BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 13-03-11-04

IN THE MATTER OF AMENDING LANE MANUAL CHAPTERS 20 AND 21 TO ACCOMMODATE RECENT CHANGES IN THE OREGON PUBLIC CONTRACTING CODE, CLARIFY TECHNICAL LANGUAGE, AND ALIGN THE COUNTY'S ADMINISTRATIVE REQUIREMENTS WITH THE CURRENT DEPARTMENTAL STRUCTURE

WHEREAS, Oregon Public Contracting Code allows local public contract review boards to establish local rules governing the procurement of goods and services; and

WHEREAS, the Board, acting as the local public contract review board, has opted to adopt its own rules governing public contracting in lieu of adopting the Oregon Attorney General's Model Public Contract Rules; and

WHEREAS, the Board's adopted rules are those contained in Chapters 20, 21, and 60 of the Lane Manual; and

WHEREAS, certain amendments to the rules are necessary to accommodate recent changes to the Oregon Public Contracting Code, clarify technical language, and align the County's administrative requirements with the current departmental structure;

NOW, THEREFORE, sitting as both the local contract review board and as the Board of County Commissioners of Lane County, ORDERS as follows:

1. The Board adopts the findings and conclusions contained in the Agenda Memo attached as Exhibit A in support of the amendments to Chapters 20 and 21 of the Lane Manual; and

2. The Board, acting as the local public contract review board, continues to opt to adopt its own rules governing public contracting in lieu of adopting the Oregon Attorney General's Model Public Contract Rules; and

3. The County Administrator shall take all necessary actions to implement these rules;

AND FURTHER, the Board, sitting as the local public contract review board and as the contracting agency, hereby orders that Lane Manual Chapters 20 and 21 are hereby amended by replacing the following sections with the sections indicated and included in Exhibit B:
REMOVE THESE SECTIONS:  

- 20.097  
- 20.100  
- 20.250  
- 21.105  
- 21.109  
- 21.117  
- 21.118  
- 21.129  
- 21.145  
- 21.147  
- 21.148  
- 21.149  

INSERT THESE SECTIONS:  

- 20.097, as located on page 20-01  
- 20.100, as located on pages 20-01 and 20-02  
- 20.250, as located on page 20-02  
- 21.105, as located on pages 21-1 through 21-5  
- 21.109, as located on page 21-6  
- 21.117, as located on page 21-6  
- 21.118, as located on pages 21-6 through 21-9  
- 21.129, as located on page 21-9 and 21-10  
- 21.145, as located on page 21-10  
- 21.147, as located on pages 21-10 and 21-11  
- 21.148, as located on page 21-11  
- 21.149, as located on page 21-11  

Said sections are attached hereto and incorporated by reference. The purpose of these substitutions is to accommodate recent changes to the Oregon Public Contracting Code, clarify technical language, and align the County’s administrative requirements with the current departmental structure.

ADOPTED this 11th day of March, 2014.

Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM  
Date 2-5-14  
Lane County  
Office of Legal Counsel
20.097 Personal Service Contracts Designation.

Certain contracts may be designated by the County as personal service contracts. Selection of a personal service contractor must be made by competitive selection, in accordance with the procedures for screening and selection in LM 21.117 and 21.118, unless exempted under LM 20.250 or 21.118 shall be followed. The Department Directors shall be delegated the authority to determine whether a particular type of contract or service falls within the following, except that the County Administrator may, at his or her discretion, review and reverse a Department’s determination:

1. Pursuant to ORS 279A.055, a contract may be designated as a personal service contract if:
   (a) The contractual relationship is primarily based primarily on a special trust and confidence between the County and contractor; or
   (b) Where the type and quality of the services to be provided under the contract are based on the contractor's special or unique expertise or knowledge; particular experience; or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider; or
   (c) Where the County is purchasing services for clients and (a) and (b) above are not for the client, rather than County.

2. Each Department Director is delegated the authority to determine whether a particular type of contract or service falls within the following, except that the County Administrator may, at the Administrator's discretion, review and reverse a Department’s determination.
   (a) Examples of contracts that may be designated personal service contracts include contracts for: expert consulting, but are not limited to: consultants with special expertise in a particular area; architects; engineers; land surveyors; landscape architects; professionals providing facilities or land use planning services; environmental impact testing and analysis; construction management services; appraisals, timber cruising, licensed professionals (including e-services, attorneys, auditor, accountants, medical personnel (including physicians, physician assistants, nurse practitioners, and nurses), licensed mental health therapists, realtors and engineers) artists, designers, data processing consultant; contracts for services of a specialized, creative, and research, polling, oriented nature; education, and artworkers; investigators.
   (b) Services that can generally be performed by an experienced competent person are not considered personal services, whether required to be licensed or not, such as: trade-related activity including plumbing and electrical work, custodial services, document filing and storage, general labor, and repairs and maintenance services for buildings or equipment.

3. Pursuant to ORS 279C, certain contracts relating to public improvements contracts are designated as personal services: architectural, engineering, photogrammetric mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvement projects, including but not limited to land surveying, architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous
20.100 General Statutory/Regulatory Exemptions and Exclusions.

(1) County contracts are not required to be based upon a County competitive selection bidding or request for proposal process if a state or federal statute or regulation provides otherwise, or directs that another selection process be used. Contracts exempt or excluded from The County will comply with any limits or conditions to competitive selection required by state or federal law or regulation. Examples of such contracts include, but are not limited to the following include:

(a) Contracts between contracting agencies or between contracting agencies and the federal government;

(b) Contracts between entities covered by ORS 190.010, or intergovernmental agreements.

(c) Contracts for public improvements if the value of the contract is less than $5,000;

(d) Public improvement contracts not exceeding $100,000, or $50,000 in the case of a contract for a highway, bridge or other transportation project, made pursuant to competitive quotes;

(e) Intermediate procurements;

(f) Grants;

(g) Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which County is or may become interested;

(h) Acquisitions or disposals of real property or interests in real property;

(i) Sole source expenditures when rates are set by law or ordinance for purposes of source selection;


(k) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145;

(l) Contracts for repair, maintenance, improvement or protection of property obtained by the Director of Veterans' Affairs under ORS 407.135 and 407.145(1);

(m) Contracts specifically exempt or authorized as a special procurement under LM Chapter 20 or under state law;

(n) Cooperative procurements covered by ORS 279A.200, et seq;
20.105 Lane Manual

(o) Personal service contracts exempted under LM 20.250 and 20.118; and. See ORS 279B.050(4); ORS 279A.070.

(p) Contracts in which County is permitted to award without bidding or request for proposals provided that it adopts its own rules covering the selection process (e.g., ORS 279B.065 (small procurements), ORS 279C.335(5) (emergency), ORS 279A.180 (purchases through certain federal government programs). (Revised by Order No. 98-12-2-1, Effective 12.2.98; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05; 05-12-14-9, 1.1.06; 11-08-17-8, 08.17.11)

20.105 Dollar Amount of Contract – Not to Exceed $100,000.

(1) The County may let public contracts not to exceed $100,000 for the purchase of goods, materials, supplies, and/or services without formal competitive bidding when the following conditions are complied with:

(a) The contract is for a single project and is not a component of or related to any other project in any one single year, and

(b) When the amount of the contract does not exceed $5,000 for non-public improvements or is less than $5,000 for public improvements, the County may contract by direct selection, without competitive selection, subject to the requirements and procedures in LM 21.109. However, competitive quotes in accordance with (c) below are encouraged, particularly for new purchases or projects.

(c) When the amount of the contract exceeds the amounts in (b), but do not exceed $100,000 the County shall obtain a minimum of three (3) competitive quotes or proposals, subject to the requirements and procedures in LM 21.110. If three quotes are not available for purchases covered by this rule, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. The County shall keep a written record of the source and amount of quotes received.

(2) The County may let personal service contracts in accordance with LM 21.117 and LM 21.118, and subject to any waiver by the County Administrator. (Revised by Order No. 98-12-2-1, Effective 12.2.98; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05; 05-3-9-21, 3.9.05; 05-12-14-9, 1.1.06; 08-2-13-4, 2.13.08; 11-08-17-8, 08.17.11)

20.250 Litigation Services.

(1) The County may purchase the following types of personal services related to litigation or legal matters without a competitive process when County Counsel deems it necessary to do so, including outside legal representation, expert witnesses, consultants, arbitrators, mediators, investigators or other specialized personnel. This may include for the purpose of providing services or testimony relating to existing or potential litigation or legal matters in which County, its Commissioners, officers, employees and agents are or may become interested.

(2) To the extent practicable, County Counsel shall develop and maintain a list of qualified experts, consultants, and other specialized personnel eligible to be retained.

(3) Selection criteria shall include, but are not limited to, education and specialized training, experience, demeanor, cost and availability.

(4) Multiple contracts for similar services are authorized. (Revised by Order No. 98-12-2-1, Effective 12.2.98; 05-2-16-8, 2.28.05; 11-08-17-8, 08.17.11)
21.105 Competitive Bidding.

Competitive bidding is a formal process by which the County advertises and issues a written invitation to bid, and receive and open bids, as required by ORS Chapters 279A, B, and C and these rules. An invitation to bid is a solicitation of competitive offers in which technical specifications, price and delivery (or project completion) will be the predominant award criteria. Whenever possible, competitive offers should be solicited from appropriate minority, women and emerging small business enterprises certified by the State pursuant to ORS 200.055.

(1) When Required. Generally, a formal competitive bid process is required for all public contracts unless exempt or excepted pursuant to ORS Chapter 279 A, B or C, or an LM Chapter 20 exemption rule, or such authorities provide formal bidding as an option. Nothing in this rule is intended to prohibit the County, in its discretion, from using formal bidding even though it may not be required.

