



# Oregon Parks and Recreation Commission

October 2, 2014

Salem 725 summer St. NE, Suite C Salem, OR 97301  
North Mall Office Bldg. Room 124 "B"

## October 2, 2014 Meeting Minutes

### **Commissioners** (attending via conference call):

Jay Graves, Chair  
Robin Risley  
Brad Chalfant  
Lisa Dawson  
Wendy Veliz (Joined after the votes)

### **Staff** (attending in person):

Lisa Van Laanen, Director  
Steve Shipsey, Assistant Attorney General (Phone)  
Stephanie Thompson, Assistant Attorney General  
Vanessa DeMoe, Commission Assistant  
Sarah Emery, Executive Assistant  
Scott Nebeker, Interim Assistant Director of Operations  
Dolly Bullington, Senior Contracts Analyst  
Roger Roper, Assistant Director Heritage and Community Programs (Phone)

Thursday, October 2<sup>nd</sup>

### **Business Meeting by teleconference: 1:00 p.m.**

#### **1. Commission Business (Action)**

- a) Approval of Agenda

**Commissioner Chalfant moved to approve the October 2014 meeting agenda.**

**Commissioner Risley Seconded.**

**The motion passed unanimously, 4-0**

#### **2. Public Comment:** *This is the time for the public to address the Commission.*

*If you wish to make public comment on an item on the agenda you can choose to make your comment either when the item is heard, or during this allotted time. Although written testimony is not required, it is suggested that 15 copies be provided to the Commission Assistant prior to the meeting. **Speaking time is limited to 3 minutes.***

**No Public Comment received**

#### **3. Engineering**

##### **a) Construction Contract Award Approval (Action)**

- Tumalo restroom and shower building

Scott Nebeker, Interim Assistant Director of Operations

Mr. Nebeker explained that three documents had been sent to the commission and the Prinz's regarding the denial of protest:

1. A letter from OPRD to the Prinz's on signed by OPRD's contracting and procurement department.

2. An attachment to the letter; a memo from Mr. Nebeker to OPRD's contracting and procurement department.
3. A letter from the Department of Justice to the Prinz's including a settlement offer.

Mr. Nebeker updated that the nonbinding notice of intent to award was reposted on Friday, September 19<sup>th</sup> and the seven day protest period ended Friday, September 26<sup>th</sup>. After reviewing all of the protest materials received from JP Prinz, LLC and consulting with the Department of Justice, Oregon Parks and Recreation Department (OPRD) made the determination to deny the Prinz protest. Mr. Nebeker explained that the letter from ORPD and the memo Mr. Nebeker provided the supporting documentation with the statutes, rules, and citations for the denial. The third document offered the Prinz's the option to withdraw their bid. The Prinz's had expressed concerns to Mr. Nebeker regarding the long term impact to their business moving forward if their bid was determined non-responsive and the protest rejected; he explained that it might be preferable to the Prinz's to withdraw their bid rather than have their bid deemed non-responsive. The Prinz's were offered 5 days to consider the settlement offer. If they had agreed to the settlement offer before this meeting, OPRD agreed to limit discussions on this matter to the bid withdrawal only. As of the time of the meeting OPRD had not received a response.

The two potential paths were: Option A; The Prinz's would have reviewed, considered, and signed the settlement offer in which OPRD would permit them to withdraw their bid and OPRD would award the contract to the second bidder, 2KG. Option B: The settlement offer would not be acted on or declined, at which time OPRD would make the decision to deny the bid protest, also resulting in a recommendation to award to the second bidder, 2KG.

Mr. Nebeker stated that OPRD followed internal processes and is requesting approval from the Commission to award the Tumalo Loop B & C Restroom Shower Building contract to 2KG.

**Commissioner Chalfant moved to accept awarding the bid to 2KG.**

**Commissioner Risley seconded.**

**The motion passed unanimously, 4-0.**

The services, programs and activities of the Oregon Parks and Recreation Department (OPRD) are covered by the Americans with Disabilities Act (ADA). If you need special accommodations to participate in this meeting, please contact the OPRD ADA Coordinator at (503) 986-0748 at least 72 hours prior to the start of the meeting.