

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Request for Authorization to Specify Brand Name of Carpet at the Beaverton City Library and Authorize the Mayor to Award the Contract to Lowest Responsive Bidder

**FOR AGENDA OF:** 02-05-13 **BILL NO:** 13041

**Mayor's Approval:** Danny Daryl

**DEPARTMENT OF ORIGIN:** Mayor's Office

**DATE SUBMITTED:** 01-18-13

**CLEARANCES:** City Attorney W. B. King  
CAO RMS  
Purchasing J. L. Myrland  
Finance A. O. Chis

**PROCEEDING:** CONSENT AGENDA  
(CONTRACT REVIEW BOARD)

**EXHIBITS:** 1. Maps of the Library's Floors for Carpet Replacement

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED Up to \$86,000	BUDGETED \$86,000	REQUIRED \$0-

\*Account Number 115-35-0551-384 Library Fund – Library Administration Program – Building Maintenance Projects Account. \$50,000 was designated in the FY 2012-13 Adopted Budget for carpet replacement. However, given the need to perform additional carpet replacements as explained below in the Agenda Bill, \$46,000 can be reprogrammed from other building maintenance projects that are scheduled this year and used for the carpet replacement. The other building projects will be deferred to FY 2013-14 and will be included in the upcoming budget development process.

**RECOMMENDED ACTION:**

1. Council, acting as Contract Review Board, approves, based on the information supplied in this agenda bill and pursuant to ORS 279B.215 and Beaverton Purchasing Code (BPC) section 50-0115, a brand name specification of J&J/Invision carpet tiles (style Strapped, Color 1402 – Intensity) for the Beaverton City Library.
2. Council, acting as Contract Review Board, authorizes the Mayor to sign a contract for purchase and installation of carpet tiles for use at the Beaverton City Library and awards the contract to the lowest responsible bidder submitting a responsive bid, provided the amount of the contract does not exceed \$86,000.

**HISTORICAL PERSPECTIVE:**

The carpet at the Beaverton City Library is twelve years old. For the past three years, the carpet has been splitting at the seams, fraying, and delaminating. This has resulted in a safety issue due to tripping hazards, and a general appearance issue due to excessive wear and tear in high traffic areas. The Beaverton Library is the second busiest library in Oregon.

In Fiscal Year 2011-12, the City replaced the worst of the broadloom carpet in the library's main traffic areas. The worn out carpet was replaced with carpet tiles chosen by a library building committee. Carpet tiles were chosen to replace the broadloom carpet to allow for easier replacement in the future. The 2011-12 installation covered about one-third of the main public areas on the library's first and second floors at a cost of \$36,300 (see attached map of library floor plans). Staff recommends that the library's remaining twelve-year old carpet in the heavy public areas be replaced this fiscal year.

The FY 2012-13 budget includes \$50,000 for carpet replacement; however, the Building Maintenance Projects Account also includes \$46,000 for two shelf lighting improvement projects. The lighting projects were designed to provide illumination along the frieze wall in the children's area to better highlight the artwork and increase lighting for the young readers collections. It was also to be used for better lighting of the biography shelving sections upstairs. Staff recommends that this funding be reprogrammed and used for the carpet replacement project and the lighting projects will be deferred and will be included in the budget development process for FY 2013-14. The attached map indicates the areas that will be included in the carpet replacement bid solicitation.

In order to match the carpet tiles already replaced, staff is asking the Contract Review Board to approve the City's use of a brand name specification.

Prior to submitting this request, staff sought out carpet vendors from whom the City could purchase the specified brand and style of carpet under cooperative purchasing agreements with other agencies. Only one of the available distributors could provide the carpet the City needs in order to match the existing, newly replaced library carpeting, but it was double the cost of a quote that staff obtained from a vendor that did not have a cooperative contract. Therefore, the City feels it will save money by performing a competitive bid process.

**INFORMATION FOR CONSIDERATION:**

The City requests the Contract Review Board authorize the City to specify a brand and style of carpet to match existing carpet that was installed in FY 2011-12.

