

ORDINANCE NO. 24-1003

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING MUNICIPAL CODE CHAPTER 2.40, PUBLIC CONTRACTING AND PURCHASING, SUBSECTIONS 2.40.020 AND 2.40.030

**WHEREAS**, Oregon City's contracting and purchasing rules were last updated in 2004; and

**WHEREAS**, the State of Oregon has since changed the financial thresholds for the procurement method prescribed to engineering and architectural services; and

**WHEREAS**, in order for Oregon City to utilize the updated financial thresholds for increased efficiency in the execution of performing procurement services the code must be updated.

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** Oregon City Municipal Code 2.40.020 is repealed and replaced and 2.40.030 is amended as described in both Exhibit A and Exhibit B.

**Section 2.** The changes become effective 30 days after enactment.

Read for the first time at a regular meeting of the City Commission held on the 3rd day of April, 2024 and the City Commission finally enacted the foregoing ordinance this 17<sup>th</sup> day of April, 2024.

  
DENYSE C. MCGRIFF  
Mayor

Attested to this, 17<sup>th</sup> day of April, 2024.

  
Jakob Wiley, City Recorder

Approved as to legal sufficiency:

  
Carrie R.  
City Attorney

## EXHIBIT A

### **2.40.020 - Professional personal services.**

A. This section provides the procedures for the award of contracts for professional personal services contracts. Professional Personal Services shall be defined to include those services that require specialized technical, creative, professional or communication skills or talents, unique specialized knowledge, or the exercise of discretionary judgement, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include but are not limited to: architects; engineers; land surveyors; photogrammetrists; transportation planners; attorneys; accountants; auditors; computer programmers; artists; designers; performers; and consultants. The City Manager or designee shall have the authority to determine when a particular service is a professional personal service under this definition. The services shall be procured consistent with the AG Model Rules for engineering and architectural services and approved in accordance with section 2.40.030.

1. For any professional personal services contracts with an anticipated fee of less than one hundred thousand dollars, the City may make a selection by direct appointment. The following criteria shall be considered when the selection of the consultant is made:

- a. Demonstrated specialized experience in the type of work to be performed;
- b. Capacity and capability to perform the work, including any specialized services within the time limitations for the work;
- c. Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable;
- d. Availability to and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable; and
- e. Any other factors relevant to the particular contract.

2. For professional personal service contracts involving an anticipated fee of more than one hundred thousand dollars and less than two hundred and fifty thousand dollars, the City shall use the informal selection procedure described in OAR 137-048-0210.

3. For professional personal service contracts involving an anticipated fee of more than two hundred and fifty thousand, the City shall use the formal selection procedure described in OAR 137-048-0220.

4. The selection procedures described in subsections 1, 2 and 3 may be waived by the City Manager for either of the following reasons:

a. An emergency exists that could not have been reasonably foreseen and that requires such prompt execution of a contract to remedy the situation and there is not sufficient time to permit utilization of the selection procedures; or

b. The contractor is the only person within a reasonable area who performs the services or work.

c. If the City Manager waives the selection procedures in subsection 1, 2 or 3 the City Manager shall submit a written report to the city commission advising the commission of the circumstances involved in the decision to waive the procedures.

## **2.40.030 - City manager authority.**

A. The city manager, or their designee shall have the authority to take the following actions without specific authorization from the commission:

1. Advertise bids or proposals when the proposed goods, items and/or services are included in the adopted budget and or approved capital improvement programs.

2. Award and execute contracts not exceeding fifty thousand dollars or change orders to contracts up to but not to exceed fifty thousand dollars.

3. Recommend to the city commission whether to approve or not approve contract awards or change orders in excess of fifty thousand dollars.

B. The city manager may delegate the authority to advertise bids or proposals, award and execute contracts, or change orders that do not exceed twenty-five thousand dollars. The delegation may be made either to the finance director on a city-wide basis or to other department heads for purchases for which they have direct budget responsibility and accountability.

## EXHIBIT B

### **2.40.020 – Professional services.**

A. This section provides the procedures for the award of contracts for professional personal services contracts including but not limited to services such as financial, accounting, personnel, risk management, insurance, real estate, and economics.

