

BEFORE THE CONTRACT REVIEW BOARD  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING PURSUANT TO METRO CODE 2.04.041, AND AUTHORIZING USE OF A REQUEST FOR PROPOSALS FOR PROCUREMENT OF TELECOMMUNICATIONS EQUIPMENT AT THE OREGON CONVENTION CENTER ) RESOLUTION NO. 89-1138 )  
Introduced by Rena Cusma, )  
Executive Officer )

WHEREAS, The Metropolitan Service District is considering procurement of a telecommunications system at the Oregon Convention Center; and

WHEREAS, ORS 279.015 authorizes the exemption of certain contracts from the competitive bidding requirement; and

WHEREAS, Metro Code Section 2.04.010(k), as amended, requires an exemption for contracts obtained through a Request For Proposals (RFP) process:

WHEREAS, Metro Code Section 2.04.041(c) authorizes, where appropriate, the use of alternative contracting and purchasing practices that take account of market realities and modern innovative contracting and purchasing methods which are consistent with the public policy of encouraging competition; and

WHEREAS, The RFP solicitation process described in the Staff Report is in accordance with Metro Code 2.04.041(c) such that the telecommunications system will be selected on the basis of the most competitive offer considering quality and cost where the term

"cost" refers to cost related to quality life cycle costs as well as the initial product price; now, therefore,

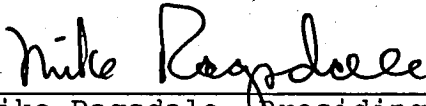
BE IT RESOLVED,

1. That the Council of the Metropolitan Service District finds that:

- a) It is unlikely that exempting the solicitation of telecommunications system for the Oregon Convention Center will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- b) The contract, if awarded pursuant to the exemption, will result in the procurement of a telecommunications system for the Oregon Convention Center both reliable and fairly priced.

2. That based on these findings, the Council of the Metropolitan Service District directs that the contract for the procurement of the telecommunications system at the Oregon Convention Center be exempted from the competitive bid process and that staff is authorized to use a Request for Proposals solicitation process.

ADOPTED by the Contract Review Board for the Metropolitan Service District this 28th day of September, 1989.

  
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Mike Ragsdale, Presiding Officer

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 89-1138, AUTHORIZING AN EXEMPTION TO THE REQUIREMENTS OF COMPETITIVE BIDDING PURSUANT TO METRO CODE SECTION 2.04.041, AUTHORIZING USE OF A REQUEST FOR PROPOSALS FOR PROCUREMENT OF TELECOMMUNICATIONS EQUIPMENT FOR THE OREGON CONVENTION CENTER.

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Date: August 24, 1989

Presented by: Berit Younie

Convention Center Project Staff has begun purchasing Furniture, Fixtures and Equipment (FF&E) for the Oregon Convention Center. Among the items for purchase in this classification is a telecommunications system which is budgeted at \$550,000 and is carried in the Metro FY1989-90 Budget as a "B" List Contract. This system is composed of two components, wiring, which is subject to the requirements of competitive bidding pursuant to Metro Code 2.04; and equipment, which is the subject of this proposed resolution and staff report.

Con-Tech, the telecommunications consultant hired by Metro to analyze the needs of the new convention center and to assist in the procurement process, recommends the use of a request for proposal process rather than a competitive bidding process for procurement of the equipment component of the telecommunications system. They reason that the competitive bidding process considers only price when awarding contracts.

While the primary consideration when purchasing telecommunications equipment should be purchase price, according to Con-Tech, a number of other criteria need also be evaluated in the decision making process. They reason that the highly complex and technical nature of telecommunications equipment necessitates absolute assurance of a proposer's *ability* to perform the work specified.

A similar exemption for computer equipment is already imbedded in the Metro Code. This proposed resolution would extend a similar exemption to the telecommunications equipment to be procured at the Oregon Convention Center.

A comprehensive list of evaluation criteria including those focusing on the proposer's capabilities recommended by Con-Tech is as follows:

- 1) Purchase Price
- 2) Proposer's Past Service Performance
- 3) Proposer's Corporate Capabilities
- 4) Suitability for a Particular Purpose
- 5) Discount
- 6) Total Life Cycle Cost
- 7) Manufacturer's Support (i.e., warranties, training)
- 8) System Expansion Capabilities

Evaluation of the listed criteria will require procurement by proposal rather than bid. Resolution #89-1138 provides for an exemption from competitive bidding required to allow a proposal procurement process.

#### Executive Officer's Recommendation

The Executive Officer recommends adoption of Resolution #89-1138, authorizing an exemption to competitive bidding pursuant to Metro Code 2.04.041.

CONVENTION, ZOO & VISITORS  
FACILITIES COMMITTEE REPORT

Agenda Item No. \_\_\_\_\_

Meeting Date September 28, 1989

RESOLUTION NO. 89-1138, AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING PURSUANT TO METRO CODE 2.04.041, AND AUTHORIZING USE OF A REQUEST FOR PROPOSALS FOR PROCUREMENT OF TELECOMMUNICATIONS EQUIPMENT AT THE OREGON CONVENTION CENTER

Date: September 14, 1989

Presented By: Councilor Knowles

COMMITTEE RECOMMENDATION: At the September 12, 1989 Convention, Zoo & Visitors Facilities Committee meeting, members present -- Councilors Buchanan, DeJardin, McFarland and myself -- voted unanimously to recommend the Metropolitan Service District Contract Review Board adopt Resolution No. 89-1138. Councilor Van Bergen was absent.

COMMITTEE DISCUSSION/ISSUES: Oregon Convention Center Project staff Berit Younie presented the resolution and staff report, noting the purchase of the Convention Center telecommunications system consists of two components: wiring and equipment. The wiring work, subject to Metro Code Chapter 2.04 provisions, will be competitively bid as a public contract. Resolution No. 89-1138 would exempt the equipment component from the public contract bid process and allow the use of a professional services contract request-for-proposals (RFP) process. Con-Tech, Metro's telecommunications' consultant for the Convention Center project; recommends using an RFP process for the equipment purchase thereby allowing a number of important factors (e.g., purchase price, proposer's past service performance, system expansion capabilities, etc.) in addition to costs to be considered during the contract selection process. A similar exemption for computer equipment already exists in the Metro Code purchasing procedures. The Committee did not raise any issues or questions regarding the resolution and there was no additional discussion.

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CONVENTION, ZOO & VISITORS  
FACILITIES COMMITTEE REPORT

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