Normally, the City cannot specify a particular brand name for a solicitation. However, ORS 279B.215 and BPC 50-0115 authorize the Contract Review Board to determine if specification of a brand name is appropriate in a particular situation. In relevant part, BPC 50-0115 provides:

"A brand name specification may be prepared and used only if the City determines for a solicitation or a class of solicitations that only the identified brand name specification will meet the needs of the City based on one or more of the following written determinations:"

- "1. That use of a brand name specification is unlikely to encourage favoritism in the awarding of public Contracts or substantially diminish competition for public Contracts;"
- "2. That use of a brand name specification would result in substantial cost savings to the City;"
- "3. That there is only one manufacturer or seller of the product of the quality, performance or functionality required; or"
- "4. That efficient utilization of existing goods requires the acquisition of compatible Goods or Services."

"The Contract Review Board must approve a Specification of a brand name, make or product without an 'or equal' or equivalent suffix if the Finance Director determines that the Contract that is expected to result from a Solicitation will likely be valued greater than \$50,000."

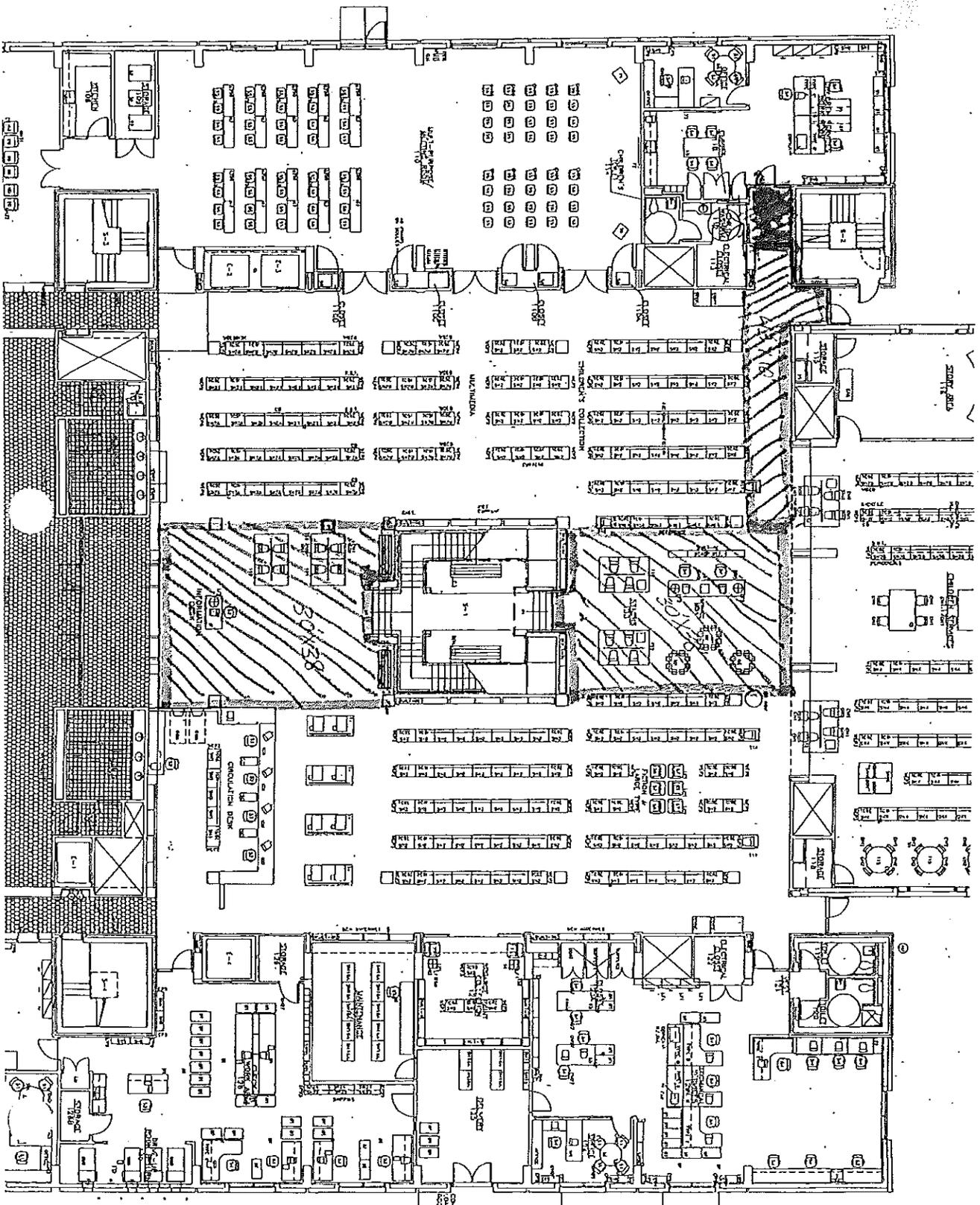
In this instance, brand name specification of J&J/Invision carpet tiles (style Strapped, Color 1402 – Intensify) for the Beaverton City Library is unlikely to encourage favoritism in the awarding of public contracts or otherwise substantially diminish competition because there are multiple vendors of the J&J/Invision brand of carpet tiles in the style commonly referred to as Strapped, Color 1402 – Intensify. The City intends to procure the specified brand and style of carpet tiles through a competitive procurement process. The authority to specify the exact brand and style of carpet tiles will also assure the carpeted areas of the library have a consistent look and feel and that the carpet installation is uniform throughout the building.

