

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD**

RESOLUTION NO. 2022-002

Approval of a Sole Source Procurement Process for the Continued Replacement and Acquisition of “Pilkington Glass” for Multnomah County Central Courthouse

The Multnomah County Board of Commissioners, Acting as the Public Contract Review Board, Finds:

- a. The Department of County Assets (DCA), through its Facilities and Property Management Division (FPM), is requesting the Board’s approval of a Sole Source procurement/contract with Washington Glass and Glazing, Inc. (Washington Glass), for acquisition, installation, replacement and repair of the custom made Pilkington Glass used in the lobby atrium façade of the Multnomah County Central Courthouse.
- b. The County’s Public Contract Review Board (PCRB) Rules, at PCRB Rule #47-0275, and ORS 279B.075 authorize the Board (acting as the Public Contract Review Board) to approve an exemption from the competitive bidding requirements, in accordance with rules adopted under ORS 279A.065, in order to use a Sole Source procurement and further require adoption of written findings submitted by the requesting Department to support the exemption after notice and a public hearing.
- c. DCA has submitted the following written findings for the Board’s consideration in support of the requested Sole Source exemption:
 1. This contract is to provide glass replacement goods and services at the Multnomah County Central Courthouse. The current planar system in the lobby atrium facade used “Pilkington Glass” which was previously fabricated in Spain, but the manufacturing has now moved to Germany.
 2. Due to the type, size, and specifications of the glass, it is only sourced from one supplier in Germany. This glass is proprietary to a company called W&W. W&W manufactures the glass, but it may only be purchased by manufacturer-certified vendors.
 3. Washington Glass is the only vendor in the Portland metro region that is certified to source this specific product. Washington Glass was also the subcontractor that originally installed the glass during Courthouse construction. If the County awarded a bid to another installer, W&W’s

warranty would require Washington Glass to inspect and certify the other contractor's installation of each glass panel, adding an extra step and costs to each installation.

4. In addition, the panels contain argon sealed between the double-paned glass, which is prohibited from air transport, so the panels have to be shipped by ocean going vessels, making the timing for replacement quite drawn out.
 5. To date, there have been several panels broken or damaged during instances of civil unrest, and the cost to acquire and ship the replacement glass, remove the broken/damaged panels and reinstall replacement glass is estimated to be just over \$180,000, making it necessary and prudent to seek the Board's approval of this formal exemption for a Sole Source procurement/contract, and for a contract term of at least five (5) years.
- d. PCRB Rule 47-0275 allows Sole Source exemptions to the competitive procurement and contracting process if it is determined that the Goods or Services, or class of Goods or Services, are available from only one source. For procurements of \$150,000 or greater, the Board's determination shall be made based on written findings by the Department submitting the exemption request.
- e. The Board finds that DCA's proposed findings set forth in Section c., Subsections 1 through 5 above, demonstrate support for the requested Sole Source exemption and satisfy the following findings the Board is required, by PCRB Rule 47-0275, to make in this matter:
1. A description of the Goods or Services to be purchased;
 2. Current market research supporting the determination that the Goods or Services are available from only one seller or source;
 3. Efficient utilization of existing Goods or Services requires the acquisition of compatible Goods or Services; and
 4. Other findings that support the conclusion that the Goods or Services are available from only one source.
- f. The Board finds, based on DCA's submitted findings of fact set forth in Section c., Subsections 1 through 5 of this Resolution, as follows:
1. The Pilkington Glass replacement panels are only available from one manufacturer, W&W, located in Germany;

2. The panels may only be purchased by a vendor certified by the manufacturer/supplier;
3. Washington Glass is the only manufacturer-certified vendor in the Portland metro region for W&W's Pilkington Glass panels;
4. Washington Glass procured and installed the original glass façade;
5. Efficient utilization of the existing facade and replacement of damaged glass panels in the façade require acquisition of Pilkington Glass replacement panels;
6. If the County awarded a bid to another installer, W&W's warranty would require Washington Glass to inspect and certify the other contractor's installation of each glass panel, adding an extra step and costs to each installation; and
7. The long lead times for manufacture and shipping, the uncertainty of future damages caused by civil unrest and vandalism, and the high cost of the panels and specialized equipment needed for their installation justify DCA's request for a 5-year term on this Sole Source exemption.

The Multnomah County Board of Commissioners, Acting as the Public Contract Review Board, Resolves:

1. The Board approves and adopts the findings of fact set forth in Section f., Subsections 1 through 7 of this Resolution, in support of the Board's determination that DCA's request for a Sole Source exemption from competitive bidding requirements is justified for the acquisition, installation, replacement and repair of the custom made Pilkington Glass used in the lobby atrium façade of the County's Central Courthouse.
2. The Board approves a Sole Source exemption naming Washington Glass and Glazing, Inc. as the vendor and installer of replacement Pilkington Glass panels in the lobby atrium façade of the County's Central Courthouse for a term of five years, in accordance with PCRB Rule #47-0275, ORS 279B.075, and the rules adopted under ORS 279A.065.

3. The Board directs DCA to post public notice of the Sole Source exemption on the County's website in compliance with PCRB Rule 47-0275 (3), and allow for protests in accordance with PCRB Rule 47-0710.

ADOPTED this 6th day of January, 2022.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD

By: _____

Deborah Kafoury
Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By: _____

Kenneth M. Elliott
Kenneth M. Elliott, Asst. County Attorney

SUBMITTED BY: Tracey Massey, Director, Department of County Assets