(2) In preparation for an invitation to bid, the County may issue a request for information, a request for interest or other preliminary documents. It may also develop and maintain a qualified products list in accordance with LM 20.230.

(3) Advertisements.

(a) The contents of advertisements for bids shall include:

(i) a description of the project, goods or services;

(ii) the office where the specifications for the project or purchase may be reviewed;

(iii) name, title and address of person authorized to receive bids;

(iv) if prequalification is required, a statement of the class or classes of work for which bidders must be pre-qualified and the filing deadline;

(v) scheduled bid submission deadline which shall not be less than 7 days after the date of the last publication of the ad;

(vi) scheduled bid opening (immediately after bid submission deadline for public improvement contracts);

(vii) if applicable, that the contract is for a public work subject to ORS 279C.800 to 279C.870 or the Davis-Bacon Act.

(b) The County may use either or both of the following advertising methods in (i) or (ii) except as provided in (iii):

(i) Publish at least once in at least one newspaper of general circulation in the Lane County area;

(ii) Publish electronically on a Lane County website or other electronic posting site (e.g. ORPIN) as long as the requirements of (iv) below are met.

(iii) For public improvement contracts estimated to exceed $125,000, County - shall use- either or both methods in (i) and (ii); and, publication in at least one trade newspaper of general statewide circulation.

(iv) In considering whether to advertise by the method in (i) or (ii) for a particular project, County- shall weigh advertising cost savings with the method likely to encourage the greatest competition, and decide based on the greatest competition. Nothing in this rule is intended to prohibit the County from using any other method of public notice in addition to (i) or (ii).

(v) In order to conduct an electronic advertisement described above, a department shall publish weekly, for no less than 4 consecutive weeks, in at least one newspaper of general circulation, a notice that the department may publish future advertisements (listing the types) by electronic advertisement, including the world wide
web location(s) (i.e., Uniform Resource Locator or URL), and providing a contact person for questions or concerns. It is within the department’s discretion to decide if and how any concerns will be accommodated, subject to use of a method likely to encourage the greatest competition.

(4) Reserved.

(5) Bids.

To be received and considered, all bids must be in writing and signed by the bidder or authorized representative and submitted in a sealed envelope. No oral, telegraphic, telephonic, or telephonic facsimile bids, modifications of bids, or signatures, will be considered, unless otherwise stated in the bid documents.

(a) An invitation to bid is used to initiate a sealed bidding solicitation. It shall contain the information required by ORS 279B.055(2) for non-public improvement contracts, and by ORS 279C.365 and ORS 279C.830 for public improvement contracts. The County may provide solicitation documents by electronic means or hard copy, or both. It shall include notice of the distribution method in the advertisement for the solicitation. Departments shall take steps to protect against modification of electronic documents. The County shall also notify potential bidders about the method for obtaining addenda.

(b) By signing and returning a bid, the bidder acknowledges it has read and understands the terms and conditions applicable to the solicitation document and that it accepts and agrees to be bound by the terms and conditions of the contract, including to perform the scope of work and meet the performance standards.

(c) The County may allow or require pre-qualification of bidders by setting forth the procedure and criteria in the invitation to bid. The public officer shall determine when a pre-qualification may be mandatory or permissive for a specific contract or class of contracts and the pre-qualification procedure, subject to requirements in this subsection (b) or applicable statutes. See ORS 279B.120, 279B.125, 279C.430.

(i) For public improvement contracts with mandatory pre-qualification, the County shall include in the invitation to bid the time for submitting written pre-qualification applications, and the general description of the type and nature of the contracts to be awarded. For both mandatory and permissive pre-qualification, the County shall also provide the standard form to be used.

(ii) In making a determination for non-public improvement contracts, the County will consider applicable standards of responsibility listed in ORS 279B.110(2) and discrimination pursuant to ORS 279A.110, and for public improvement contracts as set forth in ORS 279C.375(3) and ORS 279A.110. For all contracts, if a bidder fails to qualify for a mandatory pre-qualification, notice shall be provided of the reasons, length of proposed disqualification not to exceed three years, the right to a hearing before the LCRB by filing a timely notice of appeal within 3 days with the department conducting the competitive selection, waiver of the hearing if the deadline is missed, and reference to the sections of the County rules covering the appeal process. For non-public improvement contracts, the County may revoke or revise and reissue a prequalification approval upon reasonable cause to believe there has been a substantial change in conditions or bidder is no longer qualified or less qualified by providing notice of the grounds and a right to a hearing.

(iii) The County, through the public officer, may also debar a prospective bidder based on standards in ORS 279B.130 and ORS 279C.440. The same procedure for disqualification above shall be followed.
21.105 Lane Manual

(d) For non-public improvement contracts, the County may use a multi-step invitation to bid seeking technical unpriced bids after providing public notice, and later issue an invitation to bid limited to the bidders whom the public officer has determined to be eligible under criteria set forth in the initial solicitation. The multi-step procedure shall be described in the invitation to bid. Technical unpriced bids need not be opened publicly. The opportunity to protest the solicitation in accordance with (6) below shall be provided prior to the closing of phase one. Unsuccessful bidders may protest the intent to award a contract, which should include the opportunity for affected bidders to protest exclusion from the phase two. See OAR 137-047-0257.

(e) The County may award multiple contracts when specified in the invitation to bid.

(f) Correction, Withdrawal and Late Bids. A bidder may withdraw the bid at any time prior to the deadline set for receipt of bids and deposit a new, sealed bid in accordance with the initial invitation to bid. The County may release an unopened bid which has been withdrawn to the bidder or authorized representative after voiding any date and time stamp mark. The County will not consider bids received after the time and date indicated for bid opening in the invitation to bid. A bidder may not modify any bid after it has been deposited with the public officer, except for minor informalities. All decisions to permit correction or withdrawal of bids shall be supported by written reasons.

(g) Clarification. If a bidder finds discrepancies or omissions in the drawings or bid documents, or is in doubt as to their meaning, the bidder shall immediately notify the public officer. If the public officer believes a clarification is necessary, an addendum will be issued to all bidders in writing preferably at least five calendar days prior to the deadline set for bid receipt but in no case less than 72 hours prior to the deadline for bid. If there are not five calendar days left before the deadline for bid receipt, the addendum may postpone the date for bid for a minimum of five calendar days. Any addenda so issued are to be covered in the bid proposal and will become part of the contract documents.

(h) Bids Irrevocable. All bids shall be irrevocable for 30 days from the time of opening unless otherwise stated in the bid documents. Further, the bids of the three lowest un-rejected bidders shall be irrevocable and binding and the bid securities shall be retained by the public officer until there is an executed contract and the contractor has provided all required satisfactory performance bonds. All other bid securities shall be returned promptly upon award of the contract or rejection of all bids.


For non-public improvement contracts, a prospective bidder may protest the competitive selection process or provision(s) in the solicitation document if they believe the process is contrary to law, or that a solicitation document is unnecessarily restrictive, is legally flawed or improperly specifies a brand name pursuant to requirements in ORS 279B.405(2)(a) and (4). Unless otherwise specified, the protest must be filed no later than 5 calendar days before bid opening. The County shall issue a written decision no less than three business days before bids are due, unless otherwise decided by the County. The County may exercise the response options set forth in OAR 137-047-0730(4) and (5). For public improvement contracts, a prospective bidder may protest specifications or contract terms and conditions pursuant to OAR 137-049-0260(3), (4) and (5). Unless otherwise specified in the invitation to bid, the protest shall be filed no later than 10 days before bid opening.

(7) Opening of Bids.
The public officer will not examine any bid prior to opening. The officer shall note on the envelope containing the bid the date and hour received. All bids submitted to the County will be opened publicly at the time, date and place designated in the invitation to bid and by the public officer. Any bid or modification received after the designated deadline shall be returned unopened to the bidder. To the extent practicable, the public officer shall read aloud the amount of the bid, the name of the bidder and such other information as the public officer considers appropriate, and record the same. The bid record for a public improvement contract shall be open to public inspection after the opening, with the exception of certain information covered by a public records exemption. The bid record for a non-public improvement contract shall be open to public inspection after the issuance of an intent to award, with the exception of certain information covered by a public records exemption. If the County receives a records request, including subpoena, covering information the bidder believes is covered by an applicable public records exemption, it shall be the bidder’s responsibility to defend and indemnify the County for any costs associated with establishing such an exemption. The bidder’s act in submitting a bid constitutes its acceptance of this responsibility.

8 Evaluation of Bids.

(a) Evaluation of bids will be conducted by the public officer in cooperation with the department requesting the bid, if any, and shall be based on minimum requirements established by the bid documents, compliance with public bidding procedures, bidder responsibility, ethical practice, product acceptability, ORS 279B.055(6)(a), and LM Chapter 20. See also, OAR 137-049-0380.

(b) Goods and services that have been manufactured, produced or performed in this state shall be preferred, if price, fitness, availability and quality are otherwise equal. See ORS 279A.120.

(c) The public officer shall, for the purpose of evaluating bids, apply any preference in ORS 279A.120 (resident bidder), ORS 279A.125 (preference for recycled materials) or ORS 282.210.

(d) The public officer shall make all necessary investigation to determine whether the apparent lowest responsible bidder has met responsibility requirements. See ORS 279C.375(3); ORS 279B.110.

(e) Where the methods and factors which have cost implications over the life of the product have been identified in the bid documents pursuant to LM 20.115, a life cycle cost analysis shall be made of all bids to determine the lowest responsible bidder.

