

SOLE SOURCE REQUEST FOR PTE SERVICES
APPROVAL AND JUSTIFICATION FORM

Portland City Code Chapter 5.68 Professional, Technical and Expert Service Contracts provides that if services or expertise required for a project are only available from a "sole source," defined in the PTE Manual as services or expertise justifiably available from only one contractor, then the Chief Procurement Officer may authorize selection of a contractor without following the prescribed competitive contracting requirements. Contracting by this method requires explanation and justification of: 1) the unique nature of the services; 2) the unique qualifications of the contractor; and 3) the basis upon which it was determined that there is only one known contractor able to meet the service needs.

1. Requested from the Bureau of Water Date: July 28, 2011
2. Requested by (name) Kelly Mulholland Phone: 3-1508
3. Requested Firm/Consultant: Boyle & Associates
4. Scope of Work (justification must support scope):

Boyle and Associates will provide facilitation services to the PWB as requested, specifically for the Labor Management Committee and related labor management issues. Boyle and Associates billing rate is per hour of meeting time. Preparation time or travel time are not included, unless agreed to in advance by the City of Portland project manager.

Labor Management Committee meetings are currently about 3 hours once a month; although that may if more sessions are needed, or schedules require.

This contract is being set up with a not to exceed amount of \$40,000, from July 2011 through December 2012.

5. Cost Estimate: Not to exceed \$40,000.
6. Anticipated Duration of Contract: July 2011 through December 2012.
7. How many contracts/purchase orders has your bureau issued to this firm/consultant within the past 24 months? 1
8. Please describe and explain the specific requirements, attributes or characteristics driving the need for a sole source. Describe why open competition cannot or has not been sought. At a minimum, the explanation and justification should address the questions listed below and must support the scope of work:

- a) What unique qualifications, training, certification, license(s) or expertise does this firm/consultant possess?

Mr. Boyle has provided facilitation services to the Water Bureau's Interstate LMC group for six months. He is uniquely qualified to continue as the facilitator as he has developed a trust and acceptance with both Labor and Management so that negotiations are now taking place on sensitive issues without the distraction of personal agendas or other hindrances. He is not considered an 'outside consultant' sitting at the table, but an accepted member of the LMC. Mr. Boyle singularly knows the history of these Water Bureau issues, he is also aware of how these issues have progressed to where they are now. He has come to understand the underlying issues that separate both sides of the LMC and has opened the doors to resolution due to his knowledge of them. This

kind of understanding along with the trust he has garnered from both groups make him the only qualified consultant to continue these fragile negotiations. Any change from Mr. Boyle would set this LMC back and seriously harm the progress that has been made and that is forthcoming.

- b) What evaluation of other firms/consultants was made? Was the Oregon State M/W/ESB Certified Firms Directory (<http://www4.cbs.state.or.us/ex/dir/omwesb/>) checked for potential service providers? Provide names, phone numbers, addresses, any supporting documentation, and explain why these other firms were not suitable.

None: The skill set is potentially available with other consultants; however it takes time to build trust and credibility with labor groups and with management groups. Mr. Boyle has developed this trust. He is singularly qualified to continue these serious negotiations due to his intimate knowledge of the issues and roadblocks that have been overcome in achieving the progress that has been made.

- c) What have you done to determine that there is only one source for the scope of work?

Based on his experience with the Water Bureau, Boyle and Associates, Inc. is the only qualified consultant to further the Interstate Labor Management Committee. The Water Bureau has not looked elsewhere for entities that could provide this service, due to the trust that has been built with this contractor and the Water Bureau Interstate LMC.

- d) What firm/consultant has your Bureau used previously to satisfy similar service needs?

Boyle and Associates, Inc. has been providing this service for approximately six months with the Portland Water Bureau as well as several years with the City of Portland at other Bureaus.

Please attach explanation, justification and supporting documentation to this form.

9. Are any future contracts contemplated with this firm/consultant? If so, how many and what are those contemplated service needs? Yes, it is anticipated to use Boyle and Associates, Inc. in the future as the Labor Management Committee facilitator for regular and special meetings.

CHIEF PROCUREMENT OFFICER APPROVAL & DATE