In addition to staff's request that the Contract Review Board authorize the City to specify the requested brand and style of carpet tiles in the solicitation documents issued by the City seeking competitive sealed bids, staff also requests at this time that the Contract Review Board authorize the Mayor to sign a contract for purchase of carpet tiles and award the contract to the lowest responsible bidder submitting a responsive bid, provided the amount of the contract does not exceed \$86,000.



REPLACED CARPET

1ST

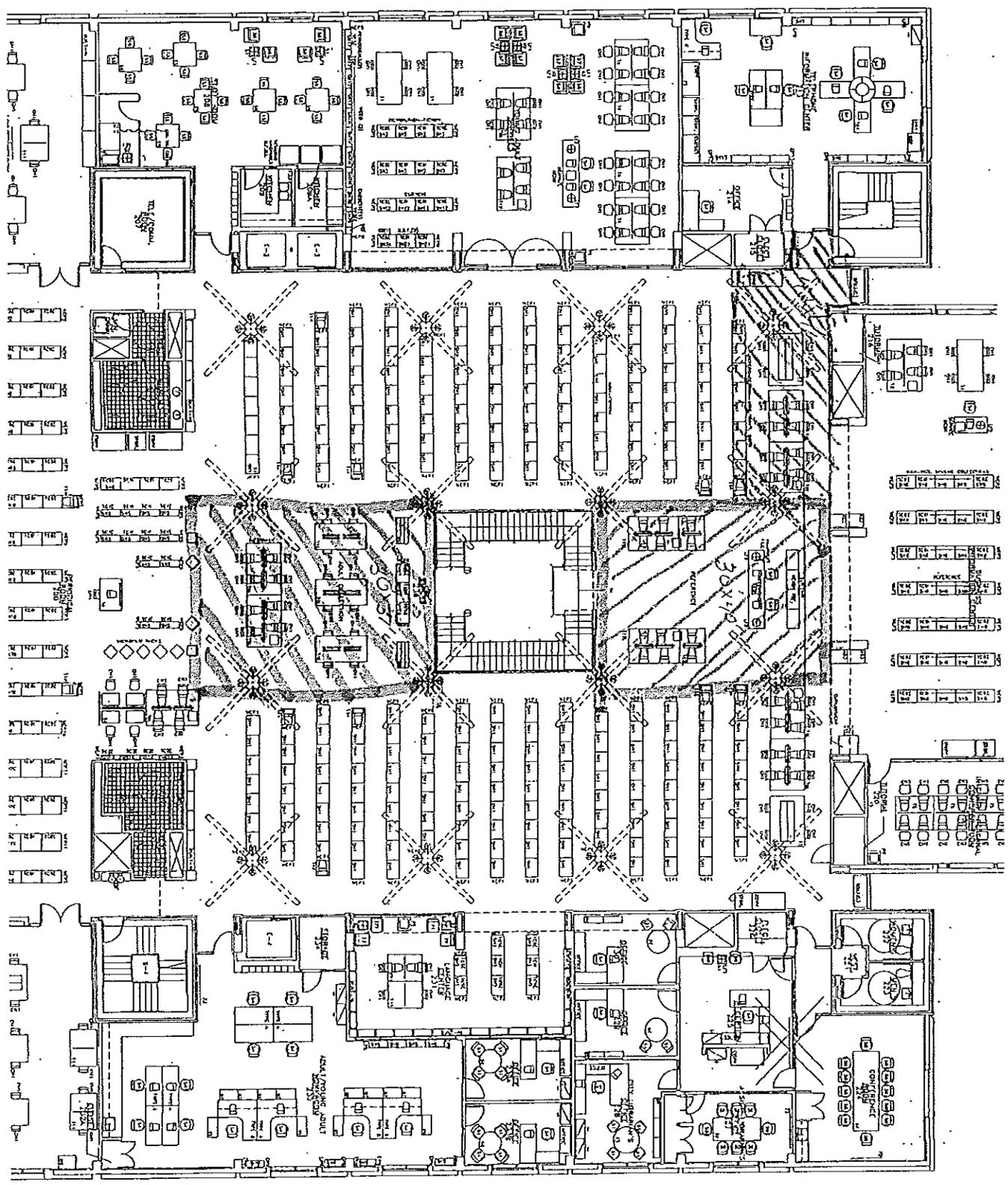


