

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # *394*

4 _____
5
6 **Relating to public contracting; amending LCC 7.020; and declaring an emergency.**
7 _____

8 The Lincoln County Board of Commissioners ordains as follows:

9 **SECTION 1.**

10 LCC 7.020 is amended to read:

11 7.020 Exemptions from Competitive Bid Requirement

12 All contracts shall be based upon competitive bids except:

13 (1) Contracts made with, or the cost of which is provided by, other public agencies or
14 the federal government.

15 (2) Contracts which are exclusively for personal services. Such contracts may include
16 incidental materials such as written reports or opinions, architectural or engineering renderings,
17 and other supplemental materials required for providing the services.

18 (3) Contracts for purchase of goods, materials, supplies, or services, or for construction,
19 maintenance, repair, labor and material, or trade related projects, where the amount does not
20 exceed [*\$25,000*] **\$75,000**.

21 (a) If contracts are for [*\$15,000*] **\$25,000**, or more, at least three competitive quotes
22 shall be obtained where practicable. A written record shall be made containing the source and

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1 amount of quotes received. If three quotes are not available, a lesser number will suffice
2 provided that a written record is made of the effort to obtain the quotes.

3 (b) If contracts are for more than \$1,000 but less than [*\$15,000*] **\$25,000**, competitive
4 quotes may be obtained where practicable.

5 (c) No contractor may be awarded, in the aggregate, within the fiscal year, contracts in
6 excess of [*\$25,000*] **\$75,000** under this subsection without competitive bids. In computing the
7 aggregate under this subsection, awards under \$1,000 need not be included. Other exemptions
8 contained in LCC 7.020 need not comply with the requirement of this subsection.

9 (4) Contracts for the purchase of goods or services if the rate or price for the goods or
10 services being purchased is established by federal, state, or local regulatory authority.

11 (5) Contracts for the purchase of petroleum products if such purchase is required to be
12 made from a particular supplier as a result of a federal allocation or if purchased from other
13 than an established supplier could jeopardize an allocation or future supply of such petroleum
14 products.

15 (6) Contracts for the purchase of copyrighted materials if there is only one supplier
16 available for such goods.

17 (7) Contracts for the purchase of advertising, including that intended for the purpose of
18 giving public notice.

19 (8) Contracts for the purpose of investment of public funds or the borrowing of funds.

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1 (9) Purchase of goods or services from a supplier if the price of the goods and services
2 has been established under a previously competitive bid requirements contract whereby it is
3 agreed to purchase requirements or an anticipated need at a predetermined price.

4 (10) Contracts for purchase if there is only one seller or price of a product of the quality
5 required available within a reasonable purchase area.

6 (11) Contracts for purchase or acquisition of data processing hardware or software may
7 be let without competitive bid subject to the following conditions:

8 (a) Prior to selection of the contractor, reasonable efforts have been made to solicit
9 proposals from all known vendors. If the amount of the contract exceeds \$10,000, written
10 proposals shall be solicited from the appropriate vendors appearing on the list composed by the
11 Data Systems Division of the Oregon Executive Department or by publication of an
12 advertisement in a major trade publication of general circulation.

13 (b) The contractor is selected on the basis of the most competitive offer in both the cost
14 and quality of the product to be purchased or acquired.

15 (c) Whenever a contract for data processing let pursuant to this exception exceeds
16 \$5,000, a written report shall be submitted to the Board. The report shall include:

17 (A) The name of the company and, if applicable, the name of the retail vendor;

18 (B) The reasons why competitive bidding was not appropriate; and

19 (C) A description of the reasons why the contractor was selected and other proposals
20 rejected.

21 (12) Contracts for insurance.

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1 (13) Any contract amendment, including change orders, extra work, field orders, or
2 other change in the original specifications which changes the original contract price or alters
3 the work to be performed, may be made with the contractor subject to the following
4 conditions:

5 (a) The original contract imposes a binding obligation on the parties covering the terms
6 and conditions regarding changes in the work;

7 (b) The amended contract does not substantially alter the scope or nature of the project;
8 and

9 (c) If the amendment has the effect of substantially altering the scope or nature of the
10 project, the amount of the aggregate cost change resulting from all amendments creating such
11 new obligations shall not exceed 10 percent of the initial contract.

12 (14) Contracts for the purchase of services, equipment, or supplies for the maintenance,
13 repair, or conversion of existing equipment are exempt if required for the efficient utilization of
14 the equipment. Where practicable, competitive quotes shall be obtained.

15 (15) Contracts for the purchase of asphaltic concrete and rock where the material is to
16 be used for maintenance. If practicable, competitive quotes shall be obtained.

17 (16) Contracts for the purchase of materials if competitive bids for the same materials
18 have been obtained by the State of Oregon or other public contracting agency or entity, the
19 contract is awarded to the same party that the State or public agency or entity dealt with, and
20 the price of the materials is the same or lower than that paid by the State or public agency or
21 entity.

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1 (17)(a) Personal property may be disposed of without competitive bidding under any of
2 the following conditions:

3 (A) There are specific statutory procedures for the sale of the type of property involved
4 and the property is disposed of according to those procedures;

5 (B) The property has a value of less than \$500 unless otherwise provided by statute; or

6 (C) The public contracting officer finds that competitive bids would be inappropriate
7 for the type of property involved.

8 (b) A report of all sales made under this subsection shall be made to the Board and
9 shall include the reasons that competitive bids were deemed inappropriate.

10 (18) Requirements contracts under which purchase requirements for an anticipated
11 need at a predetermined price are allowed, provided that the original contract be let by
12 competitive bid process and that the term of the requirements contract not exceed three years.

13 (19) Other categories of contracts which are exempt under the Attorney General's
14 model rules of procedure.

15 (20) **Other categories of contracts which are exempt under the administrative**
16 **rules of the Oregon Department of Administrative Services (OAR chapter 125).**

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18 *////*

19 *////*

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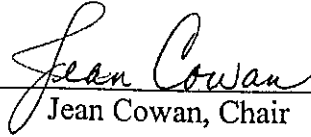
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1 **SECTION 2.**


2 This Ordinance being necessary for the immediate preservation of the public peace,
3 health and safety, an emergency is declared to exist and this Ordinance shall take effect
4 immediately.

DATED this 31st day of May, 2000.

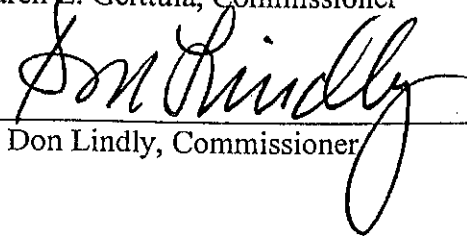
LINCOLN COUNTY BOARD OF COMMISSIONERS



Jean Cowan, Chair

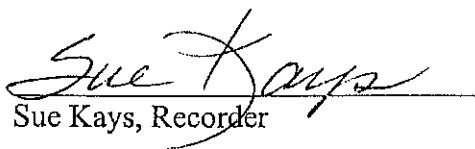


Karen L. Gerttula, Commissioner



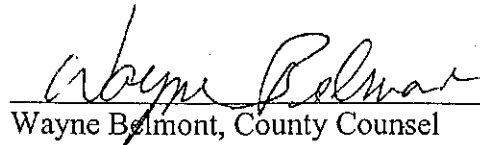
Don Lindly, Commissioner

ATTESTED TO:



Sue Kays, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

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