

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Exempting the Selection of)	
Providers of Transportation Services from)	ORDER NO. 52-2003
Competitive Bidding and/or Formal Selection)	(PCRB Rule)
Process, and Declaring an Emergency)	

WHEREAS, in a letter dated May 15, 2003, the Public Transit Division of the Oregon Department of Transportation (ODOT) notified the Board that, effective July 1, 2003, the Columbia County Council of Senior Citizens, Inc. (CCCSC), will no longer be eligible to receive federal funds to support the COLCO Transportation Program (COLCO) and that the 16 vehicles operated by COLCO with ODOT as the security interest holder will be required to be turned over to the County pending appraisal of the vehicles and determination of their disposition by ODOT; and

WHEREAS, as provided by ORS 279.049(5), the Board has adopted Order No. 7-2001, electing to establish its own rules of procedure for public contracts and specifically stating that the model rules adopted by the Attorney General do not apply to Columbia County; and

WHEREAS, pursuant to ORS 279.055, the Board has adopted Ordinance No. 88-3, the "Columbia County Public Contracting Ordinance", prescribing the rules of procedure that Columbia County will use for public contracts and, pursuant to ORS 279.051(1), the Board has adopted its "Personal Services Contracting Rule", setting forth the policy and procedures to be followed during screening and selection for personal services contracts; and

WHEREAS, Section 7.E of Ordinance No. 88-3 from the requirement of competitive bidding public contracts for which competitive bidding is not practical because emergency conditions require prompt execution of a contract; and

WHEREAS, pursuant to paragraph 10(3)(e) of the Personal Services Contracting Rule, contracts for the pass-through of funds for social services, including, but not limited to, the provision of transportation services funded by the Public Transit Division of the Department of Transportation are exempt from the requirements of the Rule, but the contracting department shall attempt follow the requirements of the rule to the extent it is practical and consistent with the administrative rules of its funding source; and

WHEREAS, pursuant to paragraph 10(2)(e) of the Personal Services Contracting Rule, personal services contractors may be employed without following the selection procedures of the Rule in cases of emergency, either timewise or because of unforeseen developments, or circumstances which could not reasonably have been foreseen create a substantial risk of loss, damage, interruption of services or threat to the public health or safety and require the prompt performance to remedy the situation or in order for the County department to properly perform its necessary activities; and

WHEREAS, the loss of federal funding for COLCO and the loss of 16 of its 20 vehicles was an unforeseen development which will cause an interruption of services, including services vital to public health and safety, such as transportation of elderly and disabled citizens, and the general public, to medical and dental service providers and pharmacies, and requires the prompt action to restore transportation services to remedy the situation; and

WHEREAS, while the terms of ODOT's May 15, 2003, letter do not suggest federal funding will be restored promptly, the County is still eligible to receive funding from the Special Transportation Fund (STF) Formula Program established pursuant to ORS 391.800 to 391.830, provided it complies with the requirements of those statutes and implementing administrative rules, OAR 732-010-0005 to 732-010-0045; and

WHEREAS, the title of six of the 16 vehicles being turned over to the County by COLCO is in the County's name, while the title of ten of them is still in the name of the CCCSC; and

WHEREAS, with the six vehicles and funding from the STF Formula Program, it would be possible to restore a very basic level of transportation service to elderly and disabled citizens, and the general public, for a limited amount of time, until federal funding is restored and a more formal selection process can be executed, provided that qualified transportation providers can be obtained to provide the service; and

WHEREAS, it is unlikely that exempting the selection of providers of transportation service for a limited amount of time will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts if a diligent effort is made to notify eligible providers of transportation service of the selection process and to invite them to submit a proposal; and

WHEREAS, the selection of providers of transportation service pursuant to the exemption will result in a substantial cost savings to the County since the amount of effort to engage in a formal selection procedure to meet the requirements of this emergency would be tremendously costly in a situation where there is already a loss of funds, and there is no reason to expect any savings would result from a formal selection process that would outweigh the tremendous cost of preparing a formal bid package or RFP; and

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. An emergency is declared due to the pending loss of transportation services by COLCO Transportation.
2. The selection of transportation providers for a limited period of time is exempted from competitive bidding and/or formal selection procedure subject to the following requirements:
 - A. A meaningful Request for Qualifications/Proposals shall be prepared and

sent to at least six providers of transportation services.

- B. An attempt shall be made to publish notice of the selection process in a local newspaper and statewide business publication.
- C. Proposals received shall be reviewed by the Countywide Community Transit Study Steering Committee and the County's Special Transportation Fund (STF) Advisory Committee.
- D. The recommendations of the Steering Committee and STF Advisory Committee shall be submitted in writing to the Board of County Commissioners.
- E. The members of the Board of County Commissioners shall confer with the membership of the STF Advisory Committee prior to making a selection.
- F. The transportation proposals selected shall be incorporated in an application for STF funding and, if applicable, federal funding under Federal Transit Act (FTA) Section 5311.
- G. In all respects, the selection process shall comply with the requirements of 391.800 to 391.830 and OAR 732-010-0005 to 732-010-0045.
- H. The review and approval of the ODOT Public Transit Division shall be required before any final contract is entered into with selected transportation providers.

DATED this 2nd day of July, 2003.

Approved as to form

By: [Signature]
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner