Memorandum Date: October 10, 2024

Order Date: October 22, 2024

TO:	Board of County Commissioners
DEPARTMENT:	County Administration Operations
PRESENTED BY:	Shawn Hubbell, Procurement Manager Emily Vario, Assistant County Counsel
AGENDA ITEM TITLE:	ORDER/ In the Matter of Adopting Changes to Lane Manual Chapter 20 to Update the County Rules for Public Contracting

I. MOTION

Move to approve the Order to amend Lane Manual Chapter 20 to revise the County Rules for Public Contracting. The revisions would take effect on January 1, 2025.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve recommended revisions to Lane Manual Chapter 20 to (1) increase the County's procurement thresholds to align with the State's procurement thresholds, (2) increase the County Administrator's procurement related delegated authority thresholds and move Director delegated authority to the Administrative Procedures Manual, (3) align the County Administrator's delegated authority to approve contract amendments with the same delegated authority to execute contracts, (4) add policy directing the County Administrator to develop procurement procedures to support Equity in Contracting and Sustainability in Procurement considerations, (5) align the County's requirements for utilizing an Alternative Contracting Method with the statutory requirements, (6) add a policy to create a Class Exemption for Concession Agreements, and (7) make additional minor edits related to County procurement and contracting policies.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A. Board Action and Other History

In January 2024 the Board approved Lane Manual changes that were mainly focused on removing rules and procedures that were not policy-specific to Lane County and adopted in their place the Attorney General's Model Rules for Public Contracting (OAR 137, Divisions 46, 47, 48, 49).

This "second round" of updates have been on hold until now to allow time for various stake holders across the County to consider the recommended changes and make informed decisions. The suggested changes involve delegated authority,

procurement thresholds, and new processes as recommended by the Procurement Advisory Team.

The Procurement Advisory Team, County Counsel, the Directors, and the County Administrator have reviewed and voiced support for these recommendations.

B. Policy Issues

The following is a summary of the changes presented, along with any policy issues related to the item:

1. Revise rule LM 20.300.050 to increase the County's thresholds for conducting procurements to align with the State's procurement thresholds. This change would increase the threshold for Direct Awards from $10,000 to $25,000 and increase the threshold for Intermediate Awards of Goods and Services from $150,000 to $250,000. These increases are based on Oregon Senate Bill 1047 that went into effect January 2024.

2. Increase the County Administrator's procurement related delegated authority from $150,000 to $250,000. Increase the County Administrator's authority to sign contracts that do not exceed five (5) years rather than three (3) years if standard termination for convenience language is included in the contract. Delegate authority to the County Administrator to sub-delegate procurement related authority based on efficient administration of County operations. Such sub-delegation records will be in writing, managed by Finance, and kept current on the County's intranet site.

   Remove rule LM 20.600.330 Department Directors' Authority to Execute Contracts and Amendments. This delegation will be sub-delegated by the County Administrator based on efficient administration of County operations. Such sub-delegation records will be in writing, managed by Finance, and kept current on the County's intranet site.

3. Revise rule LM 20.600.320 to limit, unless the Board has expressly authorized increased delegated authority for a specific contract or class of contracts, the County Administrator's delegated authority for contract amendments to $250,000 and/or five years.

4. Add rule LM 20.100.080 to direct the County Administrator to develop procedures to advance Equity in Contracting initiatives focused on providing opportunities for disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, veteran-owned businesses, and emerging small businesses as required in ORS 200.090.

   Add rule LM 20.100.090 to direct the County Administrator to develop procedures to advance Sustainable Procurement initiatives focused on supporting the County's Climate Action Plan and meeting the requirements in ORS 279C.510.

5. Revise rule LM 20.200.130(B) to align the County's requirements when requesting approval to use an Alternative Contracting Method with the

statutory requirements by allowing a public hearing to be requested, but not making a hearing mandatory.

6. Revise rule LM 20.700.075 to align the County's requirements when reviewing appeals of Prequalification, Debarment, and Disqualification with the statutory requirements.

7. Add rule LM 20.200.110(P) to create a class exemption for Concession Agreements that permits awarding a concessions contract to the most advantageous offer after making efforts to notify potential vendors of the opportunity.

