

## RESOLUTION NO. 2022 - 36

A Resolution by the McMinnville Contract Review Board adopting findings declaring an emergency procurement per OAR 137-048-0200 to enter into a contract with FFA Architecture for architectural and engineering services related to the construction of a Navigation Center per HB 2006 (2021 Oregon Legislature) and authorizing the City Manager to sign the contract in the amount not-to-exceed \$280,000.

### RECITALS,

**WHEREAS**, the City of McMinnville has hundreds of residents who are currently experiencing homelessness without emergency shelter opportunities available to them; and

**WHEREAS**, the 2021 Oregon Legislature passed HB 2006, a bill describing the need for emergency shelter in Oregon for individuals without shelter and determining the need to build these emergency shelters as soon as possible; and

**WHEREAS**, HB 2006 defined a "Navigation Center" as an emergency homeless shelter; and

**WHEREAS**, the City of McMinnville was awarded \$1,500,000 for a Navigation Center in HB 5024 in the 2021 Oregon Legislature; and

**WHEREAS**, the City of McMinnville initiated a property search for a future Navigation Center in July, 2021; and

**WHEREAS**, the City of McMinnville identified a potential property for a Navigation Center in October, 2021; and

**WHEREAS**, the City of McMinnville started to work on a procurement process for architectural services in November, 2021; and

**WHEREAS**, after contacting several different architectural firms to gauge interest in working on the Navigation Center project, the City of McMinnville determined that most architectural firms do not have the capacity to work on the McMinnville Navigation Center in the time frame needed to respond to the emergency homelessness situation in McMinnville, and those firms that do have the capacity to respond did not have the appropriate insurance and oversight provisions for the complexity of the project; and

**WHEREAS**, FFA Architecture was the only firm contacted that indicated it had the capacity, timeliness and interest in engaging with the McMinnville Navigation Center; and

**WHEREAS**, ORS Chapter 279B.080 allows for emergency procurements of goods and services that are not themselves public improvements; and further provides that if the contracting agency undertook a solicitation time period that was reasonable and

appropriate under the emergency circumstances, it may issue written or oral request for offers or make direct appointments without competition in cases of extreme necessity; and

**WHEREAS**, OAR 137-048-0200 allows an agency to enter into a direct appointment with a consultant without following the normal consultant selection procedures if the contracting agency finds that an emergency exists; and

**WHEREAS**, the City of McMinnville's local Contract Review Board (Board) finds that under ORS 279B.080 it has the authority to declare the need to construct a Navigation Center in McMinnville as an emergency procurement based on the following findings;

- (a) The fact that the Oregon Legislature in HB 2006 declared a statewide emergency which identified the urgent need for emergency shelter in Oregon per HB and provided funding to the City of McMinnville to build a Navigation Center as emergency shelter; and
- (b) The fact that hundreds of McMinnville residents are currently homeless without emergency shelter opportunities constitutes an emergency per OAR 137-048-0200(1)(a); and
- (c) Per HB 2006, emergency shelters need to be constructed and operational within two years of the bill's adoption to respond to the state emergency; and
- (d) The City of McMinnville upon receiving a \$1,500,000 Navigation Center grant from the State of Oregon for the construction of an emergency shelter has been working diligently and expeditiously to find property and procure the appropriate architectural and engineering services to design and supervise the construction of the emergency shelter; and
- (e) Upon contacting several architectural and engineering firms to solicit design and engineering services for the McMinnville Navigation Center, City staff learned that many firms do not currently have the capacity to work on the project either from a staffing and workload perspective, or the necessary experience and liability coverage to assume the project; and
- (f) Staff has located one qualified engineering firm (FFA Architecture) willing and able to undertake the design and construction supervision services within the time frame available to the city; and
- (g) The shortage of available engineering firms willing to provide design services was not reasonably foreseeable for a timely response to building an emergency shelter; and
- (h) If the emergency shelter is not constructed in as timely a manner as possible, it would create a substantial risk to the public health of those McMinnville residents that are currently homeless; and
- (i) The funds currently available for the design and construction of the Navigation Center must be utilized in a timely fashion or will be subject to loss and repayment of available grant funds if the Navigation Center is not constructed and in operation within the time allowed; and



- (j) Per ORS297B.080, this is an authorized emergency procurement for pre-construction and construction supervision services, justified because there is a substantial risk to the public health, welfare, and safety of McMinnville's homeless population requiring prompt executive of a contract to remedy the situation, and due to the circumstance that the difficulty of locating a qualified and available architectural and engineering contractor with current capacity was not reasonably foreseen.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MCMINNVILLE, OREGON as follows:**

1. The City Council, acting in its capacity as the Contract Review Board for the City of McMinnville adopts the findings herein declaring the procurement of design and construction supervision services for the McMinnville Navigation Center an emergency per ORS279B.080 and OAR 137-048-0200; and
2. Authorizes the City Manager to sign a contract with FFA Architecture for a not-to-exceed sum of \$280,000.
3. This Resolution will take effect immediately upon its passage and approval by the Mayor.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 24th day of May 2022 by the following votes:

Ayes: Drabkin, Garvin, Geary, Peralta

Nays: \_\_\_\_\_

Approved this 24th day of May 2022.



\_\_\_\_\_  
MAYOR

Approved as to form:

  
\_\_\_\_\_  
Interim City Attorney

Attest:

  
\_\_\_\_\_  
City Recorder