

ARCH CAPE DOMESTIC WATER SUPPLY DISTRICT

RESOLUTION 2024-0516SS WD

**ADOPTING FINDINGS OF FACT AND AUTHORIZING A SOLE-SOURCE PROCUREMENT
FOR COMPUTERIZED ELECTRONIC COMPONENTS FOR WATER PLANT**

WHEREAS, the Arch Cape Water District (“District”), an Oregon domestic water supply district formed pursuant to Oregon Revised Statutes (“ORS”) chapter 264, is subject to Oregon’s public contracting laws, including ORS chapter 279B relating to procurements of goods and services; and

WHEREAS, the District purchased its water plant (“Plant”) in 2014 from Westech Inc., including computerized electrical components that provide the supervisory control and data acquisition functions necessary for Plant operations (“Component Package”); and

WHEREAS, the Component Package provided by Westech consists of an integrated set of hardware, proprietary software licenses, and custom programming that are uniquely compatible with the Plant’s existing system; and

WHEREAS, the Plant’s existing computerized electronic components need to be replaced and upgraded to include added protection against security breaches and to meet new Oregon Health Authority reporting requirements, and Westech is able to provide a compatible upgrade; and

WHEREAS, Westech has the knowledge and ability to install its proprietary product, thus minimizing implementation costs and allowing for efficient on-site integration, installation, and implementation; and

WHEREAS, ORS 279B.075 permits the District’s Board of Directors, acting as the Local Contract Review Board, to forego competitive bidding and authorize procurement from a sole source after adopting written findings of fact in compliance legal requirements, to wit:

- That the efficient utilization of existing goods requires acquiring compatible goods or services;
- That the goods or services are for use in a pilot or an experimental project; or
- Other findings that support the conclusion that the goods or services are available from only one source; and
- To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms that are advantageous to the contracting agency; and

WHEREAS, the District has budgeted funds for the upgrade, which is estimated to cost between \$40,000 - \$50,000;

NOW, THEREFORE, the Arch Cape Domestic Water Supply District’s Board of Commissioners (“Board”), acting as the Local Contracting Board, resolves as follows:

1. The Board finds that the efficient utilization of existing computerized electronic components for the water plant requires acquiring compatible goods or services.
2. The Board further finds that Westech, Inc., is able to provide and install its proprietary component package, which is uniquely compatible with the existing system, thus minimizing installation time and costs for the upgrade.
3. An exemption from competitive bidding is hereby declared for the purchase of computerized electronic technology for the water plant, and a sole-source procurement of such technology from Westech, Inc., is hereby authorized.
4. The Board Chair and District Manager are authorized to negotiate with Westech, Inc.; to obtain contract terms most advantageous to the District.

This Resolution is effective upon adoption.

Dated this 16th day of May 2024.

Bill Campbell, Board Chair

ATTEST:

Board Secretary