

PORT OF HOOD RIVER
Resolution No. 2023-24-15

A RESOLUTION ADOPTING FINDINGS TO SUPPORT AN EXEMPTION FROM THE QUALIFICATIONS-BASED SELECTION PROCESS FOR ENGINEERING WORK RELATED ONGOING LIFT SPAN INSPECTION SERVICES AND CERTAIN ON-CALL RELATED ENGINEERING SERVICES, DECLARING SUCH EXEMPTION, AND AUTHORIZING DIRECT AWARD OF A CONTRACT TO WISS, JANNEY, ELSTER (WJE)

WHEREAS, the Port of Hood River (“Port”) Board of Commissioners (“Board”) is the Local Contract Review Board of the Port; and

WHEREAS, ORS 279C.335(2) authorizes a Local Contract Review Board to exempt certain contracts from the qualifications-based selection procurement requirements of ORS Chapter 279C.110 upon approval of certain findings of fact; and

WHEREAS, the Port’s Local Contract Review Board has determined that directly awarding a contract to WJE for certain ongoing lift span inspection services and certain on-call related engineering services will be most beneficial to the Port, is unlikely to encourage favoritism, and is likely to result in substantial cost savings and other benefits, based on the findings attached as Exhibit A; and

WHEREAS, pursuant to ORS 279C.335(5)(b), the Port published notice of the proposed exemption in The Daily Journal of Commerce not less than 14 days prior to the date on which the Port Board intends to take action to approve the exemption; and

WHEREAS, the Port held a public hearing to allow comments on the Local Contract Review Board’s draft findings on April 9, 2024; and

WHEREAS, after due deliberation, the Port Board, acting as the Local Contract Review Board, hereby adopts the findings in support of direct award of a contract for ongoing lift span inspection services and certain on-call related engineering services, as set forth in Exhibit A.

NOW, THEREFORE, THE PORT OF HOOD RIVER BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

Section 1. Exemption Approval. The Board of Commissioners hereby adopts findings supporting an exemption for a Master Services Agreement to provide electrical and mechanical engineering services, declares such an exemption, and authorizes a direct award of this contract to WJE. The findings are attached to this resolution as Exhibit A.

Section 2. Effective Date. This resolution is and shall be effective from and after the date that it is adopted.

Adopted by the Board of Commissioners of the Port of Hood River on this 9th day of April 2024.

SIGNED:

DocuSigned by:
Kristi Chapman
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Kristi Chapman, President

ATTEST:

DocuSigned by:
Mike Fox
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Michael Fox, Secretary

Findings in Support of Direct Award of an Ongoing Lift Span Inspection Services and Certain On-Call Related Engineering Services

Resolution No. 2023-24-15, Exhibit A

Oregon Law generally requires contracting agencies to award contracts for engineering services via a formal, qualification-based selection process. However, in certain cases, an agency may exempt a contract from this process where its local contract review board (“LCRB”) finds that:

- (a) An exemption is unlikely to encourage favoritism in awarding engineering contracts or substantially diminish competition for engineering contracts; and
- (b) Awarding an engineering contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency.

The Board of Commissioners serves as the LCRB for the Port of Hood River (“Port”). Port staff worked with legal counsel to draft this document, which the Board may adopt to exempt a contract for on-call lift span inspection engineering services and other related on-call engineering services from the formal qualifications-based selection process. If approved, staff intends to directly appoint this contract to Wiss, Janney, Elstner Associates, Inc., for the reasons provided below.

Nature of the Project:

Back in 2016 the lift span got wedged in place during a lift, after research Staff found SBE (Stanford Bandlow Engineering) which is now WJE (Wiss, Janney, Elstner Associates) to be on the top of bridge owners’ list. They helped the Port staff rehabilitate the mechanical and electrical and got the lift span back in place. Since then, WJE has added safeties in place that prevent the lift span from misalignment. WJE has a personal history with the condition and issues that the Port has experienced in the past and a long relationship with the Port.

Public Notice and Public Hearing:

As required by ORS 279C.335(5), the Port published notice for interested parties to request a public hearing to comment on these findings in the March 15, 2024 edition of the *Daily Journal of Commerce*. Nobody requested a hearing to make a public comment on these findings. Pursuant to OAR 137-049-0210(2), the LCRB exempts solicitation of the contract from the advertising requirement of ORS 279C.360.

Additional Analysis:

The following discussion is offered in support of ORS 279C.335(2) to show the exemption will be unlikely to encourage favoritism and will likely yield cost savings and other benefits to the Port. Because the ORS 279C.335 exemption process applies to both design and construction procurement exemptions, not all considerations that are listed in the statute are directly applicable to this procurement. Accordingly, staff has only listed the applicable considerations from the full list found at ORS 279C.335(2)(b).

1. Availability of Potential Proposers

If these findings are approved, the Port will directly award this contract to Wiss, Janney, Elstner Associates, Inc. The Port has reached out to the other few companies that perform this work with little interest. With the hands-on experience that WJE has with our bridge it takes all the guess work out of diagnoses due to past issues which saves time and money. If the contract goes to another company the Port would spend

more than double the time to learn what WJE already knows and has documented. WJE was involved in the engineering of the mechanical and electrical safeties that have been installed.

2. Budget

WJE can solve issues that other companies would have to sub out, allowing the Port to schedule multiple projects at the same time with WJE cutting down on travel expenses. WJE also works with our other engineering teams to establish a capital improvement plan that helps the Port prioritize budgets for major repair. Having the same team is beneficial in the way of no time spent on learning the systems just to move forward, WJE put the system together.

3. Public Benefits of Exemption

The public benefits from keeping with the same company in multiple ways, for example less down time trying to figure out the issue because known history with lift span. WJE has a great working relationship and is under contract with Panatrol who can remote log in and control our electrical systems and get the lift span lowered in an emergency. Other companies do not have that relationship or historical knowledge of known lift span issues. The Hood River/White Salmon Bridge is a vital passage from Oregon to Washington, any disturbance in traffic flow cost the community either by employees not getting to work or families traveling to use amenities of each town.

4. Cost and Availability of Specialized Expertise.

For the Port to start with a new engineering team would have a huge up-front cost for new team to learn what WJE has already figured out. The number of contractors in this field that can offer all the same services as WJE is very small if any. The Port has paid for the learning curve with WJE to learn all the problem areas and weak points of the lift span, it is not in the best interest of public funds to start over with a new contractor to re-learn.

5. Funding Sources

The source of funding comes from the tolls collected which is used for maintenance and repairs on the bridge, this direct appointment has no barring on funds as they are directly tied to bridge functions.

6. Expertise of Staff and Consultants

Port staff and legal counsel have the necessary expertise to solicit, negotiate, administer, and enforce the terms of the contract. A direct appointment would also be administratively simpler for Port staff than the more formal qualifications-based selection process.

End of Findings