

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2020-06

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO WAIVE THE PURCHASING REQUIREMENTS TO AWARD A CONTRACT TO EMC ENGINEERING, LLC FOR THE DILLINGHAM STREETS REHABILITATION PROJECT

WHEREAS, the City of Dillingham has prioritized through the CIP process the rehabilitation of downtown streets to improve access and resident quality of life; and

WHEREAS, the Emergency Road Repairs project was completed in 2018, on Seward, D, Main and 2nd streets, pulverizing the existing roadway material and compacting it as a temporary measure in anticipation of the Dillingham Streets Rehabilitation project; and

WHEREAS, the City of Dillingham contracted with PND Engineers, Inc. on October 5, 2018 for geotechnical, survey, and design services, as approved through AM 2018-09 and subsequently received final design and specifications, as well as bid assistance leading to the award of the contract for construction set to begin in spring 2020; and

WHEREAS, the City of Dillingham has recommended contracting with PND Engineers, Inc. for construction support services that excludes daily on-site inspections and materials testing; and

WHEREAS, the City of Dillingham wishes to engage EMC Engineering, LLC to provide daily on-site inspection, documentation, and material testing, reviewed and supervised by EMC Lab Manager; and

WHEREAS, the City of Dillingham understands that EMC Engineering, LLC will be engaged for these services on related DOT&PF Downtown Streets Rehabilitation and City 2019 Water System Improvement projects; and

WHEREAS, the City of Dillingham believes efficiencies will be gained by utilizing EMC Engineering, LLC to provide these services and streamline communication and coordination between projects and with the selected contractor during the construction phase of these projects; and

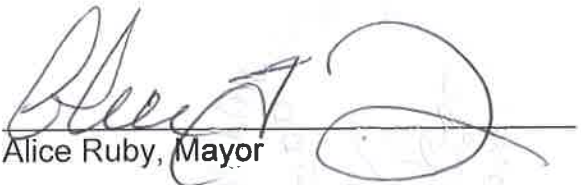
WHEREAS, the public interest would best be served by waiving the purchasing restriction procedures and is requesting a waiver based on the criteria outlined in DMC 4.30.130, Exemptions B. 4, The services are of a professional nature requiring specialized knowledge and judgment; and

WHEREAS, the attached proposal from EMC Engineering, LLC reflects an estimated total for the contract of \$142,635.00.

NOW, THEREFORE, BE IT RESOLVED:

- 1) That the Dillingham City Council waives the purchasing restrictions as stated above to contract for inspection, documentation, and material testing services in an amount not to exceed \$142,635.00;
- 2) That the attached proposal will be used to guide the scope of work.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on February 6, 2020.



Alice Ruby, Mayor

[SEAL]

ATTEST:



Lori Goodell, City Clerk

City of Dillingham Information Memorandum

Agenda of: February 6, 2020


Attachment to:

Ordinance No. _____ / Resolution No. 2020-06

Subject:

Waive purchasing requirements and award a contract to EMC Engineering, LLC for the Dillingham Streets Rehabilitation Project.

City Manager: Recommend Approval

Signature: 

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Summary Statement:

The City of Dillingham concluded the award of contract for the Dillingham Streets Rehabilitation project at the end of August, 2019. Proposals were sought for Construction Support, including daily inspection and materials testing. The City received proposals from PND Engineers, Inc., CRW Engineering Group, LLC, and EMC Engineering, LLC. PND Engineers, Inc. was the design engineer on the project.

CRW's proposal, including inspection and materials testing, amounted to \$350,530. PND's proposal, excluding daily inspection and materials testing, amounted to \$79,893. EMC's proposal, including only daily inspection and materials testing, amounted to \$142,635.

By selecting PND and EMC for overall construction support, over the CRW proposal, the City can reduce the overall cost for these services by \$128,002. In addition, the public interest would best be served by utilizing EMC, as this firm will be engaged for these services on related DOT&PF Downtown Streets Rehabilitation and City 2019 Water System Improvement projects. By using the same source for the daily inspection and materials testing, the City can streamline communication and coordination between projects and with the selected contractor during the construction phase of these projects.

