



Memorandum

TO: John Engen, Mayor

CC: Leigh Griffing, Procurement Officer

FROM: Katie Emery, Business Operations Manager

SUBJECT: Purchasing Policy Variance Request – Mullan BUILD Project

DATE: December 2, 2021

In July of 2019, Missoula City Council declared its support of and committed funds to the Mullan BUILD Project in Resolution 8352. Missoula City and County joined together to participate in a County-lead request for proposal process in December 2019. DJ&A was selected as the consultant to provide preconstruction and construction services for all of the project elements included in the Mullan BUILD Project. DJ&A completed 30% design plans for the overall project and final design plans for the project elements that could be funded in the initial phase using the Federal BUILD Grant.

In March 2021, the City established the Sxwtpqyen Area Transportation Special Impact Fee to help fund the remaining project elements. Additionally, in October 2021, the City received an ARPA Grant for restoration of Grant Creek, which is part of the BUILD Project. As this and other potential funding becomes available, it will be beneficial for the City to contract directly with DJ&A to complete final design on the remaining project elements.

For these reasons, we are requesting a variance from the purchasing policy, so that the City may enter into contracts with DJ&A for the Mullan BUILD Project without going through a new request for proposal process.

The City's purchasing administrative rule requires contracts greater than \$80,000 to go through a request for proposal process. The variance procedure is detailed in Section 11, copied below.

11. Variances. The Mayor has the discretion to grant a variance from the provisions of this policy at the request of a department head. Prior to the vendor selection process or contract execution, a request for variance shall be made in writing, with a copy to the Procurement Officer; the department head shall present the case for the variance to the Mayor. To support the request for variance, the department head shall be prepared to demonstrate good cause for the variance, as well as:

- A. How compliance with legal requirements will be achieved;
- B. How clear contract obligations will be formulated without undue exposure to liability;
- C. How a fair and open process for the expenditure of public funds will be maintained.

Compliance with the policy will be achieved through a formal Professional Services Agreement, which must go before the City Council for approval and includes clear expectations of the consultant. DJ&A will be required to obtain the proper insurance, pursuant to Article 6 in the agreement, and to comply with the City's non-discrimination and affirmative action policy

Thank you for considering this request to waive the request for proposal requirement for future Professional Services Agreements with DJ&A.

Approved:

John Engen
John Engen (Dec 2, 2021 15:31 MST)

Mayor John Engen

12/02/2021

Date









BUILD Consultant Purchasing Policy Variance Request 12.2.21

Final Audit Report

2021-12-02

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