(f) Invitations to bid may solicit lump sum offers, unit price offers, or a combination of the two, as well as additive or deductive alternates. The County may use evaluation methods as described in OAR 137-049-0380(2) or any other method reasonably likely to result in similar comparisons.

(g) For public improvement contracts, if all responsive bids from responsible bidders exceed the County’s cost estimate, the County may negotiate value engineering and other options (excluding those likely to affect the field of competition) with the lowest responsive, responsible bidder to attempt to bring the bid within the cost estimate. However, a negotiated contract under this provision shall not be awarded if there is significant change in the scope of the project from the original bid proposal. The County may discontinue the negotiation at any time. Nothing in this rule prohibits the County from conducting a new solicitation process. To the extent bidder’s records used in the negotiation are public records, they are exempt from disclosure until after contract
award or termination of the negotiation, and then subject to disclosure in accordance with ORS 192.410 through ORS 192.505. See OAR 137-049-0430.

(9) Mistakes in Bids.

Minor informalities may be waived. Mistakes discovered in bids after opening where the intended correct bid is clearly evident or properly substantiated may be corrected. Where the intended correct bid is not clearly evident or cannot be substantiated by accompanying documents, the bid may not be accepted. The County reserves the right to waive technical defects, discrepancies and minor irregularities, and to not award a contract when it finds such action to be in the public interest. See OAR 137-049-0350 and OAR 137-047-0470.

(10) Rejection.

The County reserves the right to cancel a solicitation, or reject any or all bids in whole or in part when the cancellation or rejection is in the County’s best interests as determined by the County. This includes rejecting any bid not in compliance with all prescribed public bidding procedures and requirements, and for good cause, rejecting all bids upon a finding that it is in the public interest to do so. See OAR 137-049-0440(5), OAR 137-047-0640, OAR 137-047-0650. If all bids are rejected in whole or in part, new bids may be called for as in the first instance or initial bids may be considered with opportunity for supplemental submission. If there is partial rejection, the County may solicit supplemental information only from the bidders who submitted bids and may set an expedited deadline on the conditions that such deadline is within what could reasonably be expected as part of the original competitive process and that it is unlikely re-advertising publicly would lead to greater competition. The public officer is delegated the authority to reject all bids, prepare findings of best interests and provide written notice of rejection of all bids including the reasons therefore to all bidders. However, if the rejection is of what initially appears to be the successful bid, the Board or the County Administrator, depending upon authority to execute the contract, shall exercise the right to reject the apparent successful bid. In addition, if partial rejection under this rule occurs as a result of the filing of a protest, any portion of the protest not resolved in favor of the protestor shall proceed to the Board or County Administrator. The Board and County Administrator may also exercise authority to act in accordance with this provision.

(11) Reserved.

(12) Notice of Intent to Award.

The County shall provide written notice of its intent to award to a particular bidder or bidders at least fourteen (14) days before the award, unless the County department determines that a shorter notice period is more practicable.

(13) Protests of Intent to Award.

Unless otherwise specified in the bid documents, all written protests of the intent to award must be filed within seven (7) days of the date of the notice of intent to award. Protests of intent to award shall be considered by the Board if it would approve and award the contract. Protests of intent of award shall be handled by the County Administrator, or designee, for those contracts to be awarded by the County Administrator.

(a) The protest for a non-public improvement contract shall specify the applicable grounds for the protest as set forth in ORS 279B.410(1). The protest for a public improvement contract shall specify the applicable grounds for protest set forth in OAR 137-049-0450(4)(c) which is adopted.
(b) For contracts to be awarded by the Board, if the public officer determines there is sufficient merit to reject bids under LM 21.105(10), he or she may do so. If any portion of the protest remains, the Board shall be provided and may consider a complete copy of the written record, and any other evidence provided at a public meeting and shall issue its decision by Board Order. The Board may affirm, reverse, send back to the Department or revise the award.

(c) For County Administrator awarded contracts, the County Administrator has authority to reject bids pursuant to LM 21.105(10), and authority to affirm, reverse, send back to the department or revise the award of the contract in order to correct any errors made in the original award, so that the contract is awarded to the bidder legally entitled to receive an award pursuant to public contract law and regulations and the criteria stated in the documents. The County Administrator shall deliver this decision to the Board. The decision shall be final seven days after it is delivered to the Board, unless within that time the Board elects to review the matter. If the Board elects review, a complete copy of the written record shall be delivered to the Board within a reasonable time period. The Board may consider this written record, and any other evidence provided at a public meeting and shall issue its decision by Board Order. The Board may affirm, reverse, send back to department, or revise the decision of the County Administrator, or his or her designee. Upon adoption of the order, the decision will be final.

(14) For public improvement contracts, the County shall submit a completed responsibility determination form covering the selected contractor, along with any attachments, to the Construction Contractors Board within 30 days after the contract award. (Revised by Order No. 05-2-16-8, Effective 2.28.05; 05-12-14-9, 1.1.06; 08-2-13-1; 2.13.08; 09-12-15-2, 12.15.09; 11-12-14-1, 12.14.11)

The County may award a non-public improvement contract for goods or services, when the amount does not exceed $5,000 or 3 years in length. See ORS 279B.065 and ,.
ORS 279C.335. The County may award a public improvement contract when the amount is less than $5,000 and does not exceed 3 years in length.

(1) The contract award may be direct without competitive selection subject to (2) below. However, solicitation of competitive quotes is encouraged whenever practicable, particularly for new purchases or projects.

(2) A contract may not be considered a small procurement contract when it is a component of a larger purchase, set of purchases, or project, all taking place in one year, and which when considered as a whole would require a competitive selection exceed $10,000 in contract amount.

(3) Any contract terms should be consistent with the County’s legal requirements and limitations, or as may be further described in procedures adopted by the County Administrator. county contract procedures.

(4) The Department Directors and County Administrator are delegated the authority to award small procurement contracts, and such authority may be further delegated. (Revised by Order No. 05-2-16-8, Effective 2.28.05; 05-12-14-9, 1.1.06)

21.117 Personal Service Contracts.

(1) Personal service contracts are those as described in LM 20.097.
21.118 Lane Manual

(2) Personal service contracts shall only be used to engage independent contractors, and not to hire persons who would be under the direction and control of County staff and deemed County employees, rather than independent contractors. All personal services contractors must meet the independent contractor standards of ORS 670.600, and furnish required documentation of insurance and independent status. Two of the primary differences are the amount of control the County has the right to exercise over the individual and the method of payment. That a County employee supervises or has the right to supervise the individual (i.e., assign work, review work, review performance) is an indicator the individual would be an employee, not an independent contractor. That the individual is paid for time and services is an indicator the person is an employee, whereas, that he or she is paid for results or for a total project is an indicator the individual is an independent contractor. All personal services contractors must meet the independent contractor standards of ORS 670.600.

(3) Generally, personal services contracts must be defended, indemnify and hold the County, its Commissioners, officers, agents and employees harmless from all damages, losses and expenses and to defend all claims, proceedings, lawsuits and judgments arising out of the contractor's performance or failure to perform the contract, subject to the review and approval of County risk management staff. When the Office of Legal Counsel determines the risk of a substantial judgment against the County is minimal, this provision may be waived.

(4) Reasonable care shall be taken in the use of personal service contracts to verify that they do not violate the terms of any collective bargaining agreement to which the County is a party. (Revised by Order No. 98-12-2-4, Effective 12.2.98; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05; 11-12-14-1, 12.14.11)

21.118 Selection of Personal Service Contractor.

The following procedures apply to the selection of personal service contractors unless an exemption, special procurement, or other LM Chapter 20 or 21 rule would allow a different competitive selection under the circumstances. They include, but are not limited to, screening and selection procedures for architects, engineers, photogrammetrists, transportation planners, land surveyors ("qualification-based consultants") and other related service providers as defined and described in ORS 279C.100—ORS 279C.125.

(1) Direct Contracting.

(a) Personal service contracts in the amount of $10,000 or less. The County may, without competitive selection, contract directly for services meeting the requirements of LM 20.097(2) or (3) or LM 20.250.

(ab) Personal service contracts in the Dollar Amount $10,000 or less. The County may contract directly, without any competitive selection, with any qualified a contractor providing personal services meeting the requirements of LM 20.097(2) or (3) or LM 20.250, upon a finding that the Department Director that direct contracting is in the best interests of the County—contractor—without competitive selection, except as provided in (b).

(bc) Personal service contracts in the amount of Dollar Amount $25 50,000 or less. The County may contract directly, and without competitive selection, with a contractor providing personal services meeting the requirements of LM 20.097(2) or (3) or LM 20.250, upon a finding of the County Administrator that direct contracting is in the best interests of the County.
consultant or provider of related services (as defined by ORS 279C.100(6)), for public improvement projects involving a highway, bridge or other transportation.

(d) Personal service contracts in an amount greater than $50,000. Board approval is required before the County may contract directly, without competitive selection, with a contractor providing personal services meeting the requirements of LM 20.097(2) or (3) or LM 20.250, upon finding of the Board that direct contracting is in the best interests of the County.

(e) Emergency. Without limiting any other authority to contract directly for services in emergencies, County may directly appoint a consultant for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services in an emergency.

(2) Dollar Amounts Greater Than (1) (a) or (b) But Equal to or Less Than $50,000. For contracts greater than the amounts in (1)(a) or (b) above and up to $50,000, the County shall solicit at least three prospective contractors who appear to meet the minimum requirements for the proposed contract, inform each in reasonable detail of the contract and determine the prospective contractor's interest and ability to perform the contract. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. The contract should be awarded to the offeror whose quote or proposal will best serve the interests of the County, in the discretion of the County after considering any applicable criteria such as in (5) below. Pricing information may also be solicited and considered. For all such contracts, quotations shall be solicited from appropriate minority, women and emerging small business enterprises certified by the State pursuant to ORS Chapter 200, and as specified through County administrative procedures. The Department shall keep a written record of the prospective contractors contacted, their responses, and basis for recommending the award.

