

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Cancellation of the )  
Columbia County HVAC Replacement, )  
Controls and Lighting Upgrades Solicitation )  
pursuant to OAR 137-049-0270 )

**ORDER NO. 35 - 2011**

WHEREAS, the Board of County Commissioners, acting as the local public contracting authority for Columbia County, issued the Columbia County HVAC Replacement, Controls, and Lighting Upgrades solicitation on February 9, 2011; and

WHEREAS, three bids were received in response to the solicitation; and

WHEREAS, the County determined that MacDonald-Miller Facility Solutions was the lowest responsible bidder; and

WHEREAS, the lowest bid was \$788,862; and

WHEREAS, the higher bids were \$1,353,982, and \$1,212,000 respectively; and

WHEREAS, on March 29, 2011, the County provided the contract documents prepared and ready for execution to MacDonald-Miller Facility Solutions; and

WHEREAS, the County provided the amended final contract documents prepared and ready for execution to MacDonald-Miller Facility Solutions on April 21, 2011; and

WHEREAS, on April 22, 2011, the County received a demand from MacDonald Miller to increase the contract price to \$1,000,000, and for other changes to the contract terms and conditions; and

WHEREAS, pursuant to the solicitation documents, MacDonald-Miller's deadline to execute and return the contract documents to the County together with the performance and payment bonds was May 1, 2011; and

WHEREAS, the County has not received the executed contract or required bonds from MacDonald-Miller; and

WHEREAS, both of the two other bids are higher than the County's budget for the HVAC, Controls and Lighting Upgrade Project; and

WHEREAS, the County may cancel a solicitation for good cause if the County finds that cancellation is in the public interest;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

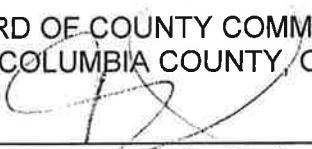
- 1) The Board of County Commissioners finds that MacDonald-Miller Facility Solutions has abandoned the contract.
- 2) Pursuant to the solicitation documents and ORS 279C.385, the County declares that the bid security provided by MacDonald-Miller Facility Solutions is forfeited. The security

shall be taken and considered as liquidated damages and not as a penalty for failure of the bidder to execute the contract and deliver the performance and payment bonds.

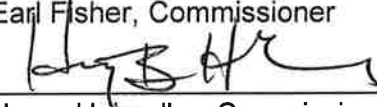
- 3) The Board of County Commissioners finds that it is in the public interest to cancel the Columbia County HVAC, Controls and Lighting Upgrade solicitation because MacDonald-Miller Facility Solutions has abandoned the contract and no other bids are within the County's budget for the project.
- 4) The Board of County Commissioners declares that the Columbia County HVAC, Controls and Lighting Upgrade solicitation is canceled.

Dated this 25th day of May, 2011.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Anthony Hyde, Chair

By:   
Earl Fisher, Commissioner

By:   
Henry Helmuller, Commissioner

Approved as to form

By:   
Office of County Counsel

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