

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending Local Rule No. 4)
Under Ordinance 88-3, the Public Contract)
Review Board Ordinance)

Order No. 122-2007

WHEREAS, Section 7.D of the Columbia County Public Contract Review Board Ordinance authorizes the Board to exempt certain public contracts or classes of public contracts from the competitive bidding requirements of ORS 279.015(1) upon approval of the following findings: (a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and (b) The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contracting agency. In making such findings the Board may consider the type, cost, amount of the contract, number of persons available to bid, and such other factors as may be deemed appropriate; and

WHEREAS, ORS 279B.085 authorizes the Board to exempt certain public contracts or classes of public contracts from the competitive bidding requirements of Oregon law with findings that an alternative procedure will: (a) Be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and (b)(1) Result in substantial cost savings to the Contracting Agency or to the public; or (b)(2) Otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder; and

WHEREAS, the Board of County Commissioners for Columbia County Oregon, signed Order No. 119-95 on May 3, 1995, which amended Local Rule Number 4; and

WHEREAS, the Board of County Commissioners for Columbia County, Oregon, signed Order No. 220-95 on August 2, 1995, which amended Local Rule Number 4; and

WHEREAS, the Board of County Commissioners for Columbia County, Oregon, signed Order No. 264-96 on October 2, 1996, which amended Local Rule Number 4 again; and

WHEREAS, the Board of County Commissioners for Columbia County, Oregon, signed Order No. 15-99 on March 17, 1999, which amended Local Rule Number 4 again; and

WHEREAS, pursuant to Oregon Laws 2003, Chapter 794, section 332, ORS Chapter 279 was repealed and replaced with ORS Chapters 279A, 279B, and 279C, effective March 1, 2005; and

WHEREAS, pursuant to ORS 279A.065, the Attorney General adopted model rules of procedure governing public contracting which became effective March 1, 2005, and which generally

superseded local public contracting rules; and

WHEREAS, pursuant to ORS 279A.065, Columbia County is authorized to adopt rules of procedure that the contracting agency will use for public contracts; and

WHEREAS, rules adopted under ORS 279A.065 shall specifically state that the model rules adopted by the Attorney General under this section do not apply to the County, and shall prescribe the rules of procedure that the County will use for public contracts, which may include portions of the model rules adopted by the Attorney General; and

WHEREAS, pursuant to ORS 279A.070, in addition to the rules adopted under ORS 279A.065(5), a contracting agency may, in the exercise of authority granted under ORS 279A.050, adopt rules necessary to carry out the provisions of the Public Contracting Code, including but not limited to rules for the procurement, management, disposal and control of goods, services, personal services and public improvements under the Public Contracting Code;

NOW, THEREFORE, IT IS HEREBY ORDERED, the Local Rule No. 4 Under Ordinance No. 88-3, the Public Contracting Review Board Ordinance, is amended and shall read as shown in Exhibit "A" which is attached hereto, and is incorporated herein by this reference.

Dated this 27th day of June, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard
Rita Bernhard, Commissioner

By: Anthony Hyde
Anthony Hyde, Commissioner

By: Joe Corsiglia
Joe Corsiglia, Commissioner

Approved as to form

By: Sarah Hanson
Office of the County Counsel

EXHIBIT "A"

A. Except as specifically stated herein, the Attorney General's Model Public Contracting Rules apply to the County.

B. Local Rule Number 4 shall read as follows:

1. Purchases and Contracts of less than \$5000.00 (small procurements).

Any procurement of goods or services not exceeding \$5000.00 may be awarded without formal competitive bidding in accordance with ORS 279B.065, as amended. Where feasible, competitive quotes should be obtained. A purchase order may be used for purchases of goods, materials, supplies and services, or trade related projects, i.e. construction, maintenance, repair, or similar labor and materials contracts. A purchase order shall be in the form approved by the Office of the County Counsel. If a Purchase Order is not used, a Contract shall be used. All contracts must be approved by the Office of the County Counsel before they are in effect.

A contract or purchase order awarded under this section may be amended due to unforeseeable costs, one time only. The Board shall be made aware of any such amendments.

A procurement may not be artificially divided or fragmented so as to constitute a small procurement. The Attorney General's Model Public Contracting Rules do not apply to small procurements.

2. Purchases and Contracts between \$5000 and 150,000 (Intermediate Procurements).

Any procurement of goods or services exceeding \$5000.00 but not exceeding \$150,000 may be awarded in accordance with ORS 279B.070, as amended, and the Attorney General's Model Public Contracting Rules, as amended.

When conducting an intermediate procurement, the County shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The County shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the County shall make a written record of the effort

made to obtain the quotes or proposals.

If a contract is awarded, the County shall award the contract to the offeror whose quote or proposal will best serve the interests of the County, taking into account price as well as considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility under ORS 279B.110, as amended.