(3) Dollar Amounts Greater than $50,000 But Equal to or Less Than $100,000. Where the contract is greater than $50,000 and equal to or less than $100,000, the County shall comply with (2) above, except that they will prepare a written solicitation, including but not limited to specification/scope of work and receive written offers. The contract should be awarded to the offeror whose quote or proposal will best serve the interests of the County, in the discretion of the County after considering any applicable criteria such as in (5) below. Pricing information may also be solicited and considered. The County shall keep the written solicitation and response documents and written basis for recommending the award. Unsuccessful offerors shall have the right to protest the award decision to the Board of County Commissioners in accordance with procedures set forth in LM 21.105(13).

(4) Greater Than $100,000 and Qualification Based Selection. Where a contract fee (except for a qualification based consultant) is estimated to be greater than $100,000, the County shall comply with (3) above, and conduct interviews of at least two most qualified prospective contractors, if two or more are available. Interviews may be either by telephone, in person or by written questions. Unsuccessful quoters shall have the right to protest the award decision to the Board of County Commissioners in accordance with procedures set forth in LM 21.105(13).

For contracts with qualification based consultants, the County shall comply with (3) above except that it shall not solicit or use pricing information to determine the compensation until after initially selecting the highest ranked proposer. In addition, the County will begin negotiating with the highest ranked proposer on a fair and reasonable
interest to negotiate. If agreement is not reached within a reasonable time, County may move to the second highest ranked proposer for a similar negotiation, and continue the process with the next in line until agreement is reached. See OAR 137-048-0210(4).

(5) Criteria. The following criteria shall be considered, as appropriate, in the evaluation and selection of personal service contractors:
   (a) Specialized experience in the type of work.
   (b) Capacity and capability to perform the work within necessary time and other limitations.
   (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.
   (d) Availability to and familiarity with the area in which the specific work is located.
   (e) Any other factors relevant to the particular contract.

(6) Requests for Professional Services (RFPS).
   (a) Description. A request for professional services (RFPS) is a selection procedure used when the County requires the services of the most highly qualified professional based on demonstrated competence and qualifications, and where a fair and reasonable price rather than lowest competitive price is the focus. It may be used in the discretion of the County, on a project-by-project basis, except when a qualifications based process is required for selecting qualification based consultants. Such a process is required for public improvement projects where the estimated fee to be paid any of these consultants under a contract exceeds $100,000.
   (b) Requirements.
      (i) An advertisement shall appear at least once in at least one newspaper of general circulation in the area where the project is to be located and/or published electronically in compliance with LM 21.105(2), and shall briefly describe the project, the services sought, where copies of the solicitation may be obtained and the deadline for submitting a response.
      (ii) The solicitation document shall contain, at a minimum, the information in LM 21.118(6)(b)(i) above, specifications, project requirements, a statement of the particular professional qualifications for the project, the evaluation criteria, and the screening or evaluation method to be used. It shall also reserve the County's right, at any time during the solicitation or contract process, to reject any or all proposals or cancel the solicitation, without liability, if there is good cause or if doing so would be in the public interest. The contract terms should also be included.

Proposals may be opened so as to avoid disclosure of contents during, when applicable, the process of negotiation.

Proposals are not required to be open for public inspection until after the notice of intent to award; however, the County may continue to withhold trade secrets as defined in ORS 192.501 and information submitted to a public body in confidence as described in ORS 192.502.

(iii) An evaluation committee shall review, score and rank the proposals according to solicitation criteria and results of any oral interviews. Criteria may include, but is not limited to, specialized experience, capabilities and technical competence to meet project requirements, methodology to meet project requirements, availability and resources to perform the work, proportion of candidate staff's time spent on project, experience of key staff, demonstrated ability to successfully complete similar
projects, references and recommendations, history in meeting deadlines, submitting accurate estimates, producing quality work, meeting financial obligations, contract administration status of licensing, proposed solutions to any perceived design or construction problems, ownership status and employment practices regarding minority, women and emerging small businesses or historically underutilized businesses; availability and familiarity with project locale, and project management approach. Proposed compensation may be included as evaluation criteria except for solicitations for qualification based consultants where the estimated contract fee exceeds $100,000.

(iv) Contract negotiations, including refining scope of services, with the highest ranked professional shall be directed toward an agreement on a compensation level which is fair and reasonable, taking into account the estimated value, scope, complexity, and nature of the personal services. County may solicit or use a compensation proposal for services covered by ORS 279C.110 and exceeding a fee estimate of $100,000 only after evaluating and ranking candidates.

(v) If an agreement is not reached in a reasonable time, the County may terminate negotiations with the highest ranked proposer and begin with the second ranked, and then to the third, if applicable. If no agreement is reached, the solicitation may be terminated.

(vi) A prospective contractor may protest the solicitation process or document in accordance with LM 21.105(6). Contractor may protest the contract award in accordance with process in LM 21.105(13). A proposer submitting a protest of the award must demonstrate that the protesting proposer is the highest ranked proposer because the proposals of all higher ranked proposers failed to meet the requirements of the RFPs or because the higher ranked proposers otherwise are not qualified to perform the services. Untimely protests will not be considered.

(7) Other Competitive Processes. Except when qualification based selection is required, County may use other methods of selection for personal service contractors including, but not limited to, formal bid, RFP, sole source, emergency, special procurement, or any other exemption in LM Chapter 20.

(8) Amendments. The selection procedures stated in LM 21.118(1) - (7) above shall be utilized for any amendment of a personal services contract which is more than 50 percent of the original contract amount, or when the aggregate of amendments are more than 50 percent of the original amount. However, they need not be utilized if the scope of the amendment was clearly included in the original selection such that prospective contractors understood this amendment may occur. In addition, they need not be used if the project described in the personal service contract consists of work that has been substantially described, planned or otherwise previously studied or rendered in an earlier contract with the consultant that was awarded pursuant to LM Chapter 20 and 21 rules and the amendment (or new contract) is a continuation of that project. A contract may be awarded directly under this circumstance pursuant to the waiver criteria in (9) below.

(9) Waiver. The selection procedures described above may be waived by the County Administrator prior to selection of the personal services contractor or to permit an amendment in excess of the 50 percent limit of LM 21.118(8) above for any of the following reasons:

(a) An emergency exists which could not have been reasonably foreseen and which requires prompt execution of a contract, or
(b) The contractor is the only person within a reasonable area who performs this type of work, or

(c) When good cause is demonstrated to the County Administrator, such that he or she believes award of the contract without utilizing the selection procedures is in the public's interest.

(d) This subsection (9) does not apply to initial contracts with qualification based consultants. (Revised by Order No. 98-12-2-4, Effective 12.2.98; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05; 05-12-14-9, 1.1.06; 08-2-13-1; 2.13.08; 11-12-14-1, 12.14.11)

21.129 Purchase Orders.

(1) Purchase orders may be used to:

(a) Obtain goods and materials,

(b) Implement a separate written contract for services, personal or for goods and professional services, so long as the written contract meets the requirements of County contract procedures.

(c) Implement a purchase pursuant to a requirements contract,

(d) Implement a purchase utilizing a cooperative procurement contract—competitively bid by other political subdivisions when the specifications indicated that more than one political subdivision could utilize the bid award, and to purchase price regulated items when the rate or price has been set by Federal, State or local regulatory authority pursuant to ORS 279A.200 et seq.

(e) Implement a purchase from a qualified rehabilitation facility pursuant to ORS 279.850.

(f) Purchase price regulated items when the rate or price has been set by Federal, State or local regulatory authority.

(1) Quotations for purchase orders shall be solicited from appropriate minority, women and emerging small business enterprises, who are certified by the State pursuant to ORS Chapter 200. The County Administrator shall implement this requirement through administrative procedure.

(21) For purchase orders greater than $10,000, the $of more than $100,000 can be made by purchase order only in implementation of an appropriately awarded written contract or to purchase price regulated items or the printing of ballots. A appropriate selection procedures in LM Chapters 20 and 21 should must be followed. Purchase orders shall may not be utilized to circumvent the public contract law or regulations.

(3) A purchase order for goods, materials or services relating to public improvement and construction projects shall comply with all applicable contract provisions.

(4) The Director of Management Services or his or her delegate shall have the discretion to require a written contract in lieu of a purchase order, whenever he or she believes to contract to be in the best interests of the County.

(52) The Director of the Department of Management Services Financial Services Manager is delegated authority to prescribe the form to be used for purchase orders, and to dispatch all purchase orders authorized in this section. He or she may delegate such authority by signed written document in writing. (Revised by Order No. 98-12-2-4, Effective 12.2.98; 05-2-16-8, 2.28.05; 11-12-14-1, 12.14.11)
21.145 Delegation of Authority to Execute Contracts.

(1) The County Administrator is delegated authority to execute the following types of contracts:

(a) All contracts which have been competitively bid and awarded by the Board.

(b) All contracts and agreements that do not exceed $100,000 in cost or revenue nor three years in length.

(2) The County Administrator is further delegated authority to execute contracts that exceed three years in length, only if:

(a) The cost or revenue for the first three years does not exceed $50,000, and

(b) The contract contains a provision allowing the County to terminate the contract upon not more than one year’s notice.

(3) The County Administrator is further delegated authority to execute, without limitation of amount or length:

(a) All contracts that have been awarded or expressly approved by the Board.

