

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON**

In the Matter of the Resolution )  
Adopting Findings in Support of )  
Exempting the Columbia County Buy-Out ) **RESOLUTION NO. 59-2009**  
Program Demolition Contract From )  
Competitive Low Bid Requirements )

**WHEREAS**, Columbia County will be arranging for the demolition of homes that were substantially damaged in the December 2007 flood event (FEMA-1733-DR) as part of its Buy-Out Program (the "Project"); and

**WHEREAS**, Columbia County wishes to exempt the demolition contract from the low competitive bidding requirements as provided in ORS 279C.335; and

**WHEREAS**, Columbia County wishes to procure a demolition contract through the Competitive Proposal procedures set forth in ORS 279C.400 et. seq.; and

**WHEREAS**, the Board of County Commissioners ("BOCC"), as the Local Contract Review Board ("Board" or "LCRB"), made certain findings in support of the exemption for the Project (the "Findings"), a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, pursuant to ORS 279C.335, the BOCC held a public hearing on the proposed exemption for the purpose of taking comments on the draft Findings, which hearing was held at the County Courthouse building on Wednesday, September 23, 2009;

NOW, THEREFORE, it is hereby resolved, as follows:

- 1. Pursuant to its statutory authority the Board of County Commissioners adopts the Findings attached hereto as Exhibit A;
- 2. Pursuant to its statutory authority the Board of County Commissioners grants an exemption from the competitive bidding requirements of ORS 279C.335(1), for the Demolition Contract.

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3. County staff shall prepare request of proposal documents to procure the Demolition Contract using the statutory competitive proposal procedures set forth in ORS 279C.400 et seq.

DATED this 23<sup>rd</sup> day of Sept, 2009.

**BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON**

By: *Rita M. Bernhard*

Rita Bernhard, Chair

Approved as to form

By: *Anthony Hyde*

Anthony Hyde, Commissioner

By: *Sarah Hawson*

Office of County Counsel

By: *Earl Fisher*

Earl Fisher, Commissioner

EXHIBIT "A"

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

FINDINGS FOR COLUMBIA COUNTY FLOOD RECOVERY BUY-OUT PROGRAM  
DEMOLITION CONTRACT 279C.335 EXEMPTION

On March 6, 2009, Columbia County was awarded a Community Development Block Grant for the County's buy-out program for property owners whose homes were substantially damaged in the 07 Flood event (FEMA-1733-DR). The County entered into Community Development Block Grant #D08029 on July 8, 2009. On October 21, 2008, Columbia County also entered into a grant agreement with the Oregon Emergency Management Department for the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP). HMGP funds will also be used as part of the County's Buy-out Program.

As part of the Buy-out Program the County will demolish houses that are purchased as part of the Buy-out Program. The County does not yet have an exact list of all houses that will be demolished under the Buy-out Program. Property owners may apply and be accepted for the Buy-out Program based on funding availability and project acceptance by FEMA. The Buy-out Program process will transfer title to the property to the County subject to deed restrictions prohibiting future development. The County will be responsible for demolition of the structures on the property. Because each building that will be subject to the contract has not yet been identified, the total demolition costs are not predictable. The County, through its grant administrator, Community Action Team, desires to use a procurement process that will ensure that demolition materials will be recycled, and that will ensure that one Contractor is selected to perform all demolition services for the County.

The County proposes to use the Competitive Proposal procedures in ORS 279C.400 et seq. which allow a contracting agency to solicit and award a public improvement contract, or multiple public improvement contracts when specified in the request for proposals, by requesting and evaluating competitive proposals. If a public improvement contract is awarded, the contracting agency shall award a public improvement contract to the responsible proposer whose proposal is determined in writing to be the most advantageous to the contracting agency based on the evaluation factors set forth in the request for proposals and, when applicable, the outcome of any negotiations authorized by the request for proposals.

As the local contract review board, the Columbia County Board of Commissioners (the "**Board**") has reviewed the request by Columbia County to exempt the demolition contract from the competitive bidding requirements of ORS 279C.335(1) and made the following findings:

1. If the exemption is granted, a Contractor will be selected in part based on Contractor's proposal to recycle demolition materials which can be used for rehabilitating other

substantially damaged structures. It is in the public interest to encourage an environmentally sound recycling program as part of the demolition process.

2. If the exemption is granted, a Contractor will be selected based on Contractor's proposal to secure, insure, and operate a staging area at its own expense eliminating operating expense and liability that would otherwise be borne by the County.
3. If the exemption is granted, a Contractor will be selected based on the estimated price to demolish each house and proposals to establish an exact demolition price for each house once identified. A not to exceed amount will be established, which may not be exceeded without prior written approval by the County.
4. ORS 279C.335(2) permits a local contract review board to exempt a public improvement contract from the low price-based competitive bidding requirements of ORS 279C.335(1) if it finds that:
  - (a) It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; and
  - (b) The awarding of public improvement contracts under the exemption will likely result in substantial cost savings to the contracting agency.
5. With regard to ORS 279C.335(2)(a), the Board finds that the proposed competitive proposal process will not encourage favoritism because a competitive process will be used to select the Contractor. The fact that non-price factors will be considered does not encourage favoritism. ORS 279C.410 establishes the evaluation process for proposals. Following the statutory process will ensure that the County is not encouraging favoritism.
6. With regard to ORS 279C.335(2)(b), the Board finds, as follows:
  - (a) That awarding a demolition contract to one contractor who will recycle demolition materials will likely result in substantial cost savings to the County because the materials can be used for rehabilitation projects for other substantially damaged houses. More than 90% of the County's demolition activities are expected to take place in unincorporated areas surrounding the City of Vernonia. The area is very remote, requiring large trucking costs to remove debris to transfer and recycling stations located more than 30 miles away. The importation of expensive crushing and sorting machinery can substantially reduce trucking costs and provide local usable products like crushed concrete.
  - (b) The awarding of a demolition contract to one contractor will achieve economies of scale and will thereby result in a substantial cost savings to the County. The cost to import crushing devices is likely to exceed the available funds for each individual demolition. Establishing multiple staging areas containing multiple crushing and

sorting machines by separate contractors would be inefficient and unnecessarily expensive. Procuring one Contractor to provide demolition services for all demolition work to be done by the County will minimize wasteful tracking and unnecessary fuel costs, and will encourage recycling and reuse of demolition materials, thereby reducing the County's impact on area landfills.