

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # 437

4
5
6 **Relating to public contracting; creating new provision; repealing LCC 7.005, 7.010,**
7 **7.015, 7.020, 7.025, 7.030, 7.035, 7.045, 7.050, and 7.055; and declaring an emergency.**
8

9 The Lincoln County Board of Commissioners ordains as follows:

10 **SECTION 1.**

11 Sections 2 through 7 of this Ordinance is added to and made a part of LCC Chapter
12 7, as indicated.

13 **SECTION 2.**

14 7.060 Attorney General Model Rules

15 In accordance with ORS 279A.065, the Model Rules of Public Contract Procedure,
16 OAR Chapter 137, adopted by the Attorney General shall apply to county public contracting,
17 except as otherwise provided in this Chapter.

18 **SECTION 3.**

19 7.065 Local Contract Review Board / Designation of Contracting Agency

20 (1) The Lincoln County Board of Commissioners is designated the Local Contract
21 Review Board under Oregon Public Contracting Code, ORS Chapters 279A, 279B and

1 279C. The Local Contract Review Board may, from time to time, delegate its powers and
2 responsibilities consistent with the Oregon Public Contracting Code and the Model Rules.

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

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

17 **SECTION 4.**

18 **7.070 Contracts Requiring Board of Commissioners Approval**

19 Unless otherwise provided for in this Chapter, or upon other authorization of the
20 Board of Commissioners, large procurements, as defined herein, require Board of
21 Commissioners approval and execution. Large procurements mean contracts for the

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 procurements of goods, services, or public improvements with a value in excess of \$50,000,
2 and change orders or amendments to such contracts that in the aggregate exceed 10 percent
3 of the original amount. The Board of Commissioners shall also approve and execute all
4 grant or service contracts, whether from public or private sources, that involve the addition
5 of county employees or the subcontracting of employee services to other agencies or
6 nonprofits. In addition, the Board of Commissioners shall be required to approve and
7 execute any contract that by its terms requires governing body approval.

8 **SECTION 5.**

9 **7.075 Personal or Professional Service Contracts**

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

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

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

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

4 (b) Telecommunications, video and access control systems.

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

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

12 (5) The County shall award contracts to Architects, Engineers, Land Surveyors and
13 related service providers in accordance with the Model Rules.

14 **SECTION 6.**

15 **7.080 Exemption from Competitive Bidding**

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

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

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1 (a) Emergency contracts.

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

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

6 (d) Contracts exceeding \$75,000, but not exceeding \$150,000, where formal written
7 solicitations or quotes are obtained in accordance with the Model Rules for Intermediate
8 Procurements.

9 (e) Contracts for public improvements not exceeding \$100,000 (\$50,000 for roads,
10 bridges or transportation construction projects) where formal written solicitation or quotes
11 are obtained in accordance with the Model Rules for Intermediate Procurements.

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

14 (2) Lincoln County may exempt additional contracts or classes of contracts through
15 amendment of this Chapter, through Board of Commissioners' adoption of a resolution
16 exempting a specific contract, or through any other method authorized under the Oregon
17 Public Contracting Code or the Model Rules.

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1 **SECTION 7.**

2 7.085 Disposal of Surplus Property

3 Disposal of surplus property shall be conducted in accordance with the provisions of
4 the resolution adopted by the Lincoln County Board of Commissioners declaring the
5 property as surplus.

6 **SECTION 8.**

7 LCC 7.005, 7.010, 7.015, 7.020, 7.025, 7.030, 7.035, 7.045, 7.050, and 7.055 are
8 repealed.

9 **SECTION 9.**

10 This Ordinance being necessary for the immediate preservation of the public peace,
11 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon
12 its passage.

DATED this 31st day of August, 2005.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Excused
Terry Thompson, Chair

Don Lindly
Don Lindly, Commissioner

Bill Hall
Bill Hall, Commissioner

ATTESTED TO:
Liz Sample
Liz Sample, Recorder

APPROVED AS TO FORM:
Wayne Belmont
Wayne Belmont, County Counsel

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