(b) Contracts specifically identified in a budget adoption order or supplemental budget order approved by the Board.

(c) Subcontracts and subgrants not exceeding $100,000 which implement grants.

(d) Amendments to contracts or modifications to grants, subgrants, and subcontracts as described in LM 21.147.

(e) All computer software licenses not exceeding a purchase price of $100,000 with a potential term exceeding three years and which may be terminated upon discontinued use of software, and any accompanying computer maintenance agreements not exceeding $100,000, if the vendor is a sole source.

(f) Insurance nonwaiver agreements and insurance endorsements to original policies.

(g) Land use improvement agreements, Building Program Quick Start Agreements and acceptance and release of land use performance bonds.

(h) Real property leases, licenses and permits, caretaker agreements involving the lease of property, and concessionaire agreements, not exceeding $100,000 nor three years in length.

(i) Emergency contracts which do not exceed $100,000, and which are executed within 60 days of the declaration of the emergency, except as provided in LM 20.255.

(j) Contracts and assignments for the collection of County judgments.

(k) All contracts with terms of three years or less that implement public improvement projects described on the adopted Public Works five-year Capital Improvement Program list, the adopted Parks Capital Improvement Program priorities list, and the Public Works and Management Services public improvement lists prepared for filing with the Commissioner of the Bureau of Labor and Industries (BOLI) pursuant to ORS 279C.305. This delegation includes, without limitation, those contracts reflecting the County paid portion of the project, those reflecting any amount to be paid by other
governmental agencies or housing development entities for assisted housing projects, and those covering environmental mitigation responsibility.

(1) All projects, services, materials/product, purchases, contracts specifically listed as part of budget adoption order, or a supplemental budget adoption order.

(m) Any other type of contract the award of which has been expressly approved by the Board.

(24) The Financial Services Manager and each Department Directors are is delegated authority to execute all contracts that do not exceed $25,000 in cost of revenue or grant application, and acceptance documents equal to or less than $5,000 and not exceeding 3 years in length, subject to compliance with any contract procedures established by the County Administrator. (Revised by Order No. 98-12-2-4, Effective 12.2.98; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05; 05-5-7-10, 5.7.08)

21.147 County Administrator’s Delegation of Authority to Execute Amendments.

(1) The County Administrator is delegated authority to execute amendments to contracts that do not cause the contract amount to exceed $100,000 in cost or revenue or three years in length which comply with LM 21.127(1) above as follows:

(2) The County Administrator is further delegated authority to execute amendments to contracts, without limitation of amount or length, if the amendment amount or length is within limits authorized by the Board for that specific contract or class of contracts.

(3) The County Administrator is further delegated authority to execute amendments to contracts where the original contract amount exceeds $100,000, subject to the following limitations:

(a) For personal or professional services contracts where the original contract amount is greater than $500,000, the County Administrator may execute any individual amendment which does not exceed $100,000, but the total of all amendments to that contract shall not exceed 25 percent of the original contract amount.

(b) For personal or professional services contracts where the original contract amount is greater than $500,000 or less, the County Administrator may execute any individual amendment which does not exceed 20 percent of the original contract amount, but the total of all amendments to that contract shall not exceed 50 percent of the original contract amount.

(c) The amendment does not extend the length of the contract beyond three years, unless the original contract contained a provision for a longer duration and was awarded or expressly approved by the Board.

(2) For grants or sub-grants where the original amount is equal to or less than $500,000, the County Administrator may execute any individual amendment which does not exceed $100,000. For grants or sub-grants where the original amount is greater than $500,000, the County Administrator may execute any individual amendment which does not exceed 20 percent of the original contract amount. The delegation of authority provided in LM 21.137(3) applies only to grant continuations which are substantially similar to the original proposal approved by the Board pursuant to LM 21.137(2); all other grant amendments are governed by this subsection.
21.149 Further Delegation and Termination.

(1) **Contract Termination.** The County Administrator is delegated the authority to cancel or terminate contracts, including amendments, as provided in the contract or by law.

(2) **Additional Delegation.** The County Administrator, Financial Services Manager, and each Department Director may further delegate authority under LM 21.145, and 21.147, and 21.149(1) to a representative by signed written document. (Revised by Order No. 98-12-2-4, Effective 12.2.98)
20.097 Personal Service Contracts Designation.
Certain contracts may be designated by the County as personal service contracts. Selection of a personal service contractor must be made by competitive selection, in accordance with LM 21.117 and 21.118, unless exempted under LM 20.250 or 21.118

(1) Pursuant to ORS 279A.055, a contract may be designated as a personal service contract if:
   (a) The contractual relationship is based primarily on a special trust and confidence between the County and contractor; or
   (b) The type and quality of services to be provided under the contract are based primarily on the contractor’s special or unique expertise or knowledge; particular experience; or the exercise of discretionary judgment skills unique to the service provider.

(2) Each Department Director is delegated the authority to determine whether a particular type of contract or service falls within the following, except that the County Administrator may, at the Administrator’s discretion, review and reverse a Department’s determination.
   (a) Examples of contracts that may be designated personal service contracts include contracts for: expert consulting, appraisal, timber cruising, licensed professionals (including attorneys, auditors, accountants, physicians, physician assistants, nurse practitioners, nurses, therapists, realtors and engineers) research, polling, education, and artwork.
   (b) Services that can generally be performed by an experienced competent person are not considered personal services, whether required to be licensed or not, such as: trade-related activity including plumbing and electrical work, custodial services, document filing and storage, general labor, and repairs and maintenance services for buildings or equipment.

(3) Pursuant to ORS 279C, certain contracts relating to public improvements contracts are designated as personal services: architectural, engineering, photogrammetric mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvement projects, including but not limited to landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraising services, material testing services, mechanical system balancing services, commissioning services, project management services, construction management services and owner’s representation services or land-use planning services. *(Revised by Order No. 05-2-16-8, Effective 2.28.05; 11-08-17-8, 08.17.11)*

20.100 General Statutory/Regulatory Exemptions and Exclusions.
(1) County contracts are not required to be based upon a County competitive selection process if a state or federal statute or regulation provides otherwise, or directs that another selection process be used. Contracts exempt or excluded from competitive selection include:
   (a) Contracts between contracting agencies or between contracting agencies and the federal government;
   (b) Contracts between entities covered by ORS 190.010, or intergovernmental agreements.
   (c) Contracts for public improvements if the value of the contract is less than $5,000;
(d) Public improvement contracts not exceeding $100,000, or $50,000 in the case of a contract for a highway, bridge or other transportation project, made pursuant to competitive quotes;
(e) Intermediate procurements;
(f) Grants;
(g) Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which County is or may become interested;
(h) Acquisitions or disposals of real property or interests in real property;
(i) Sole source expenditures when rates are set by law or ordinance for purposes of source selection;
(k) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145;
(l) Contracts for repair, maintenance, improvement or protection of property obtained by the Director of Veterans' Affairs under ORS 407.135 and 407.145(1);
(m) Contracts specifically exempt or authorized as a special procurement under LM Chapter 20 or under state law;
(n) Cooperative procurements covered by ORS 279A.200, et seq;
(o) Personal service contracts exempted under LM 20.250 and 20.118; and
(p) Contracts in which County is permitted to award without bidding or request for proposals provided that it adopts its own rules covering the selection process (e.g., ORS 279B.065 (small procurements), ORS 279C.335(5) (emergency), ORS 279A.180 (purchases through certain federal government programs). (Revised by Order No. 98-12-2-1, Effective 12.2.98; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05; 05-12-14-9, 1.1.06; 11-08-17-8, 08.17.11)

20.250 Litigation Services.

(1) The County may purchase personal services related to litigation or legal matters without a competitive process when County Counsel deems it necessary to do so, including outside legal representation, expert witnesses, consultants, arbitrators, mediators, investigators or other specialized personnel.
(2) Selection criteria may include, but are not limited to, education and specialized training, experience, demeanor, cost and availability.
(3) Multiple contracts for similar services are authorized. (Revised by Order No. 98-12-2-1, Effective 12.2.98; 05-2-16-8, 2.28.05; 11-08-17-8, 08.17.11)
21.105 Competitive Bidding.

Competitive bidding is a formal process by which the County advertises and issues a written invitation to bid, and receive and open bids, as required by ORS Chapters 279A, B, and C and these rules. An invitation to bid is a solicitation of competitive offers in which technical specifications, price and delivery (or project completion) will be the predominant award criteria. Whenever possible, competitive offers should be solicited from appropriate minority, women and emerging small business enterprises certified by the State pursuant to ORS 200.055.

(1) **When Required.** Generally, a formal competitive bid process is required for all public contracts unless exempt or excepted pursuant to ORS Chapter 279 A, B or C, or an LM Chapter 20 exemption rule, or such authorities provide formal bidding as an option. Nothing in this rule is intended to prohibit the County, in its discretion, from using formal bidding even though it may not be required.

(2) In preparation for an invitation to bid, the County may issue a request for information, a request for interest or other preliminary documents. It may also develop and maintain a qualified products list in accordance with LM 20.230.

(3) **Advertisements.**

   (a) The contents of advertisements for bids shall include:

      (i) a description of the project, goods or services;

      (ii) the office where the specifications for the project or purchase may be reviewed;

      (iii) name, title and address of person authorized to receive bids;

      (iv) if prequalification is required, a statement of the class or classes of work for which bidders must be pre-qualified and the filing deadline;

      (v) scheduled bid submission deadline which shall not be less than 7 days after the date of the last publication of the ad;

      (vi) scheduled bid opening (immediately after bid submission deadline for public improvement contracts);

      (vii) if applicable, that the contract is for a public work subject to ORS 279C.800 to 279C.870 or the Davis-Bacon Act.