1. For professional services contracts with an anticipated fee of over fifty thousand dollars, the services shall be procured consistent with ORS 279.051 and the AG Model Rules for engineering and architecture services.

2. For professional service contracts involving an anticipated fee of more than ten thousand dollars and less than fifty thousand dollars, the city manager or designee shall solicit at least three prospective contractors, each of whom shall appear to have at least the minimum qualifications for the proposed assignment. The city manager or designee shall notify each prospective contractor in reasonable detail of the proposed assignment, and determine the prospective contractor's interest and ability to perform the proposed assignment.

a. The city manager or designee may arrange an interview with any or all of the interested prospective contractors for the assignment by an appropriate city employee or by an interview committee.

b. Following a review of the qualifications and interview, where conducted, of the interested prospective contractors, the city manager or designee shall select the prospective contractor.

3. For contracts with an anticipated fee of ten thousand dollars or less, the city manager or designee may negotiate a contract for such with any qualified contractor.

4. For any professional personal services with anticipated fees of less than fifty thousand dollars, the following criteria shall be considered in the evaluation and selection of contractor to perform the required services:

a. Demonstrated specialized experience in the type of work to be performed;

b. Capacity and capability to perform the work, including any specialized services within the time limitations for the work;

c. Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable;

d. Availability to and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable; and

e. Any other factors relevant to the particular contract.

5. The selection procedures described in subsections 2 and 3 may be waived by the city manager for either of the following reasons:

a. An emergency exists that could not have been reasonably foreseen and that requires such prompt execution of a contract to remedy the situation and there is not sufficient time to permit utilization of the selection procedures; or

b. The contractor is the only person within a reasonable area who performs the services or work.

c. If the city manager waives the selection procedures in subsection 2 or 3 the city manager shall submit a written report to the city commission advising the commission of the circumstances involved in the decision to waive the procedures.

## **2.40.020 - Professional personal services.**

A. This section provides the procedures for the award of contracts for professional personal services contracts. Professional Personal Services shall be defined to include those services that require specialized technical, creative, professional or communication skills or talents, unique specialized knowledge, or the exercise of discretionary judgement, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include but are not limited to: architects; engineers; land surveyors; photogrammetrists; transportation planners; attorneys; accountants; auditors; computer programmers; artists; designers; performers; and consultants. The City Manager or designee shall have the authority to determine when a particular service is a professional personal service under this definition. The services shall be procured consistent with the AG Model Rules for engineering and architectural services and approved in accordance with section 2.40.030.

1. For any professional personal services contracts with an anticipated fee of less than one hundred thousand dollars, the City may make a selection by direct appointment. The following criteria shall be considered when the selection of the consultant is made:

a. Demonstrated specialized experience in the type of work to be performed;

b. Capacity and capability to perform the work, including any specialized services within the time limitations for the work;

c. Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable;

d. Availability to and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable; and

e. Any other factors relevant to the particular contract.

2. For professional personal service contracts involving an anticipated fee of more than one hundred thousand dollars and less than two hundred and fifty thousand dollars, the City shall use the informal selection procedure described in OAR 137-048-0210.

3. For professional personal service contracts involving an anticipated fee of more than two hundred and fifty thousand, the City shall use the formal selection procedure described in OAR 137-048-0220.

4. The selection procedures described in subsections 1, 2 and 3 may be waived by the City Manager for either of the following reasons:

a. An emergency exists that could not have been reasonably foreseen and that requires such prompt execution of a contract to remedy the situation and there is not sufficient time to permit utilization of the selection procedures; or

b. The contractor is the only person within a reasonable area who performs the services or work.

c. If the City Manager waives the selection procedures in subsection 1, 2 or 3 the City Manager shall submit a written report to the city commission advising the commission of the circumstances involved in the decision to waive the procedures.

## **2.40.030 - City manager authority.**

A. The city manager, or ~~their~~ **his** designee shall have the authority to take the following actions without specific authorization from the commission:

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2. Award and execute contracts not exceeding fifty thousand dollars or change orders to contracts up to but not to exceed fifty thousand dollars.

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