8. Minor edits:
    a. Add rule LM 20.400.100 Delegated Procurement Authority to compile all delegated authority from various sections of Lane Manual into one rule.
    b. Remove rule LM 20.600.340 County Administrator's Authority to Cancel Awards and Terminate Contracts. This delegation will remain the same but be included in LM 20.400.100 and may be sub-delegated by the County Administrator.
    c. Revise rule LM 20.300.310 to require documentation related to supporting a procurement process be retained in a department accessible procurement file.
    d. Add rule LM 20.400.275 Lease and Property Rental Agreements to clarify procedures when the County is leasing to or from outside parties.

C. Board Goals

Improving the procurement and contracting processes is within the Board's mission to "responsibly manage available resources to deliver vital community-centered services with passion, drive, and focus," and the strategic lens of "financial stewardship" in support of the Board's strategic priorities in the Lane County Strategic Plan. The intent of these revisions is to provide for more flexibility and responsiveness in contracting for goods and services while not substantially impacting the Board's oversight of the contracting processes.

D. Financial and/or Resource Considerations

The proposed changes are expected to create efficiencies countywide by removing additional administrative requirements related to contracting. Increasing procurement and delegated authority thresholds will allow departments to have more flexibility in the contracting process, while having a minimal impact to Board oversight of County expenditures.

E. Health Implications

Two of the new policies are directed at creating to incorporate equity and sustainability into the County's procurement processes. These procedures will have

a positive impact on our county's health by promoting contracting with historically underutilized businesses as well as considering environmental impacts when procuring goods and services.

F. Alternatives/Options

1. Adopt the changes as proposed.
2. Adopt some of the changes and reject others as the Board directs.
3. Modify the proposed changes.
4. Adopt none of the proposed changes and continue to operate under the existing rules.

IV. RECOMMENDATION

The Procurement Office, County Counsel, and the Procurement Advisory Team, recommend the Board approve the proposed changes. Department Directors and the County Administrator support this recommendation.

V. TIMING/IMPLEMENTATION

If approved by the Board, the proposed changes would take effect on January 1, 2025.

In the time leading up to changes taking effect, the Procurement Advisory Team will develop procedures for recording sub-delegation of authority by the County Administrator. In addition, the Procurement Office will update solicitation and contract templates, update various guides and trainings, and update procurement related sections of the County's website as applicable.

VI. FOLLOW-UP

Not expected at this time.

VII. ATTACHMENTS

Board Order

Proposed Lane Manual Chapter 20 – legislative version

Proposed Lane Manual Chapter 20 – final version

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 24-10-22-08

IN THE MATTER OF ADOPTING CHANGES TO LANE MANUAL CHAPTER 20 TO UPDATE THE COUNTY RULES FOR PUBLIC CONTRACTING. EFFECTIVE JANUARY 1, 2025. (LM 20)

WHEREAS, Lane Manual chapter 20 sets forth the requirements for soliciting, approving, accepting, and contracting for the receipt of grants and provision of services by independent contractors, and

WHEREAS, the County's public contracting rules require periodic updating and revision to stay current with applicable law and the most efficient methods for entering into grants and contracts, and

WHEREAS, the proposed changes to Lane Manual chapter 20 will increase some procurement thresholds, will modify the County Administrator's delegated authority limits and processes, will adopt policies to support Equity and Contracting and Sustainability in Procurement initiatives, will create a Class Exemption for Concession Agreements, and will make additional minor edits to County procurement and contracting policies, and

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

Lane Manual Chapter 20 is amended by removing, substituting, and adding the following sections:

REMOVE THIS SECTION	**INSERT THIS SECTION**
Entire Chapter 20	Entire Chapter 20

If any section, subsection, sentence, clause, phrase, or portion of this Order or the referenced Lane Manual provisions are for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

Said sections are attached hereto and incorporated herein by reference. The purpose of this addition is to update public contracting processes.

ADOPTED this 22nd day of October 2024.

Laurie Trieger, Chair
Lane County Board of Commissioners

Chapter 20 – CONTRACT POLICIES AND LOCAL CONTRACT REVIEW BOARD

20.100 – PURPOSE, DEFINITIONS, AND POLICIES

20.100.010 – Purpose.

A. The Board of County Commissioners is the Local Contract Review Board (LCRB) for Lane County, with the powers and duties of an LCRB set forth in the Public Contracting Code (ORS Chapters 279A, 279B, and 279C). The LCRB may delegate these powers and duties as long as not in conflict with the Public Contracting Code.

B. The public contracting rules for Lane County (the “County Rules”) are in **this** order~~: of precedence:~~

1. Lane Manual Chapter 20.
2. LM 60.100.400 regarding the sale of personal and surplus property ("County Rules").
3. The Model Rules adopted by the Oregon Attorney General (OAR Chapter 137).