   (b) The County may use either or both of the following advertising methods in (i) or (ii) except as provided in (iii):

      (i) Publish at least once in at least one newspaper of general circulation in the Lane County area;

      (ii) Publish electronically on a Lane County website or other electronic posting site (e.g. ORPIN) as long as the requirements of (iv) below are met.

      (iii) For public improvement contracts estimated to exceed $125,000, County shall use either or both methods in (i) and (ii); and, publication in at least one trade newspaper of general statewide circulation.

      (iv) In considering whether to advertise by the method in (i) or (ii) for a particular project, County shall weigh advertising cost savings with the method likely to encourage the greatest competition, and decide based on the greatest competition. Nothing in this rule is intended to prohibit the County from using any other method of public notice in addition to (i) or (ii).

      (v) In order to conduct an electronic advertisement described above, a department shall publish weekly, for no less than 4 consecutive weeks, in at least one newspaper of general circulation, a notice that the department may publish future advertisements (listing the types) by electronic advertisement, including the world wide web location(s) (i.e., Uniform Resource Locator or URL), and providing a contact person for questions or concerns. It is within the department’s discretion to decide if and how any concerns will be accommodated, subject to use of a method likely to encourage the greatest competition.
(4) Reserved.

(5) Bids.

To be received and considered, all bids must be in writing and signed by the bidder or authorized representative and submitted in a sealed envelope. No oral, telegraphic, telephonic, or telephonic facsimile bids, modifications of bids, or signatures, will be considered, unless otherwise stated in the bid documents.

(a) An invitation to bid is used to initiate a sealed bidding solicitation. It shall contain the information required by ORS 279B.055(2) for non-public improvement contracts, and by ORS 279C.365 and ORS 279C.830 for public improvement contracts. The County may provide solicitation documents by electronic means or hard copy, or both. It shall include notice of the distribution method in the advertisement for the solicitation. Departments shall take steps to protect against modification of electronic documents. The County shall also notify potential bidders about the method for obtaining addenda.

(b) By signing and returning a bid, the bidder acknowledges it has read and understands the terms and conditions applicable to the solicitation document and that it accepts and agrees to be bound by the terms and conditions of the contract, including to perform the scope of work and meet the performance standards.

(c) The County may allow or require prequalification of bidders by setting forth the procedure and criteria in the invitation to bid. The public officer shall determine when a prequalification may be mandatory or permissive for a specific contract or class of contracts and the prequalification procedure, subject to requirements in this subsection (b) or applicable statutes. See ORS 279B.120, 279B.125, 279C.430.

(i) For public improvement contracts with mandatory prequalification, the County shall include in the invitation to bid the time for submitting written prequalification applications, and the general description of the type and nature of the contracts to be awarded. For both mandatory and permissive prequalification, the County shall also provide the standard form to be used.

(ii) In making a determination for non-public improvement contracts, the County will consider applicable standards of responsibility listed in ORS 279B.110(2) and discrimination pursuant to ORS 279A.110, and for public improvement contracts as set forth in ORS 279C.375(3) and ORS 279A.110. For all contracts, if a bidder fails to qualify for a mandatory prequalification, notice shall be provided of the reasons, length of proposed disqualification not to exceed three years, the right to a hearing before the LCRB by filing a timely notice of appeal within 3 days with the department conducting the competitive selection, waiver of the hearing if the deadline is missed, and reference to the sections of the County rules covering the appeal process. For non-public improvement contracts, the County may revoke or revise and reissue a prequalification approval upon reasonable cause to believe there has been a substantial change in conditions or bidder is no longer qualified or less qualified by providing notice of the grounds and a right to a hearing.

(iii) The County, through the public officer, may also debar a prospective bidder based on standards in ORS 279B.130 and ORS 279C.440. The same procedure for disqualification above shall be followed.

(d) For non-public improvement contracts, the County may use a multi-step invitation to bid seeking technical unpriced bids after providing public notice, and later issue an invitation to bid limited to the bidders whom the public officer has determined to be eligible under criteria set forth in the initial solicitation. The multi-step procedure shall be described in the invitation to bid. Technical unpriced bids need not be opened publicly. The opportunity to protest the solicitation in accordance with (6) below shall be provided prior to the closing of phase one. Unsuccessful bidders may protest the intent to award a contract, which should include the opportunity for affected bidders to protest exclusion from the phase two. See OAR 137-047-0257.
(e) The County may award multiple contracts when specified in the invitation to bid.

(f) Correction, Withdrawal and Late Bids. A bidder may withdraw the bid at any time prior to the deadline set for receipt of bids and deposit a new, sealed bid in accordance with the initial invitation to bid. The County may release an unopened bid which has been withdrawn to the bidder or authorized representative after voiding any date and time stamp mark. The County will not consider bids received after the time and date indicated for bid opening in the invitation to bid. A bidder may not modify any bid after it has been deposited with the public officer, except for minor informalities. All decisions to permit correction or withdrawal of bids shall be supported by written reasons.

(g) Clarification. If a bidder finds discrepancies or omissions in the drawings or bid documents, or is in doubt as to their meaning, the bidder shall immediately notify the public officer. If the public officer believes a clarification is necessary, an addendum will be issued to all bidders in writing preferably at least five calendar days prior to the deadline set for bid receipt but in no case less than 72 hours prior to the deadline for bid. If there are not five calendar days left before the deadline for bid receipt, the addendum may postpone the date for bid for a minimum of five calendar days. Any addenda so issued are to be covered in the bid proposal and will become part of the contract documents.

(h) Bids Irrevocable. All bids shall be irrevocable for 30 days from the time of opening unless otherwise stated in the bid documents. Further, the bids of the three lowest un-rejected bidders shall be irrevocable and binding and the bid securities shall be retained by the public officer until there is an executed contract and the contractor has provided all required satisfactory performance bonds. All other bid securities shall be returned promptly upon award of the contract or rejection of all bids.


For non-public improvement contracts, a prospective bidder may protest the competitive selection process or provision(s) in the solicitation document if they believe the process is contrary to law, or that a solicitation document is unnecessarily restrictive, is legally flawed or improperly specifies a brand name pursuant to requirements in ORS 279B.405(2)(a) and (4). Unless otherwise specified, the protest must be filed no later than 5 calendar days before bid opening. The County shall issue a written decision no less than three business days before bids are due, unless otherwise decided by the County. The County may exercise the response options set forth in OAR 137-047-0730(4) and (5). For public improvement contracts, a prospective bidder may protest specifications or contract terms and conditions pursuant to OAR 137-049-0260(3), (4) and (5). Unless otherwise specified in the invitation to bid, the protest shall be filed no later than 10 days before bid opening.

(7) Opening of Bids.

The public officer will not examine any bid prior to opening. The officer shall note on the envelope containing the bid the date and hour received. All bids submitted to the County will be opened publicly at the time, date and place designated in the invitation to bid and by the public officer. Any bid or modification received after the designated deadline shall be returned unopened to the bidder. To the extent practicable, the public officer shall read aloud the amount of the bid, the name of the bidder and such other information as the public officer considers appropriate, and record the same. The bid record for a public improvement contract shall be open to public inspection after the opening, with the exception of certain information covered by a public records exemption. The bid record for a non-public improvement contract shall be open to public inspection after the issuance of an intent to award, with the exception of certain information covered by a public records exemption. If the County receives a records request, including subpoena, covering information the bidder believes is covered by an applicable public records exemption, it shall be the bidder’s responsibility to defend and
indemnify the County for any costs associated with establishing such an exemption. The bidder’s act in submitting a bid constitutes its acceptance of this responsibility.

(8) Evaluation of Bids.

(a) Evaluation of bids will be conducted by the public officer in cooperation with the department requesting the bid, if any, and shall be based on minimum requirements established by the bid documents, compliance with public bidding procedures, bidder responsibility, ethical practice, product acceptability, ORS 279B.055(6)(a), and LM Chapter 20. See also, OAR 137-049-0380.

(b) Goods and services that have been manufactured, produced or performed in this state shall be preferred, if price, fitness, availability and quality are otherwise equal. See ORS 279A.120.

(c) The public officer shall, for the purpose of evaluating bids, apply any preference in ORS 279A.120 (resident bidder), ORS 279A.125 (preference for recycled materials) or ORS 282.210.

(d) The public officer shall make all necessary investigation to determine whether the apparent lowest responsible bidder has met responsibility requirements. See ORS 279C.375(3); ORS 279B.110.

(e) Where the methods and factors which have cost implications over the life of the product have been identified in the bid documents pursuant to LM 20.115, a life cycle cost analysis shall be made of all bids to determine the lowest responsible bidder.

(f) Invitations to bid may solicit lump sum offers, unit price offers, or a combination of the two, as well as additive or deductive alternates. The County may use evaluation methods as described in OAR 137-049-0380(2) or any other method reasonably likely to result in similar comparisons.

(g) For public improvement contracts, if all responsive bids from responsible bidders exceed the County’s cost estimate, the County may negotiate value engineering and other options (excluding those likely to affect the field of competition) with the lowest responsive, responsible bidder to attempt to bring the bid within the cost estimate. However, a negotiated contract under this provision shall not be awarded if there is significant change in the scope of the project from the original bid proposal. The County may discontinue the negotiation at any time. Nothing in this rule prohibits the County from conducting a new solicitation process. To the extent bidder’s records used in the negotiation are public records, they are exempt from disclosure until after contract award or termination of the negotiation, and then subject to disclosure in accordance with ORS 192.410 through ORS 192.505. See OAR 137-049-0430.

(9) Mistakes in Bids.