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2nd

REPLACED CARPET

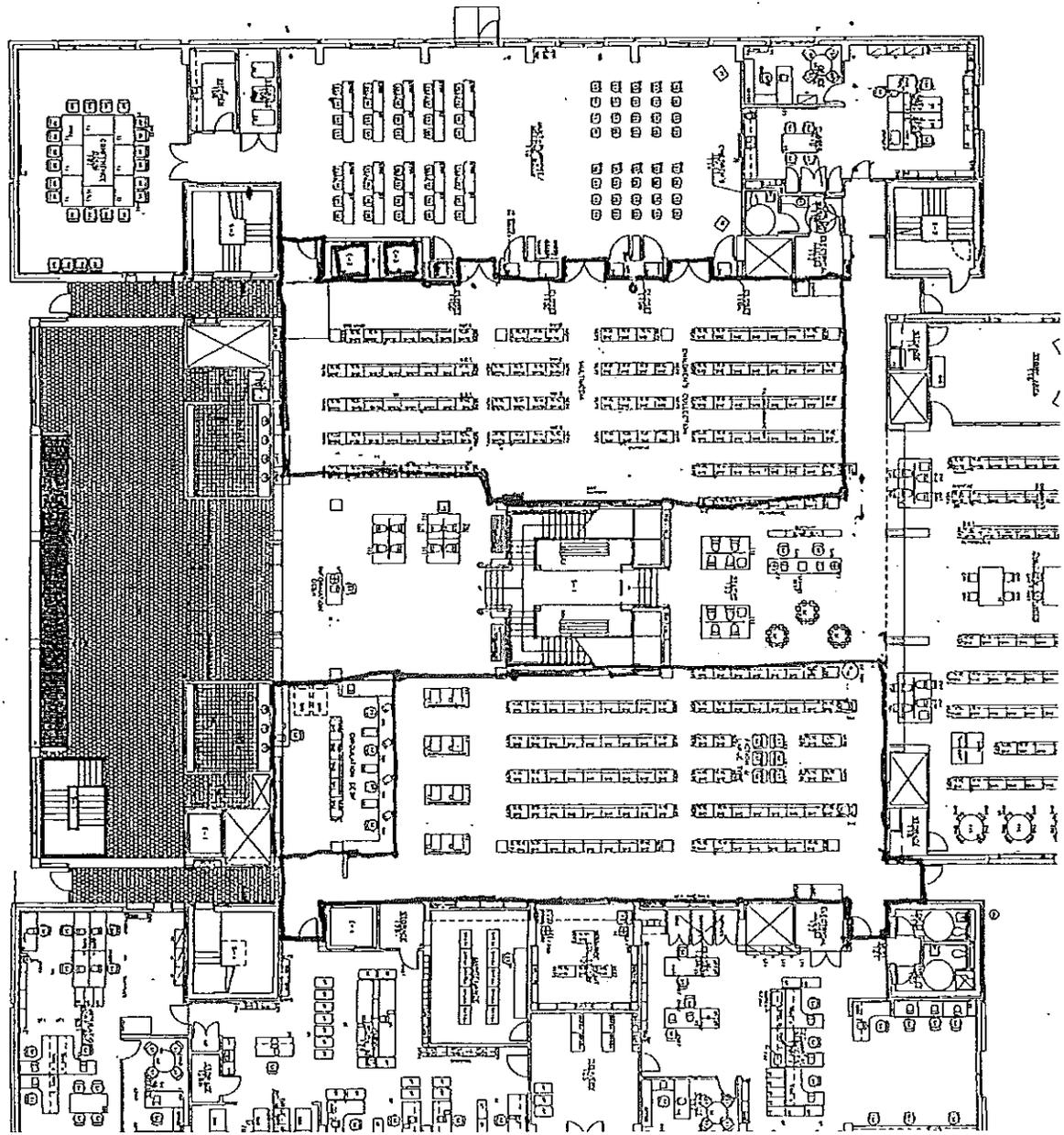
2ND



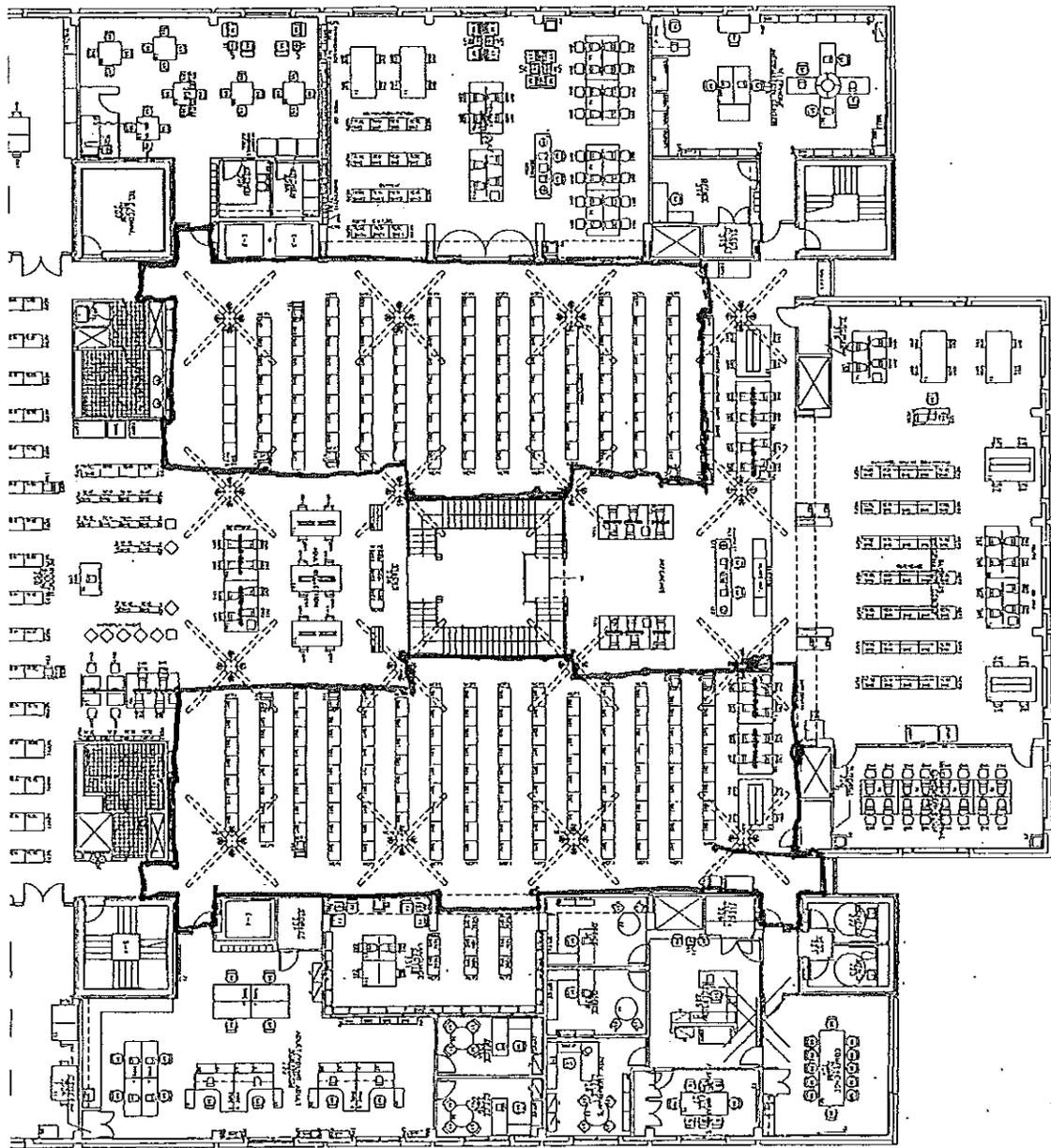
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CARPET LEFT TO REPLACE

1ST



2



2ND

CARPET LEFT TO REPLACE

7