environmental Services has determined that Solar Bee, Inc. is the sole provider of this technology and that there is no known competitive products. And after a two-year study period to determine the effectiveness of this equipment in Blue Lake, it would be impractical to use a competitive bid process to procure this equipment.

The Metro Procurement Officer believes that the specialized and unique function of this equipment warrants the use of a sole source contract, and that such action is in accordance with Metro Code 2.04 and the Oregon Public Contracting Code, ORS Chapter 279, dealing with sole source procurements.

ANALYSIS/INFORMATION

1. **Known Opposition** None known.
2. **Legal Antecedents** Metro Code 2.04.062, 2.04.010, ORS 279A.060, ORS 279B.075.
3. **Anticipated Effects** Procurement process will be expedited, allowing for a contract to be executed promptly.
4. **Budget Impacts** The cost of these devices is not anticipated to exceed \$150,000. Budget authority for this action will be approved with the adoption of Ordinance 09-1214.

RECOMMENDED ACTION

Metro Council, acting as Public Contract Review Board, approves the use of a sole source contract with Solar Bee, Inc.