Minor informalities may be waived. Mistakes discovered in bids after opening where the intended correct bid is clearly evident or properly substantiated may be corrected. Where the intended correct bid is not clearly evident or cannot be substantiated by accompanying documents, the bid may not be accepted. The County reserves the right to waive technical defects, discrepancies and minor irregularities, and to not award a contract when it finds such action to be in the public interest. See OAR 137-049-0350 and OAR 137-047-0470.

(10) Rejection.

The County reserves the right to cancel a solicitation, or reject any or all bids in whole or in part when the cancellation or rejection is in the County’s best interests as determined by the County. This includes rejecting any bid not in compliance with all prescribed public bidding procedures and requirements, and for good cause, rejecting all bids upon a finding that it is in the public interest to do so. See OAR 137-049-0440(5), OAR 137-047-0640, OAR 137-047-0650. If all bids are rejected in whole or in part, new bids may be called for as in the first instance or initial bids may be considered with opportunity for supplemental submission. If there is partial rejection, the County may solicit supplemental information only from the bidders who submitted bids and may set
an expedited deadline on the conditions that such deadline is within what could reasonably be expected as part of the original competitive process and that it is unlikely readvertising publicly would lead to greater competition. The public officer is delegated the authority to reject all bids, prepare findings of best interests and provide written notice of rejection of all bids including the reasons therefore to all bidders. However, if the rejection is of what initially appears to be the successful bid, the Board or the County Administrator, depending upon authority to execute the contract, shall exercise the right to reject the apparent successful bid. In addition, if partial rejection under this rule occurs as a result of the filing of a protest, any portion of the protest not resolved in favor of the protestor shall proceed to the Board or County Administrator. The Board and County Administrator may also exercise authority to act in accordance with this provision.

(11) Reserved.

(12) Notice of Intent to Award.
The County shall provide written notice of its intent to award to a particular bidder or bidders at least fourteen (14) days before the award, unless the County department determines that a shorter notice period is more practicable.

(13) Protests of Intent to Award.
Unless otherwise specified in the bid documents, all written protests of the intent to award must be filed within seven (7) days of the date of the notice of intent to award. Protests of intent to award shall be considered by the Board if it would approve and award the contract. Protests of intent of award shall be handled by the County Administrator, or designee, for those contracts to be awarded by the County Administrator.

(a) The protest for a non-public improvement contract shall specify the applicable grounds for the protest as set forth in ORS 279B.410(1). The protest for a public improvement contract shall specify the applicable grounds for protest set forth in OAR 137-049-0450(4)(c) which is adopted.

(b) For contracts to be awarded by the Board, if the public officer determines there is sufficient merit to reject bids under LM 21.105(10), he or she may do so. If any portion of the protest remains, the Board shall be provided and may consider a complete copy of the written record, and any other evidence provided at a public meeting and shall issue its decision by Board Order. The Board may affirm, reverse, send back to the Department or revise the award.

(c) For County Administrator awarded contracts, the County Administrator has authority to reject bids pursuant to LM 21.105(10), and authority to affirm, reverse, send back to the department or revise the award of the contract in order to correct any errors made in the original award, so that the contract is awarded to the bidder legally entitled to receive an award pursuant to public contract law and regulations and the criteria stated in the documents. The County Administrator shall deliver this decision to the Board. The decision shall be final seven days after it is delivered to the Board, unless within that time the Board elects to review the matter. If the Board elects review, a complete copy of the written record shall be delivered to the Board within a reasonable time period. The Board may consider this written record, and any other evidence provided at a public meeting and shall issue its decision by Board Order. The Board may affirm, reverse, send back to department, or revise the decision of the County Administrator, or his or her designee. Upon adoption of the order, the decision will be final.

(14) For public improvement contracts, the County shall submit a completed responsibility determination form covering the selected contractor, along with any attachments, to the Construction Contractors Board within 30 days after the contract award. (Revised by Order No. 05-2-16-8, Effective 2.28.05; 05-12-14-9, 1.1.06; 08-2-13-1; 2.13.08; 09-12-15-2, 12.15.09; 11-12-14-1, 12.14.11)
The County may award a contract for goods or services, when the amount does not exceed $10,000 or 3 years in length. See ORS 279B.065 and ORS 279C.335.

(1) The contract award may be direct without competitive selection subject to (2) below. However, solicitation of competitive quotes is encouraged whenever practicable, particularly for new purchases or projects.

(2) A contract may not be considered a small procurement contract when it is a component of a larger purchase, set of purchases, or project, all taking place in one year, and which when considered as a whole would exceed $10,000 in contract amount.

(3) Contract terms must be consistent with county contract procedures.

(Revised by Order No. 05-2-16-8, Effective 2.28.05; 05-12-14-9, 1.1.06)

21.117 Personal Service Contracts.

(1) Personal service contracts are those described in LM 20.097.

(2) Personal service contracts may only be used to engage independent contractors, and not used to hire persons who would be under the direction and control of County staff and deemed County employees. All personal services contractors must meet the independent contractor standards of ORS 670.600, and furnish required documentation of insurance and independent status.

(3) Personal services contracts must require the contractor to defend, indemnify and hold the County, its Commissioners, officers, agents and employees harmless from all damages, losses and expenses and to defend all claims, proceedings, lawsuits and judgments arising out of the contractor's performance or failure to perform the contract, subject to the review and approval of County risk management staff.

(4) Reasonable care shall be taken in the use of personal service contracts to verify that they do not violate the terms of any collective bargaining agreement to which the County is a party. (Revised by Order No. 98-12-2-4, Effective 12.2.98; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05; 11-12-14-1, 12.14.11)

21.118 Selection of Personal Service Contractor.
The following procedures apply to the selection of personal service contractors unless an exemption, special procurement, or other LM Chapter 20 or 21 rule would allow a different competitive selection under the circumstances.

(1) Direct Contracting.

(a) Personal service contracts in the amount of $10,000 or less. The County may, without competitive selection, contract directly for services meeting the requirements of LM 20.097(2) or (3) or LM 20.250.

(b) Personal service contracts in the amount of $25,000 or less. The County may contract directly, without any competitive selection, with a contractor providing personal services meeting the requirements of LM 20.097(2) or (3) or LM 20.250, upon a finding that the Department Director that direct contracting is in the best interests of the County.

(c) Personal service contracts in the amount of $50,000 or less. The County may contract directly, without competitive selection, with a contractor providing personal services meeting the requirements of LM 20.097(2) or (3) or LM 20.250, upon a finding of the County Administrator that direct contracting is in the best interests of the County.

(d) Personal service contracts in an amount greater than $50,000. Board approval is required before the County may contract directly, without competitive selection, with a contractor providing personal services meeting the requirements of LM 20.097(2) or (3) or LM 20.250, upon a finding of the Board that direct contracting is in the best interests of the County.
(2) Dollar Amounts Greater Than (1) (a) or (b) But Equal to or Less Than $50,000. For contracts greater than the amounts in (1)(a) or (b) above and up to $50,000, the County shall solicit at least three prospective contractors who appear to meet the minimum requirements for the proposed contract, inform each in reasonable detail of the contract and determine the prospective contractor's interest and ability to perform the contract. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. The contract should be awarded to the offeror whose quote or proposal will best serve the interests of the County, in the discretion of the County after considering any applicable criteria such as in (5) below. Pricing information may also be solicited and considered. For all such contracts, quotations shall be solicited from appropriate minority, women and emerging small business enterprises certified by the State pursuant to ORS Chapter 200, and as specified through County administrative procedures. The Department shall keep a written record of the prospective contractors contacted, their responses, and basis for recommending the award.

(3) Dollar Amounts Greater than $50,000 But Equal to or Less Than $100,000. Where the contract is greater than $50,000 and equal to or less than $100,000, the County shall comply with (2) above, except that they will prepare a written solicitation, including but not limited to specification/scope of work and receive written offers. The contract should be awarded to the offeror whose quote or proposal will best serve the interests of the County, in the discretion of the County after considering any applicable criteria such as in (5) below. Pricing information may also be solicited and considered. The County shall keep the written solicitation and response documents and written basis for recommending the award. Unsuccessful offerors shall have the right to protest the award decision to the Board of County Commissioners in accordance with procedures set forth in LM 21.105(13).

(4) Greater Than $100,000 and Qualification Based Selection. Where a contract fee (except for a qualification based consultant) is estimated to be greater than $100,000, the County shall comply with (3) above, and conduct interviews of at least the two most qualified prospective contractors, if two or more are available. Interviews may be either by telephone, in person or by written questions. Unsuccessful quoters shall have the right to protest the award decision to the Board of County Commissioners in accordance with procedures set forth in LM 21.105(13).

For contracts with qualification based consultants, the County shall comply with (3) above except that it shall not solicit or use pricing information to determine the compensation until after initially selecting the highest ranked proposer. In addition, the County will begin negotiating with the highest ranked proposer on a fair and reasonable price in addition to any other contract provisions it believes are in the County’s best interest to negotiate. If agreement is not reached within a reasonable time, County may move to the second highest ranked proposer for a similar negotiation, and continue the process with the next in line until agreement is reached. See OAR 137-048-0210(4).

(5) Criteria. The following criteria shall be considered, as appropriate, in the evaluation and selection of personal service contractors:

(a) Specialized experience in the type of work.
(b) Capacity and capability to perform the work within necessary time and other limitations.
(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.
(d) Availability to and familiarity with the area in which the specific work is located.
(e) Any other factors relevant to the particular contract.

