

OREGON TRANSPORTATION COMMISSION

Minutes of the Special OTC Meeting

**May 27, 2010
Salem, Oregon**

On Thursday, May 27, 2010, at 11:00 a.m., the Oregon Transportation Commission and Oregon Department of Transportation staff held a Special Meeting in Room 122 of the Transportation Building, 355 Capitol Street NE, Salem.

Notice of this meeting was made by press release of local and statewide media circulation throughout the state. Those attending part or all of the meetings included:

Chair Gail Achterman
Commissioner Alan Brown
Commissioner David Lohman
Director Matt Garrett
Chief of Staff Joan Plank

Communications Div. Admin. Patrick Cooney
ODOT Maintenance Engineer Luci Moore
Office of Innovative Partnerships Mgr. Jim Whitty
Commission Assistant Amy Merckling

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Chair Achterman called the meeting to order at 11:10 a.m.

Chair Achterman, Commissioner David Lohman, and Commissioner Alan Brown participated by phone.

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The Commission considered a request for approval of the first step of a two-step contract for Contractor "Oversight Plans", and a request for approval to designate an Oregon Department of Transportation official to execute the contract under the authority of Oregon Administrative Rule (OAR) 731-070-0230 to outsource maintenance on Oregon 219, from milepost 10.05 to milepost 36.52 (excluding MP 20.16 to 20.59). (*Background material in General Files, Salem*)

ODOT Maintenance Engineer Luci Moore presented the request, and noted a correction on the first page of the background information. The first paragraph under "*Requested Action*" should read (OAR) 731-070-0230, not, (OAR) 731-070-0240.

Three proposals were received for the contract, and two were forwarded to complete the interview process. The selected contractor, Eagle-Elsner Inc., is located right next to the project site, and is in the first phase of the contract - the process of finalizing the necessary plans to manage, maintain, and operate the contract area.

The expectation is for the contractor to provide the same level of service ODOT has been providing on this stretch of highway. Both proposers thought some of the contract language

exceeded that expectation, so some of the requirements are being re-worked to match, not increase, the level of service. This will be the second phase of the contract.

The 2009 Jobs and Transportation Act (JTA) requires ODOT to have the maintenance contract completed by June 1, 2010.

Office of Innovative Partnerships Manager Jim Whitty explained that HB 2001, Section 23, requires ODOT to conduct the procurement of this contract through the Innovative Partnership Program.

Director Garrett requested approval to designate the Highway Division Administrator as the appropriate ODOT official to execute the contract.

Commissioner Lohman asked if the terms of the contract could be finalized in time for the June 1 deadline. Bill Nestle, filling in for Dale Hormann from the Attorney General's Office, responded that this situation is a parallel to a delegation of contract approval authority the Commission made earlier this year, (the Talgo Train Purchase), in which the Commission delegated contract approval authority to an appropriate official in ODOT, with the expectation that the contract will be negotiated in a timely manner. ORS 184.635 gives the OTC legal authority to grant the delegation.

Commissioner Lohman moved to approve the request to accept the contract, with a note to change the OAR in the first paragraph to 731-070-0230 from 731-070-0240. The Commission unanimously approved the motion.

Commissioner Brown moved to approve the request to designate the Highway Division Administrator as the official to execute the contract. The Commission unanimously approved the motion.



Chair Achterman adjourned the meeting at 11:22 a.m.

Gail Achterman
Gail Achterman, Chairman

Not present
Michael Nelson, Vice Chair

Alan Brown
Alan Brown, Member

Not present
Mary Olson, Member

David Lohman
David Lohman, Member

Roxanne Van Hess
Roxanne Van Hess, Commission Support