

BEFORE THE CONTRACT REVIEW BOARD OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 90-1199
EXECUTION OF CONTRACTS FOR)
FOR FURNISHINGS FOR THE OREGON) Introduced by
CONVENTION CENTER TO KRUEGER) Executive Officer Rena Cusma
INC. AND ENVIRONETICS INC.)

WHEREAS, bid documents for the Furnishings for the Oregon Convention Center were prepared and advertised in accordance with the Metro Code; and

WHEREAS, bids for the furnishings for the Oregon Convention Center; were received by Metro on Thursday, December 14, 1989; and

WHEREAS, a bid was received from Virco Mfg. Corporation for folding and stacking chairs and folding tables manufactured by Virco; and

WHEREAS, the Virco products were neither the products specified in the bid documents nor an approved substitution; and

WHEREAS, the Virco bid did not comply with the District's Disadvantaged Business Program as required by the bidding documents; and

WHEREAS, bids were received from Krueger Inc. for folding and stacking chairs manufactured by Krueger and from Environetics for folding tables manufactured by Krueger; and

WHEREAS, the Krueger manufactured products were either specified in the bid documents or approved substitutions; and

WHEREAS, the Krueger and Environetics bids were both fully responsive, including compliance with the District's Disadvantaged Business Program; and

WHEREAS, Project Staff have recommended that the Virco bid be rejected for lack of responsiveness;

WHEREAS, Section 2.04.044 (e) of the Metro Code requires prior approval of the Contract Review Board to any but the apparent low bidder; now, therefore,

BE IT RESOLVED: That the Contract Review Board of the Metropolitan Service District hereby approves the award of Furnishing contracts for the Oregon Convention Center to both Krueger Inc. for folding and stacking chairs and to Environetics Inc. for folding tables.

ADOPTED by the Contract Review Board of the Metropolitan Service District this 25th day of January, 1990.


Presiding Officer Tanya Collier

STAFF REPORT

FOR THE PURPOSES OF AUTHORIZING THE AWARD OF FURNISHINGS CONTRACTS FOR THE OREGON CONVENTION CENTER TO KRUEGER, INC. AND ENVIRONETICS, INC.

Date: January 17, 1990

Presented by: Berit Younie

Project Staff received and opened bids for Furnishings contracts for the Oregon Convention Center on Thursday, December 14, 1989. Bid results are detailed on the attached Exhibit A.

The determination was made to reject the Virco bid as non-responsive and to award the contract for folding and stacking chairs to Krueger and for folding tables to Environetics. A bid appeal of these awards was submitted by Virco on Tuesday, December 22, 1989.

In accordance with Metro Code 2.04.031(b)(2), the Executive Officer responded to the Virco appeal by sending a notice of rejection of appeal to Virco on Thursday, January 4, 1990. The notice detailed the Executive Officer's justification for rejection and also directed Virco in the event they wished to contest the Executive Officer's determination. The Metro Code at 2.04.031(b)(2) provides that the appellant's appeal of the rejection be submitted in writing within five working days of the postmark of the notice of rejection.

In the instant situation, Virco was required to respond by Thursday, January 11, 1990. As of January 17, 1990, no response whatsoever has been received by either Council staff, Convention Center staff, Office of General Counsel or the Executive Office. Virco's non-responsiveness implies the withdrawal by Virco of the bid appeal. As such, the Contract Review Board is not impeded to act upon Resolution 90-1199 which would authorize the award of the contract for folding and stacking chairs to Krueger and for folding tables to Environetics as the respective low, responsive bidders.

Recommendation:

The Executive Officer recommends approval by the Contract Review Board, as required by Metro Code Section 2.04.044(e), of the award of the stacking and folding chair contract to Krueger and the folding table contract to Environetics as the respective low responsive bidders.

CONVENTION, ZOO & VISITORS
FACILITIES COMMITTEE REPORT

RESOLUTION NO. 90-1199, AUTHORIZING THE AWARD OF FURNISHINGS
CONTRACTS FOR THE OREGON CONVENTION CENTER TO KRUEGER, INC.
AND ENVIRONETICS, INC.

Date: January 16, 1990

Presented By: Councilor Knowles

COMMITTEE RECOMMENDATION: At the December 29, 1989, Convention, Zoo & Visitors Facilities Committee meeting, all members were present and voted unanimously to recommend Council adopt Resolution No. 90-1199 as amended. The Committee unanimously amended the resolution by adding a "Whereas" to positively reinforce Krueger, Inc. as the lowest, responsive bidder meeting Metro's DBE/WBE contract requirements.

COMMITTEE DISCUSSION/ISSUES: Convention Center Project staff Neil McFarlane and Berit Younie presented the resolution which authorizes award of the Convention Center furnishings contracts to the lowest, responsive, bidders -- Krueger Inc. for folding chairs, Environetics (the local Krueger representative) for folding tables. The apparent low bidder, Virco Mfg. Corporation, was not responsive in meeting Metro's DBE/WBE contract requirements and submitted bids based on product substitutes which had previously been rejected by the substitution review committee. Explaining why Virco's substitutes had not been approved, staff reviewed their December 11 memo (Exhibit B to the Resolution). Staff noted the contracts are part of the Convention Center "Furniture, Fixtures & Equipment" (FF&E) contracts identified in the FY89-90 Metro budget as "B" contracts. "B" contracts do not require Council approval, but because the proposed award is to other than the "apparent low bidder", Metro Contract Review Board approval is required. After Virco, Krueger is the lowest bidder for folding and stacking chairs and Environetics is likewise for folding tables. The total recommended award for the FF&E contracts, \$1.2 million, is approximately \$280,000 less than the projected amount in this year's budget.

Under Metro Code Section 2.04.031, Virco had five days from Metro's Notice of Conditional Award (12/18/89) to file a bid protest after which the Executive Officer would issue administration's final decision. Virco did file and the Executive Officer issued a decision January 4, 1990 maintaining the recommended award to Krueger and Environetics. Virco then had another five days to file an appeal with the Metro Council but no filing was made.

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