(6) Requests for Professional Services (RFPS).
(a) Description. A request for professional services (RFPS) is a selection procedure used when the County requires the services of the most highly qualified professional based on demonstrated competence and qualifications, and where a fair and reasonable price rather than lowest competitive price is the focus. It may be used in the discretion of the County, on a project-by-project basis, except when a qualifications based process is required for selecting qualification based consultants. Such a process is required for public improvement projects where the estimated fee to be paid any of these consultants under a contract exceeds $100,000.

(b) Requirements.

(i) An advertisement shall appear at least once in at least one newspaper of general circulation in the area where the project is to be located and/or published electronically in compliance with LM 21.105(2), and shall briefly describe the project, the services sought, where copies of the solicitation may be obtained and the deadline for submitting a response.

(ii) The solicitation document shall contain, at a minimum, the information in LM 21.118(6)(b)(i) above, specifications, project requirements, a statement of the particular professional qualifications for the project, the evaluation criteria, and the screening or evaluation method to be used. It shall also reserve the County's right, at any time during the solicitation or contract process, to reject any or all proposals or cancel the solicitation, without liability, if there is good cause or if doing so would be in the public interest. The contract terms should also be included.

Proposals may be opened so as to avoid disclosure of contents during, when applicable, the process of negotiation.

Proposals are not required to be open for public inspection until after the notice of intent to award; however, the County may continue to withhold trade secrets as defined in ORS 192.501 and information submitted to a public body in confidence as described in ORS 192.502.

(iii) An evaluation committee shall review, score and rank the proposals according to solicitation criteria and results of any oral interviews. Criteria may include, but is not limited to, specialized experience, capabilities and technical competence to meet project requirements, methodology to meet project requirements, availability and resources to perform the work, proportion of candidate staff’s time spent on project, experience of key staff, demonstrated ability to successfully complete similar projects, references and recommendations, history in meeting deadlines, submitting accurate estimates, producing quality work, meeting financial obligations, contract administration status of licensing, proposed solutions to any perceived design or construction problems, ownership status and employment practices regarding minority, women and emerging small businesses or historically underutilized businesses; availability and familiarity with project locale, and project management approach. Proposed compensation may be included as evaluation criteria except for solicitations for qualification based consultants where the estimated contract fee exceeds $100,000.

(iv) Contract negotiations, including refining scope of services, with the highest ranked professional shall be directed toward an agreement on a compensation level which is fair and reasonable, taking into account the estimated value, scope, complexity, and nature of the personal services. County may solicit or use a compensation proposal for services covered by ORS 279C.110 and exceeding a fee estimate of $100,000 only after evaluating and ranking candidates.

(v) If an agreement is not reached in a reasonable time, the County may terminate negotiations with the highest ranked proposer and begin with the second ranked, and then to the third, if applicable. If no agreement is reached, the solicitation may be terminated.

(vi) A prospective contractor may protest the solicitation process or document in accordance with LM 21.105(6). Contractor may protest the
contract award in accordance with process in LM 21.105(13). A proposer submitting a protest of the award must demonstrate that the protesting proposer is the highest ranked proposer because the proposals of all higher ranked proposers failed to meet the requirements of the RFPs or because the higher ranked proposers otherwise are not qualified to perform the services. Untimely protests will not be considered.

(7) Other Competitive Processes. Except when qualification based selection is required, County may use other methods of selection for personal service contractors including, but not limited to, formal bid, RFP, sole source, emergency, special procurement, or any other exemption in LM Chapter 20.

(8) Amendments. The selection procedures stated in LM 21.118(1) - (7) above shall be utilized for any amendment of a personal services contract which is more than 50 percent of the original contract amount, or when the aggregate of amendments are more than 50 percent of the original amount. However, they need not be utilized if the scope of the amendment was clearly included in the original selection such that prospective contractors understood this amendment may occur. In addition, they need not be used if the project described in the personal service contract consists of work that has been substantially described, planned or otherwise previously studied or rendered in an earlier contract with the consultant that was awarded pursuant to LM Chapter 20 and 21 rules and the amendment (or new contract) is a continuation of that project. A contract may be awarded directly under this circumstance pursuant to the waiver criteria in (9) below.

(9) Waiver. The selection procedures described above may be waived by the County Administrator prior to selection of the personal services contractor or to permit an amendment in excess of the 50 percent limit of LM 21.118(8) above for any of the following reasons:

(a) An emergency exists which could not have been reasonably foreseen and which requires prompt execution of a contract, or
(b) The contractor is the only person within a reasonable area who performs this type of work, or
(c) When good cause is demonstrated to the County Administrator, such that he or she believes award of the contract without utilizing the selection procedures is in the public's interest.
(d) This subsection (9) does not apply to initial contracts with qualification based consultants. (Revised by Order No. 98-12-2-4, Effective 12.2.98; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05; 05-12-14-9, 1.1.06; 08-2-13-1; 2.13.08; 11-12-14-1, 12.14.11)

21.129 Purchase Orders.
(1) Purchase orders may be used to:
(a) Obtain goods and materials.
(b) Implement a separate written contract for services, or for goods and services, so long as the written contract meets the requirements of County contract procedures.
(c) Implement a purchase pursuant to a requirements contract.
(d) Implement a purchase utilizing a cooperative procurement contract pursuant to ORS 279A.200 et seq.
(e) Implement a purchase from a qualified rehabilitation facility pursuant to ORS 279.850.
(f) Purchase price regulated items when the rate or price has been set by Federal, State or local regulatory authority.
(1) For purchase orders greater that $10,000, the appropriate selection procedures in LM Chapters 20 and 21 must be followed. Purchase orders may not be utilized to circumvent the public contract law or regulations.
(2) The Financial Services Manager is delegated authority to prescribe the form to be used for purchase orders, and to dispatch all purchase orders authorized in this section. The Financial Services Manager may further delegate such authority by signed written document. (Revised by Order No. 98-12-2-4, Effective 12.2.98; 05-2-16-8, 2.28.05; 11-12-14-1, 12.14.11)

21.145 Delegation of Authority to Execute Contracts.
(1) The County Administrator is delegated authority to execute all contracts and agreements that do not exceed $100,000 in cost or revenue nor three years in length.
(2) The County Administrator is further delegated authority to execute contracts that exceed three years in length, only if:
   (a) The cost or revenue for the first three years does not exceed $50,000, and
   (b) The contract contains a provision allowing the County to terminate the contract upon not more than one year's notice.
(3) The County Administrator is further delegated authority to execute, without limitation of amount or length:
   (a) All contracts that have been awarded or expressly approved by the Board.
   (b) Contracts specifically identified in a budget adoption order or supplemental budget order approved by the Board.
   (c) Insurance nonwaiver agreements and insurance endorsements to original policies.
   (d) Land use improvement agreements, Building Program Quick Start Agreements and acceptance and release of land use performance bonds.
   (e) Contracts and assignments for the collection of County judgments.
   (f) All contracts with terms of three years or less that implement public improvement projects described on the adopted Public Works five-year Capital Improvement Program list, the adopted Parks Capital Improvement Program priorities list, and the Public Works and Management Services public improvement lists prepared for filing with the Commissioner of the Bureau of Labor and Industries (BOLI) pursuant to ORS 279C.305. This delegation includes, without limitation, those contracts reflecting the County paid portion of the project, those reflecting any amount to be paid by other governmental agencies or housing development entities for assisted housing projects, and those covering environmental mitigation responsibility.
(4) The Financial Services Manager and each Department Director is delegated authority to execute all contracts that do not exceed $25,000 in cost of revenue nor 3 years in length. (Revised by Order No. 98-12-2-4, Effective 12.2.98; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05; 08-5-7-10, 5.7.08)

21.147 County Administrator’s Delegation of Authority to Execute Amendments.
(1) The County Administrator is delegated authority to execute amendments to contracts that do not cause the contract amount to exceed $100,000 in cost or revenue nor three years in length.
(2) The County Administrator is further delegated authority to execute amendments to contracts, without limitation of amount or length, if the amendment amount or length is within limits authorized by the Board for that specific contract or class of contracts.
(3) The County Administrator is further delegated authority to execute amendments to contracts where the original contract amount exceeds $100,000, subject to the following limitations:
(a) If the original contract amount is greater than $500,000, the total of all amendments to that contract may not exceed 25 percent of the original contract amount.
(b) If the original contract amount is $500,000 or less, the total of all amendments may not exceed 50 percent of the original contract amount, and
(c) The amendment does not extend the length of the contract beyond three years, unless the original contract contained a provision for a longer duration and was awarded or expressly approved by the Board.

(Revised by Order No. 98-12-2-4, Effective 12.2.98, 02-1-30-1, 1.30.02; 04-6-30-12, 6.30.04; 08-2-13-1; 2.13.08)

21.148 Department Directors' Authority to Execute Contracts and Amendments.

(1) The Financial Services Manager and each Department Director is delegated authority to execute contracts that do not exceed $25,000 nor three years in length.
(2) The Financial Services Manager and each Department Director is delegated authority to execute amendments that do not exceed $25,000, subject to the following limitations:
   (a) The amendment, in combination with all prior amendments, does not cause the contract amount to exceed $100,000 in cost or revenue nor three years in length, and
   (b) The amendment, in combination with all prior amendments, does not exceed 25% of either the original contract amount, or the amount expressly approved by the Board, whichever is greater. (Revised by Order No. 05-2-16-8, Effective 2.28.05)

21.149 Further Delegation and Termination.

(1) Contract Termination. The County Administrator is delegated the authority to cancel or terminate contracts, including amendments, as provided in the contract or by law.
(2) Additional Delegation. The County Administrator, Financial Services Manager, and each Department Director may further delegate authority under LM 21.145, 21.147, and 21.149(1) to a representative by signed written document. (Revised by Order No. 98-12-2-4, Effective 12.2.98)