

ORDINANCE NO. 1617

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON RELATING TO PUBLIC CONTRACTS AND PURCHASING, REPEALING ORDINANCE NO. 1367, ADOPTING REVISED PROVISIONS RELATING TO THE LOCAL CONTRACT REVIEW BOARD.

WHEREAS, State law mandates that all public contracts shall be based on competitive bid except as otherwise provided by law or the rules of the Local Contract Review Board;

WHEREAS, Local Contract Review Board rules and procedures are necessary in order to carry out the State law to ensure a fair and open contracting process and to protect the City against litigation; and

WHEREAS, the 1983 Oregon Legislature enacted legislation calling upon the Attorney General to prepare and maintain model rules of procedures for Contract Review Boards; and

WHEREAS, the Milwaukie City Council finds it necessary and desirable to modify the City's Rules to be in conformance with the Attorney General's model.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Policy. All public contracts shall be based upon competitive bids except as expressly provided by State law, this chapter or the rules adopted by the Local Contract Review Board.

Section 2. Definitions: As used in this chapter, unless the context requires otherwise:

1. "Board" means the City of Milwaukie, Local Contract Review Board.
2. "Personal Services" means a contract for services performed by an independent contractor in a professional capacity.
3. "Public Contract" means any purchase, lease, or sale by the City of personal property, public improvements or services other than agreements which are for personal services.

4. "Public Improvement" means projects for construction, reconstruction or major renovation on real property by or for the City. "Public improvement" does not include emergency work, minor alteration, ordinary repair or maintenance necessary in order to preserve a public improvement.

Section 3. Local Contract Review Board; Powers; Authority to Adopt Rules.

1. The City Council shall be the Local Contract Review Board.
2. The Board shall have all of the powers granted by state law.
3. The Board shall adopt rules governing the awarding of public contracts.

Section 4. The Organization of The Board

1. The Mayor shall act as the Chairperson of the Board. The President of Council shall act as the Vice Chairperson.
2. The Chairperson shall preside over the meetings, and in the absence of the Chairperson or in the event a vacancy occurs, the line of succession shall be the same as the line of succession which applies to the Council.

Section 5. Meetings; Notice; Agenda

1. Meetings of the Board may be scheduled at any time.
2. Meetings shall be called in the same manner as a Council meeting.
3. Notice of the meeting shall be given as provided by state law.
4. The agenda shall be prepared by the City Manager or designee.

Section 6. Attendance; Quorum; Voting. Requirements for the Board shall be the same as those established for City Council.

Section 7. Records

1. The City Manager or designee shall be present at all meetings and shall provide for the recordation of all meetings and shall maintain minutes of all meetings as required by law.

2. The Purchasing Agent or designee shall maintain the records and prepare findings and reports as required by the Board and the rules adopted by the Board.

Section 8. Authority to Obligate The City

The Council shall approve all public contracts and personal services contracts except as otherwise provided by Section 9.

Section 9. Delegation Of Authority To Obligate The City

1. The Manager shall have the authority to obligate the City without specific Council approval provided the obligation is part of an adopted budget, the rules adopted by the Board are satisfied by written findings and a record is made of the transaction which shows the rules have been satisfied as follows:
 - a. The Manager may enter into a public contract or personal services contract which does not exceed fifteen thousand dollars and complies with Section 11.
2. The Finance Director shall have the authority to obligate the City without prior specific Council approval provided the obligation is part of an adopted budget, the rules adopted by the Board are satisfied by written findings, and a record is made of the transaction which shows the rules have been satisfied and the obligation is for a public contract which does not exceed five thousand dollars and complies with Section 11.
3. The Purchasing Agent (when appointed) shall have the authority to obligate the City without prior specific Council approval provided the obligation is part of an adopted budget, the rules adopted by the Board are satisfied, a record is made of the transaction and the obligation is for a public contract which does not exceed one thousand dollars and complies with Section 11.

Section 10. Petty Cash

1. A Petty Cash Custodian shall be appointed by the Finance Director, and the Director shall establish guidelines and procedures for the expenditure and accounting for petty cash funds.
2. The Petty Cash Custodian shall have the authority to approve purchases using petty cash provided:

- a. The purchase shall be for an incidental expenditure;
- b. The purchase shall not exceed \$30.00; and
- c. The purchase complies with Section 11.

Section 11. Limitation To Expenditures

The delegated authority to obligate the City shall be subject to the following limitations:

- a. The expenditure shall be for a single complete item or contract; and
- b. The item or contract shall not be a component of a project except in the case of a project which involves a personal services contract and a public contract. In this situation, the personal services contract portion shall be considered a single complete project and the public contract portion shall be considered a single complete project.

Section 12. Duties Of The City Manager

1. The City Manager or designee shall establish and maintain a centralized system for the purchase, contract and sale of property and services.
2. The City Manager or designee shall prepare a manual which sets forth the procedures and forms to be used the award of public contracts, personal service contracts, and the sale of property.
3. The City Manager or designee shall implement the procedures set forth in the manual and as necessary, shall make amendments to the manual.

Section 13. Duties Of The Finance Director

1. The Finance Director shall establish, maintain, and amend as necessary, accounting procedures which set forth appropriate controls to implement the authority contained in this Chapter and which comply with Generally Accepted Accounting Principles.
2. The Finance Director shall provide general supervision the Purchasing Agent.

Section 14. Duties Of The Purchasing Agent

The duties of the Purchasing Agent (when appointed), shall be as established by the manual prepared by the City Manager and the accounting procedures established by the Finance Director.

Section 15. Purchasing From City Employees and City Councilors.

The City shall not allow the purchase of any supplies, materials, equipment, labor or services, including personal, professional, technical and expert services from any City employee, or City councilor; or any business with which a City employee or councilor is associated.

Section 16. Ordinance No. 1367 is repealed in its entirety and the following is adopted as the revised provisions relating to the Local Contract Review Board relating to public contracts and purchasing.

Section 17. Filing. The Milwaukie City Council further directs the City Recorder to file this document and any further revisions with the Clackamas County Board of Commissioners pursuant to ORS 279.055.

Read the first time on January 20, 1987, and moved to a second reading by 5 - 0 vote of the City Council.

Read the second time and adopted by the City Council on January 20, 1987.

Roger Hall
Roger Hall, Mayor

ATTEST:

Terri L. Widner
Terri L. Widner, City Recorder

Approved as to form:

Greg Eades
Greg Eades, City Attorney