

1
2 **BEFORE THE BOARD OF COMMISSIONERS**

3
4 **FOR LINCOLN COUNTY, OREGON**

5
6 ORDINANCE # 515

7
8

Related to General Administration; amending the Lincoln County Code (LCC) Chapter Seven
9 regarding Public Contracting

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11
12 WHEREAS, Chapter Seven of the Lincoln County Code (LCC) is entitled “General
13 Administration”; and

14
15 WHEREAS, LCC Sections 7.060 through 7.085 concern Public Contracting; and

16
17 WHEREAS, these sections on public contracting are in need of updating to reflect changes
18 in the Oregon Revised Statutes and Oregon Administrative Rules (the Model Rules of Public
19 Contract Procedure, OAR Chapter 137); and

20
21 WHEREAS, these sections are also in need of some “housekeeping” to clarify the language
22 within the Lincoln County Code;

23
24 **NOW, THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISSIONERS**
25 **ORDAINS AS FOLLOWS:**

26
27 **SECTION 1: AMENDMENT OF LCC CHAPTER SEVEN**

28 Chapter Seven of the LCC is amended as outlined in Attachment “A” that is incorporated
29 by reference.

30
31 **SECTION 2: SEVERANCE CLAUSE**

32 If any section, subsection, provision, clause or paragraph of this Ordinance shall be
33 adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such
34 judgment shall not affect the validity of the remaining portions of this Ordinance, and it shall be
35 expressly declared that every other section, subsection, provision, clause or paragraph of this

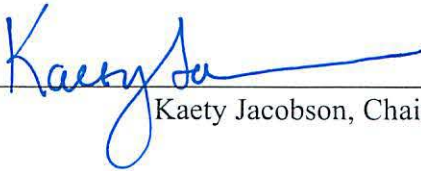
1 Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be
2 unconstitutional or invalid, is valid.

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4 **SECTION 3: EFFECTIVE DATE**

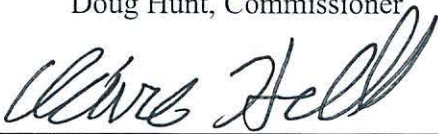
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6 This Ordinance shall be effective 90 days after its passage.

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8 DATED this 4th day of March, 2020.


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11 **LINCOLN COUNTY BOARD OF COMMISSIONERS**

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13 
14 _____
15 Kaety Jacobson, Chair

16
17
18 Excused
19 _____
20 Doug Hunt, Commissioner

21 
22 _____
23 Claire Hall, Commissioner

24
25
26
27 ATTESTED TO:

28
29 
30 _____
31 Kristi Peter
32 Recorder

APPROVED AS TO FORM:

33
34 
35 _____
36 M. Gerard Herbage
Assistant Lincoln County Legal Counsel

ATTACHMENT A

CHAPTER 7

General Administration

PUBLIC CONTRACTING

7.060	Attorney General Model Rules
7.065	Local Contract Review Board / Designation of Contracting Agency
7.070	Contracts Requiring Board of Commissioners Approval
7.075	Personal or Professional Service Contracts
7.080	Exemption from Competitive Bidding
7.085	Disposal of Surplus Property

PUBLIC CONTRACTING

7.005 [repealed 2005 o.437 §8]

7.010 [1983 o.204 §1; 1999 o.392 §1; repealed 2005 o.437 §8]

7.015 [1998 o.376 §1; repealed 2005 o.437 §8]

7.020 [1991 o.290 § 1; 1992 o.308 § 1; 1993 o.325 §§ 1 and 2; 1998 o.376 § 2; 1999 o.392 §2; 2000 o.394 §1; repealed 2005 o.437 §8]

7.025 [repealed 2005 o.437 §8]

7.030 [1983 o.204 § 2; repealed 2005 o.437 §8]

7.035 [repealed 2005 o.437 §8]

7.040 [repealed 1999 o.392 § 3]

7.045 [repealed 2005 o.437 §8]

7.050 [repealed 2005 o.437 §8]

7.055 [1983 o.204 § 3; repealed 2005 o.437 §8]

7.060 Attorney General Model Rules

In accordance with ORS 279A.065, the Model Rules of Public Contract Procedure, OAR Chapter 137, adopted by the Attorney General shall apply to county public contracting, except as otherwise provided in this Chapter. [2005 o.437 §2]

7.065 Local Contract Review Board / Designation of Contracting Agency

(1) The Lincoln County Board of Commissioners is designated the Local Contract Review Board under Oregon Public Contracting Code, ORS Chapters 279A, 279B and 279C. The Local Contract Review Board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code and the Model Rules.

NOTE: Matter in **boldfaced** type in an amended section is new; matter in ~~strikethrough~~ is existing ordinance to be omitted. New sections are in **boldfaced** type.

(2) Elected officials and appointed Department Heads and Program Coordinators, as determined by the Board of Commissioners, are designated as the County's "Contracting Agency" as that term is defined in ORS 279A.010(1)(b) to exercise powers consistent with the Oregon Public Contracting Code, the Model Rules and this Chapter. Each Contracting Agency designee shall have the authority, with the authorized procedures set forth in this Chapter and the Model Rules, to seek solicitations, proposals, or bids and to make awards or direct appointments, and enter into contracts not to exceed \$50,000 for each contract, provided sufficient sums are appropriated, unencumbered, and not restricted in the County, or as appropriate other County affiliated agency or countywide service district, budget and there are sufficient cash resources available to pay the maximum consideration set forth in each and every contract.