A contract awarded under this section may be amended no more than twice due to unforeseeable costs.

A procurement may not be artificially divided or fragmented so as to constitute an intermediate procurement.

A Purchase Order in the form approved by the Office of the County Counsel may be used for intermediate procurements up to \$50,000. If a Purchase Order is not used, a Contract shall be used.

3. Purchasing Through the State of Oregon Cooperative Purchasing Program (ORCPP).

All purchasing or contracting through the State of Oregon Cooperative Purchasing Program (ORCPP), regardless of the value of the purchase or contract, shall be considered to have met the County's competitive procurement methods, to include the obtaining of competitive quotes, call for bids, or request-or-proposal competitive procurement methods.

These purchases or contracts, of whatever value, may be entered into without the signing of an Order by the Board of County Commissioners exempting the purchase or contract from competitive bidding.

In addition to the ORCPP forms and paperwork normally used for purchasing or contracting through the ORCPP, a Purchase Order in the form approved by the County Counsel's Office may be used for purchases of goods, materials, supplies and services up to \$50,000. If a Purchase Order is not used a Contract shall be used.

4. Purchasing Through Other Jurisdictions' Competitive Purchasing Processes.

If another jurisdiction has obtained prices through a competitive procurement process which is consistent with the requirements provided in ORS 279A.200 to 279A.225, the obtaining of those prices shall be considered to have met the County's competitive procurement methods, to include the obtaining of competitive quotes, call for bids, or request-for-proposal competitive procurement methods. The County may use those prices as a basis for purchasing or contracting for goods, materials,

supplies, or services.

These purchases or contracts, of whatever value, may be entered into without the signing of an Order by the Board of County Commissioners exempting the purchase or contract from competitive bidding. A Purchase Order, in the form approved by the County Counsel's Office may be used for purchases of goods, materials, supplies, and services up to \$50,000. If a Purchase Order is not used, a Contract shall be used.

5. Signing of Purchase Orders and Contracts

The Finance Director is authorized to sign Purchase Orders and enter into Contracts in amounts not to exceed \$50,000, providing the several requirements set out above are met, and as provided for in Section 7 of Ordinance 88-3, and there is money in the Columbia County budget for such purchases and contracts. If the requirements described above are not met, purchases and contracts shall be presented to the Board of County Commissioners for action.

Purchase Orders and Contracts shall be signed by the Finance Director or his/her designee as follows:

- a. The Finance Director may give written authority to Department Heads and/or their assistants to purchase items or services up to \$5000.00 in value. The purchase of items and services will be done in accordance with this Rule, and the Public Contract Review Board Ordinance.
- b. The Finance Director may give written authority to Land Development Services Staff to purchase supplies needed for facilities maintenance and repair up to \$5000.00 in value. The Finance Director may also give written authority to Finance Department Staff to purchase office supplies needed for the central supplies "store" up to \$5000.00 in value. In addition, the Finance Director may give written authority to Sheriff's Department and Jail staff to purchase supplies needed for operation of the Jail, i.e. food, cleaning materials. The purchase of supplies will be done in accordance with this Rule and the Public Contract Review Board Ordinance.
- c. The Finance Director may give written authority to the Public Works Director to purchase items or services up to \$10,000.00 for trade related projects, i.e. construction, maintenance, repair or similar labor and materials contracts; up to \$15,000.00 for goods, materials, supplies and services; and up to \$25,000.00 for maintenance or repair of roads, highways, or parking lots. The purchase of items and services will be done in accordance with this Rule and the Public Contract Review Board Ordinance.

6. Competitive Quotes.

The County shall keep a written record of the source and amount of the competitive quotes received. If the quote is given orally to the County that information shall be written down and retained as part of the written record; original or faxed copies of quotes shall be retained as part of the written record. The written record shall be retained with the County's copy of the Purchase Order or Contract.

When three or more competitive quotes are required, but cannot be obtained, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes.

7. Competitive Bidding Requirements.

Except as may otherwise be provided by the Public Contract Review Board Ordinance and ORS Chapters 279A, 279B, and 279C, competitive sealed bids or competitive sealed proposals shall be required for purchases and contracts for goods, materials, supplies, and services greater than \$150,000.00.

The Finance Director or other Department Head who has been given written purchasing authority according to this Rule, may also prepare and release directly to vendors or for newspaper advertising and Advertisement for Bids or Request for Proposals for the purchases or contracts referenced above. Bids and Proposals may be received and opened by the Finance Director, the Department Head, or the Board of County Commissioners, according to the requirements stated in the Advertisement for Bids or the Request for Proposals. Notwithstanding the foregoing, no Department Head shall issue bid or proposal documents without assuring compliance with the public contracting rules and regulations, as applicable.

The Board will designate on a case by case basis who will sign the contract for the purchase or work to be done which exceed the dollar limits as stated above.