C. Authority.

1. Lane County's powers and duties as a contracting agency under the Public Contracting Code may be exercised and performed by those employees who have been expressly delegated authority in accordance with the County Rules. These express delegations include, but are not limited to, authority to award and execute contract documents.
2. Absent an express delegation, the County Administrator and those Department Directors authorized by the County Administrator may determine which public officers have authority to exercise the powers and duties of the contracting agency under the County Rules.
3. Any delegation of authority under the County Rules may be further delegated by the delegee to a County employee. Such delegation **must**~~should~~ be **in writing.**~~evidenced by a writing.~~
4. Nothing in this subsection is intended to modify the authority of the County Administrator and Department Directors for contract matters after contract execution.

D. In addition to the specific delegations of authority contained in these County Rules, the County Administrator is delegated authority to adopt all procedures necessary to implement the provisions of LM Chapter 20.

E. An adversely affected party must file any available protest or appeal under LM Chapter 20 before seeking judicial review of the County’s process, solicitation, contractor selection or award decisions. All administrative protests must be exhausted prior to judicial review.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.100.015 – Fair Board Authority to Contract.

A. Pursuant to ORS 565.230, the Fair Board may conduct contracting activities for contracts relating to fairground facilities and operations, except those contracts that transfer an interest in real property.

B. The Fair Board is delegated authority to cancel or terminate such contracts as provided in the contract or by law.

C. The Fair Board may further delegate authority under this provision to a representative by signed written document.

D. The Fair Board, in conducting contracting activities, must comply with the applicable requirements of the County Rules.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22)

20.100.020 – Definitions.

As used in this Chapter, the following words and phrases have the meaning given in this section:

"Addendum" or "Addenda" means a document issued by the County to make an addition to, deletion from, a material change in, or to explain the meaning and intent of a Solicitation Document.

"Award" means, as the context requires, the County's identification of the person with whom the County intends to enter into a contract, pending resolution of any protest of the County's selection of that person and the completion of all contract negotiations.

"Bid closure" means the time established in the bid or RFP documents for the submission of bids or proposals, after which time no bid or proposal will be received.

"Bidder" means an actual bidder or, prior to the time of bid closure, a prospective bidder that is considering submitting a bid to the County.

~~"Change order" means a written order authorizing a change in the contract, plans, specifications, quantities, price, or time.~~"Client and Patient Services" means services provided directly to the community to promote and protect health and well-being.

"Competitive bidding" means the formal process of advertising, bidding, and bid opening required by the Public Contracting Code and these rules.

"Competitive quote" or "CQ" means those offers made by competing offerors in response to an informal solicitation of offers by the County. A solicitation may be made by advertisement or by direct request to vendors. See LM 20.300.200A.3.

"Competitive selection" means the process of selecting a vendor for goods and services based upon competition, as provided in LM 20.300.200A.

"Community Benefit Contract" means a Contract for construction of a Community Benefit Project.

"Community Benefit Project" means a construction project that has been designated by the County as a Community Benefit Project under LM 20.300.110.

"Concession Agreement" means a contract that authorizes a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from County owned property and under which the concessionaire makes payments to the County based, at least in part, on the concessionaire's revenue from sales. Does not include an agreement which is merely a flat-fee or per-foot rental, lease, license, permit, or other arrangement for the use of public property.

"Construction Change order" means a written order authorizing a change in the contract, plans, specifications, quantities, price, or time that are within the scope of a Public Improvement contract.

"Contract" means any agreement to purchase, lease, sell, or provide goods or services. A purchase order, once accepted, is a contract.

"County grant" means an agreement under which the County provides money, property, or other assistance, including loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient and in which no substantial involvement by the County is anticipated other than involvement associated with monitoring compliance with the grant conditions, as defined in ORS 279A.010(k)(ii). Distinguish from "grant," as defined in this section.

"Delegated Procurement Authority" means the individuals that have been delegated or sub-delegated in writing the authority to review and approve procurement exemptions, justifications, contract actions, and contract approvals related to procurement.

"Disqualification" means a disqualification, suspension, or debarment pursuant to ORS 200.065, ORS 200.075, or ORS 279A.110 or LM 20.700.050.

—"Emergency" means an event or circumstance that could not have been reasonably foreseen, and creates a substantial risk of loss, damage, interruption of services, or a threat to property, public health, or safety, as provided in ORS 279A.010(f).