(3) All solicitations, appointments, awards and contracts exceeding \$5,000 shall be subject to review and approval of the County Counsel's Office for form and the Department of Finance for funding, under policies developed by each of those departments. [2005 o.437 §3]

7.070 Contracts Requiring Board of Commissioners Approval

Unless otherwise provided for in this Chapter, or upon other authorization of the Board of Commissioners, large procurements, as defined herein, require Board of Commissioners approval and execution. Large procurements mean contracts for the procurements of goods, services, or public improvements with a value in excess of \$50,000, and change orders or amendments to such contracts that in the aggregate exceed 10 percent of the original amount. The Board of Commissioners shall also approve and execute all grant or service contracts, whether from public or private sources, that involve the addition of county employees or the subcontracting of employee services to other agencies or nonprofits. In addition, the Board of Commissioners shall be required to approve and execute any contract that by its terms requires governing body approval. [2005 o.437 §4]

7.075 Personal or Professional Service Contracts

(1) Personal or Professional Services Contracts are those contracts, as determined by the Board of Commissioners or the Contracting Agency designees, that involve an independent contractor engaged in services that predominately, but not always, require special training, certification or licenses, or special skills, or unique or specialized knowledge, or the exercise of judgment or skills that are unique to the service provider. Such service providers include, but are not limited to, consultants of all kinds, licensed or certified professionals, accountants, attorneys, medical personnel, computer experts, and similar persons.

(2) Direct appointment of qualified Personal or Professional Service Providers may be made by the Board of Commissioners or Contracting Agency designees where the estimated fee does not exceed ~~\$50,000~~ **\$75,000** in any one year or ~~\$150,000~~ **\$250,000** over the term of the work. For services over ~~\$150,000~~ **the \$75,000/\$250,000 limitations**, a competitive solicitation process shall be utilized.

(3) Direct appointment of qualified Personal or Professional Service Providers may also be made for installation, maintenance, repair or support of:

(a) Computer software, hardware or networking systems; or

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(b) Telecommunications, video and access control systems.

(4) Direct appointments pursuant to this section shall be based on criteria including, without limitation, the provider's qualifications and experience, provider's available resources, project timing and location, provider's references, and provider's pricing.

(5) The County may use other methods to select qualified Personal or Professional Service Providers, including requests for proposals, requests for qualifications, listing of qualified providers, competitive bidding, selection from another public contacting agency's list of qualified providers, or other solicitation methods available under law.

(6) The County shall award contracts to ~~Architects, Engineers, Land Surveyors for~~ **architectural, engineering, photogrammetric mapping, transportation planning, land surveying** and related services providers in accordance with the Model Rules. [2005 o.437 §5]

7.080 Exemption from Competitive Bidding

(1) Lincoln County exempts from **standard** Competitive Bidding any contract exempted by the Oregon Public Contracting Code or the Model Rules, including but not limited to those under ORS 279A.025(2), ORS 279A.180, ORS 279A.200, **ORS 279A.205, 279A.210, 279A.215,** and ORS 279A.220.

(2) Lincoln County exempts from competitive bidding or sealed proposals contracts under ORS 279B.055, ORS 279B.060, ORS 279B.070, ORS 279B.075, ORS 279B.080 or ORS 279B.085 and the Model Rules for the following classes of contracts:

(a) Emergency contracts.

(b) Contracts and purchases not exceeding ~~\$5,000~~ **\$10,000** (direct purchasing allowed).

~~(c) Contracts and purchases exceeding \$5,000 but not exceeding \$75,000, where informal solicitation procedures are used in accordance with the Model Rules for Intermediate Procurements.~~

~~(d)~~ **(c)** Contacts exceeding ~~\$75,000~~ **\$10,000**, but not exceeding \$150,000, where formal written solicitations or quotes are obtained in accordance with the Model Rules for Intermediate Procurements.

(d) Contracts for a public improvement with a value of less than \$5,000.

~~(e) Contracts for public improvements not exceeding \$100,000 (\$50,000 for roads, bridges or transportation construction projects) where formal written solicitation or quotes are obtained in accordance with the Model Rules for Intermediate Procurements made under procedures for competitive quotes in ORS 279C.412 and 279C.414.~~

(f) Amendments to the above referenced contracts are allowed in accordance with the Model Rules.

(2) Lincoln County may exempt additional contracts or classes of contracts through amendment of this Chapter, through Board of Commissioners' adoption of a resolution exempting a specific contract, or through any other method authorized under the Oregon Public Contracting Code or the Model Rules. [2005 o.437 §6]

7.085 Disposal of Surplus Property

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Disposal of surplus property shall be conducted in accordance with the provisions of the resolution adopted by the Lincoln County Board of Commissioners declaring the property as surplus. [2005 o.437 §7]

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Office of Lincoln County Legal Counsel
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