



## RESOLUTION NO. 7043

A RESOLUTION OF THE ALBANY CITY COUNCIL, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, WAIVING COMPETITIVE BIDDING, ESTABLISHING A SPECIAL PROCUREMENT, AND AWARDING A SPECIAL PROCUREMENT CONTRACT TO BANK OF AMERICA TO PROVIDE P-CARD SERVICES

WHEREAS, Albany Municipal Code 2.66.060(11), Oregon Revised Statutes 279B.085, and OAR 137-047-0285 allow the city council, acting as the local contract review board, to authorize the use of the special procurement process for the selection of goods and services for a special purpose; and

WHEREAS, such authorization must be based on written findings submitted by the department seeking the exception that describe the selected special procurement method to be used and the circumstances to support the use of the special procurement; and

WHEREAS, the determination of a special procurement requires that the use is unlikely to encourage favoritism in awarding public contracts or to substantially diminish competition for public contracts; and is reasonably expected to result in substantial cost savings to the agency or the public; or will promote the public interest in a manner that could not be realized by complying with other source selection methods; and

WHEREAS, the Albany finance department acquired p-card services from Bank of America (BOA) using a cooperative contract established by the City of Portland; and

WHEREAS, the contract term between the City of Portland and Bank of America has expired, and the current service extension for p-card services offered to Oregon Consortium members will expire in December 2021; and

WHEREAS, Albany, as a member of the Consortium, must acquire a new p-card system and services; and

WHEREAS, it is beneficial for Albany to consider incorporating p-card services with the bank depository, custodial, and merchant services under one contract to gain operating efficiencies using the same banking institution; and

WHEREAS, the current banking services contract with U.S. Bank does not expire for three years, and a new contract would require a formal competitive request for proposals (RFP) process; and

WHEREAS, for continuity of current BOA p-card operations and to evaluate including p-card services with banking services under one future RFP, a special procurement is required until a request for proposals can be issued; and

WHEREAS, entering into a new contract for p-card services with BOA will not encourage favoritism or diminish competition for public contracts; and

WHEREAS, the use of a special procurement process will result in administrative cost and time saved from preparing an RFP and will promote the public's best interest in a manner that could not practicably be realized by complying with another procurement sourcing method.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council, acting as the local contract review board:

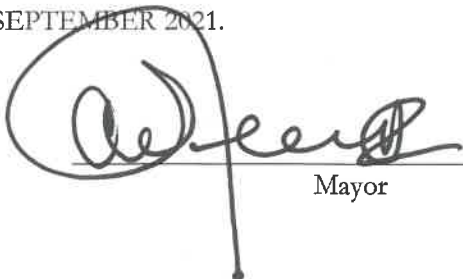
SECTION 1. Adopts the following findings:

1. The City's current p-card cooperative contract, negotiated by the City of Portland with Bank of America, will expire in December 2021.
2. The process to issue an RFP will require staff to evaluate the benefits and advantages of combining p-card services with bank depository, custodial, and merchant card services under one RFP contract; bundling services provides economies of scale and operational efficiencies.
3. The special procurement process will benefit Albany in cost and staff time saved by conducting one RFP with a combined scope of services and will not result in favoritism nor substantially diminish competition.
4. Albany is a member of the Oregon Consortium and Bank of America is offering current members the opportunity to continue p-card services under the same terms and conditions as their previous contract and waiving potential fees to provide close to a no-cost contract to retain members. This opportunity could not be realized by complying with a different source selection method.
5. A special procurement process is required to procure and award a new contract with Bank of America for continuity of p-card services and to align p-card services with the U. S. Bank banking services three-year contract term.

SECTION 2. Notwithstanding the provisions of Municipal Code Section 2.66.060, the finance department is authorized and directed to use a special procurement method to procure p-card services from Bank of America.

SECTION 3. The finance director is hereby directed to negotiate and award a special procurement contract to procure p-card services from Bank of America for up to three years after the City has given public notice for seven days of its intent to award a contract, per Oregon Administrative Rules 137-047-0285 and ORS 279B.085.

DATED AND EFFECTIVE THIS 8TH DAY OF SEPTEMBER 2021.

  
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Mayor

ATTEST:

  
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City Clerk

