

METROPOLITAN EXPOSITION-RECREATION COMMISSION

RESOLUTION NO. 05-27

For the purpose of selecting Environmental Control Corp. as the lowest responsive and responsible bidder in response to a Request For Bids relating to the Oregon Convention Center (OCC) "Chillers Retrofit Project," and authorizing the General Manager to execute a contract with Environmental Control Corp.

WHEREAS, the existing chillers in the Oregon Convention Center were installed as part of the original construction in 1990 and, due to advances in technology, more environmentally sensitive refrigerant is now available; and

WHEREAS, in the public interest, to obtain potential LEED credits and energy savings, and to adopt more environmentally sensitive technology, OCC desires to change the refrigerant to a product with less environmental impact, and in the process retrofit the chillers; and

WHEREAS, MERC staff, under the direction of the General Manager, prepared and issued a Request for Bids for the OCC "Chillers Retrofit Project"; and

WHEREAS, four bidders submitted bids in response to the Request for Bids; and

WHEREAS, Section 3(B) of the MERC Contracting and Purchasing Rules requires the Commission to select the lowest responsive and responsible bidder, approve the contract award, and approve the written contract by resolution; and

WHEREAS, MERC staff has evaluated the bids and determined that Environmental Control Corp. is the lowest responsive and responsible bidder; and

WHEREAS, in response to the notice of intent to award the contract, one bidder submitted a bid protest; and

WHEREAS, in accordance with the requirements of Section 9(B) of the MERC Contracting and Purchasing Rules, the General Manager determined that the protest was lacking in merit, and the bidder has not filed an appeal of the General Manager's determination; and


WHEREAS, pursuant to Section 9(C) of the MERC Contracting and Purchasing Rules, the time for the bidder to file an appeal of the General Manager's determination has now expired.

**BE IT THEREFORE RESOLVED** as follows:

1. The Metropolitan Exposition-Recreation Commission selects Environmental Control Corp. as the lowest responsive and responsible bidder in response to the Request for Bids for the OCC Chillers Retrofit Project; and
2. The Metropolitan Exposition-Recreation Commission approves the award of a contract, in a form substantially similar to the attached Exhibit "A," to Environmental Control Corp.; and
3. The Metropolitan Exposition-Recreation Commission authorizes the General Manager to execute the contract on behalf of the Commission.

Passed by the Commission on November 16, 2005.

  
Chair

  
Secretary/Treasurer

Approved As to Form:

Daniel B. Cooper, Metro Attorney

By:

  
Lisa Umscheid

Senior Assistant Metro Attorney

## MERC STAFF REPORT

**Agenda Item/Issue:** For the purpose of accepting the Bid from Environmental Control Corp. for the Oregon Convention Center (OCC) Chillers Retrofit Project.

**Resolution No:** 05-27      **Date:** November 16, 2005      **Presented by:** Mark Hunter

### **Background**

On September 26, 2005, Bids Documents were issued for the OCC Chillers Retrofit Project. OCC wishes to retrofit the Chillers in order to install more environmentally sensitive refrigerant, to obtain higher LEED credits, and to provide energy savings. On October 13, 2005, bids were opened and publicly read. Four bids were received (see attached bid tabulation), with the lowest base bid being \$337,315.00, from Environmental Control Corp.

Staff subsequently drafted a Resolution for consideration by the Commission at the regular meeting on October 26, but due to a bid protest filed by another bidder and at the recommendation of MERC's legal counsel, withdrew the item from the agenda, pending implementation of the bid protest process in accordance with MERC's Purchasing Policies. As part of that process, legal counsel reviewed the protest and MERC's General Manager responded in writing to the protestor. The protestor subsequently failed to appeal the General Manager's decision within the required time limits set forth the Policy. Legal Counsel advised that the appeal was thus "time-barred" and that we could proceed with a new Resolution authorizing award of the contract.

### **Fiscal Impact:**

The budget for the proposed project is \$467,000.00.

### **Other Considerations:**

The project is scheduled to be done this winter with completion by March 24, 2006. If approved by the Commission, we hope to have a signed agreement by the end of November and proceed with the acquisition of the equipment.

### **Recommendation:**

Staff recommends that the Commission by Resolution 05-27, accept the bid of Environmental Control Corp. for the Chillers Retrofit Project at the Oregon Convention Center.