

BEFORE THE METRO LOCAL CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A)	RESOLUTION NO. 21-5168
CONTRACT-SPECIFIC SPECIAL)	
PROCUREMENT FOR ON-CALL FENCING)	Introduced by Chief Operating Officer
INSTALLATION, MAINTENANCE, AND)	Marissa Madrigal in concurrence with
REPAIR SERVICES)	Council President Lynn Peterson

WHEREAS, the Metro Council, acting in its capacity as the Metro Local Contract Review Board, has authority under ORS 279B.085 and Metro Local Contract Review Board Rule 47-0285 to authorize a contract-specific special procurement upon the making of certain findings described in ORS 279B.085(4); and

WHEREAS, Metro staff desires to use a contract-specific special procurement process for on-call fencing installation, maintenance, and repair services at Metro-owned or operated facilities; and

WHEREAS, pursuant to ORS 279B.085(2), the attached Exhibit A more particularly describes the contracting procedure and the services that are the subject of the special procurement and the circumstances that justify the use of a special procurement under the standards set forth in ORS 279B.085(4); now therefore,

BE IT RESOLVED that the Metro Local Contract Review Board hereby approves the contracts-specific special procurement described in the attached Exhibit A and finds that the special procurement process described on Exhibit A is justified as it (a) is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts, and (b) otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070.

ADOPTED by the Metro Local Contract Review Board this 18th day of March, 2021.



Lynn Peterson, Council President

Approved as to Form:



Carrie MacLaren, Metro Attorney

Exhibit A

Request by Metro Procurement Services for the purpose of approving a contract-specific Special Procurement for on-call fencing installation, maintenance, and repair services

Pursuant to Metro's Local Contract Review Board Administrative rules section 47-0285(3), Metro hereby requests approval by the Metro Local Contract Review Board of a special procurement for the agency-wide on-call fencing installation, maintenance, and repair services that will be released for solicitation between April and May 2021. Under ORS 279B.085(2), contract specific special procurements require a written request to the Local Contract Review Board that describes the contracting procedure, the good or services that are subject of the special procurement and the circumstances that justify the special procurement in accordance with the standards set forth in ORS 279B.085(4).

Proposed Special Procurement Process.

This contract-specific special procurement will apply to the agency-wide on-call fencing installation, maintenance, and repair services that will be released for solicitation between April and May 2021. The method for this procurement will be a formal request for proposals (RFP) process required under ORS 279B.060 with the following modifications: the solicitations will be advertised and widely promoted among COBID-certified firms only and proposals will be accepted from COBID-certified firms only. The Certification Office of Business Inclusion and Diversity (COBID) certifies firms as minority-owned, woman-owned, service disabled veteran-owned and emerging small businesses.

Proposed Process Unlikely to Encourage Favoritism or Substantially Diminish Competition.

The formal RFP method will allow for broad participation and competition among COBID-certified firms. Metro staff has identified that there is a competitive pool of COBID-certified firms for fencing work. Therefore, this procurement method is unlikely to encourage favoritism in the award of the contracts or diminish competition for such contracts. The proposed special procurement will still require competition among prospective contractors, and Metro intends to award the contracts to the offers who Metro determines to be the most advantageous to Metro in accordance with Metro's competitive proposal process.

Proposed Process Substantially Promotes Public Interest.

The COVID-19 health pandemic has had severe impacts to business and the most impacted businesses are those who have historically been excluded from public contracting. In this context, approving a procurement procedure that targets those impacted businesses by accepting proposals only from COBID-certified minority-owned, woman-owned, service disabled veteran-owned and emerging small businesses will help to ensure that Metro is contributing to economic recovery actions and supporting the firms most impacted. This method will substantially promote the public interest in providing COBID-certified firms better access to significant, long-term contract opportunities that would not be realized by complying with standard formal procurement procedures.

IN CONSIDERATION OF RESOLUTION NO. 21-5168, REQUEST BY METRO
PROCUREMENT SERVICES FOR THE PURPOSE OF APPROVING A CONTRACT-
SPECIFIC SPECIAL PROCUREMENT FOR ON-CALL FENCING INSTALLATION,
MAINTENANCE, AND REPAIR SERVICES

Date: 3/18/2021
Department: Finance and Regulatory
Services
Meeting Date: 03/18/2021

Prepared by: Gabriele Schuster,
gabriele.schuster@oregonmetro.gov
Presenters: Gabriele Schuster
Length: 10 minutes

ISSUE STATEMENT

The COVID-19 health pandemic has had severe impacts to business and the most impacted businesses are those who have historically been excluded from public contracting. In this context, approving a procurement procedure that targets those impacted businesses by accepting proposals only from COBID-certified minority-owned, woman-owned, service disabled veteran-owned and emerging small businesses will help to ensure that Metro is contributing to economic recovery actions and supporting the firms most impacted.

ACTION REQUESTED

Designate a contract-specific special procurement for on-call fencing installation, maintenance, and repair services that will serve Metro facilities.

IDENTIFIED POLICY OUTCOMES

The special procurement process requested involves conducting a formal, competitive procurement open to COBID-certified firms only. This will ensure that contract awards are financially responsible for Metro, in that they will be based on competition, while also directing this work to certified minority-owned, woman-owned, service disabled veteran-owned and emerging small businesses.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

This action is supported by Metro's commitment to racial equity as outlined in the Strategic Plan to Advance Racial Equity Diversity and Inclusion Goal E to "advance economic opportunities for communities of color through ... equitable contracting practices..." Specifically this special procurement aligns with the action to "Continue to invest in the social equity contracting program that focuses on the removal of barriers and the creation of accessible contracting opportunities for vulnerable business communities."

This no-cost action provides a manner of supporting historically excluded firms at the same time as Metro is evaluating budget reductions and communities of color are seeking additional support from Metro.

ATTACHMENTS

Resolution No. 21-5168 Request by Metro Procurement Services for the purpose of approving a contract-specific special procurement for on-call fencing, installation, maintenance and repair services.