Based on cost savings and increased efficiencies that are in the best interest of the public, the City has requested that the Council consider waiving the purchasing restriction procedures based on the criteria outlined in DMC 4.30.130, Exemptions B. 4, The services are of a professional nature requiring specialized knowledge and judgment; and B. 2, The services or articles can be procured at a lower cost without competitive bidding.

Summary Statement continued:

Chapter 4.30 CONTRACT AND PURCHASE PROCEDURES

4.30.120 Negotiation for professional services.

If the city council finds, as provided under Section 4.30.130 that it is not in the public interest to follow the procurement procedures as established herein for the contracting of professional services, the city council may, following approval of a resolution stating such, proceed to negotiate with a selected supplier or suppliers for subject services.

Nothing in this chapter shall prohibit the city council from determining, after initiating the competitive proposal process, that it is in the best interest of the public to waive the procedure and negotiate a contract/purchase. (Ord. 86-10 § 1, 1986.)

4.30.130 Exemptions.

A. Restrictions and provisions of this chapter shall not apply:

1. To the purchase of a patented article;
2. To the placement of insurance coverage;
3. To supplies, materials, equipment or contractual services which can only be furnished by a single dealer, or which have a uniform published price;
4. To supplies, materials, equipment or contractual services purchased from another governmental unit at a price determined to be below that obtainable from private dealers, including war surplus;
5. To contractual services purchased from a public utility corporation at a price or rate fixed by state or other government authority;
6. To professional services retained on a continuing as opposed to a project basis, i.e., accounting, appraisal, legal and civil engineering services.

B. Restrictions and provision of this chapter may be waived where the city council determines that the public interest would best be served by waiving the procedures herein established. Such determination must be made in the form of a resolution adopted prior to the proposed action. The waiver may be based upon, but is not limited to, the following findings of public interest:

1. An emergency exists where the delays required for compliance with this section would jeopardize the public health, safety or welfare;
2. The services or articles can be procured at a lower cost without competitive bidding;
3. The services or articles are budget items which were approved by the city council when the budget was adopted;
4. The services are of a professional nature requiring specialized knowledge and judgment;
5. The purchase involves used heavy equipment. (Ord. 86-10 § 1, 1986.)

Route to	Department Head	Date
	Finance Director	
X	City Clerk	

City of Dillingham
Fiscal Note

Agenda Date: February 6, 2020

EMC Engineering, LLC Construction Support for Dillingham Streets Rehabilitation for daily on-site inspection, documentation, and material testing

ORIGINATOR: Finance Director

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
AMOUNT REQUESTED:	\$142,635	FUNDING SOURCE	
		City of Dillingham	
FROM ACCOUNT		Project	
7131 8530 30 33 3021 0	Streets Project	Streets Rehabilitation Project funded by GO Bond	
TO ACCOUNT:	VERIFIED BY: <u>Anita Fuller</u>	Date:	<u>1/30/2020</u>

EXPENDITURES

OPERATING	FY20	FY21	FY22	FY23
7131 8530 30 33 3021 0	\$ 42,790.50	\$ 99,844.50		
	-	-		
TOTAL OPERATING	\$ 42,790.50	\$ 99,844.50	\$ -	\$ -

CAPITAL	\$ -			
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REVENUE	-			
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FUNDING

General & Special Rev. Funds				
State/Federal Funds				
Capital Project				
Go Bond	42,790.50	99,844.50		
TOTAL FUNDING	\$ 42,790.50	\$ 99,844.50	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				

Analysis: (Attach a separate page if necessary) Resolution 2020-06

PREPARED BY: Anita Fuller

January 30, 2020

DEPARTMENT: Finance

APPROVED BY: 

1/30/2020