"Goods" means tangible or intangible items of personal property, whether furnished separately or combined with services, such as installation, and includes both "goods" and "future goods" as defined in ORS 72.1050. See ORS 279A.010(i).

"Grant" means an agreement under which the County receives money, property, and other assistance, as defined in ORS 279A.010(k)(i). Distinguish from "county grant," as defined in this section.

"Invitation to Bid" means the complete set of documents used to solicit and receive competitive bids, as defined in ORS 279B.005(1)(a).

"LCRB" means the Lane County Board of County Commissioners, sitting as the local contract review board in accordance with ORS 279A.060.

"Model Rules" means the Attorney General's model rules of procedure for Public Contracting as required under ORS 279A.065 (OAR chapter 137, Divisions 46 through 49).

"Offeror" means any vendor or person that submits a bid, proposal, quote, or other type of offer.

"Oregon Forward" means the preference program for services provided by nonprofit organizations that serve individuals with disabilities, as administered by the State of Oregon Department of Administrative Services (DAS).

"Oregon Forward Contractor" means a DAS-approved provider of goods and services under the Oregon Forward program. Oregon Forward contractors were formerly known as Qualified Rehabilitation Facilities (QRFs).

"Personal property" means property, other than real estate, consisting generally of movable or temporary things, as defined in ORS 307.020.

"Personal services" means those services described in LM 20.300.210.

"Price Agreement" means an agreement in which the contractor agrees to supply to the County the specific goods or services identified in the agreement for a specific time period, based upon the quantity required or ordered by the County's during the time period.

"Procurement" means the process by which the County conducts its purchases of goods and services.

"Procurement File" means the location of all required documentation related to procurements as required by these rules, OAR, or ORS. Such file must be accessible by multiple staff, meet the County's record retention requirements, and in most cases will be subject to public record requests.

"Project" means a specific plan or undertaking with defined objectives or limits.

"Proposer" means an actual proposer submitting a proposal or, prior to the time of bid closure, a prospective proposer that is considering submitting a proposal in response to an RFP or similar request issued by the County.

"Public **C**~~c~~ontract" has the meaning set forth in ORS 279A.010(1)(z).

"Public **I**~~i~~mprovement" has the meaning set forth in ORS 279A.010(1)(cc).

"Public **O**~~o~~fficer" means any person authorized to conduct a procurement on the County's behalf.

"Public Works" has the meaning set forth in ORS 279C.800(6).

"Purchase Order" means a document based on a standard form that is issued by the County to a vendor that establishes types, quantities, and agreed products for purchases.

"Qualified Rehabilitation Facility" or "QRF" means the former name used to describe an Oregon Forward Contractor.

~~"Requirements contract" means an agreement in which the contractor agrees to supply to the County the specific goods or services identified in the agreement for a specific time period, based upon the quantity required or ordered by the County's during the time period~~"Responsible" means meeting the standards set forth in OAR 137-047-0640 or OAR 137-049-0390(2), and not debarred or disqualified by the County under OAR 137-047-0575 or OAR 137-049-0370.

"Responsive" means having the characteristic of substantial compliance in all material respects with applicable solicitation requirements.

"Retainage" means the difference between the amount earned by a contractor on a public contract and the amount paid, such retainage being held to guarantee full performance. See ORS 279C.550.

"RFP" means request for proposals, as described in LM 20.300.200A.3.

"Services" means work performed to meet a demand or need. Distinguish from "goods," as defined in this section. See also ORS 279A.010(1)(kk).

"Solicitation Document" means an Invitation to Bid (ITB), Request for Proposals (RFP), Request for Quotes (RFQ), or other similar document issued to invite Offers from prospective vendors under ORS Chapter 279B or ORS Chapter 279C. The following are not Solicitation Documents unless they invite Offers from prospective Contracts: a Request for Qualifications (RFQu), a prequalification of bidders, a request for information, a sole source notice, an approval of a Special Procurement, or a request for product prequalification. A project-specific selection document under a Price Agreement that has resulted from a previous Solicitation Document is not itself a Solicitation Document.

"Source Selection" means the process by which a contractor or vendor is chosen, whether done using a competitive process or using a non-competitive method authorized under LM Chapter 20.

"Substantially Similar" means, as used for Grant Approval, the same grantor, generally the same amount of money received, for generally the same purpose.

"Threshold" means the aggregate total of a Contract which includes all amendments, change orders, renewals, and extensions.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.100.030 – Policy on Ethics Requirements for County Officers and Employees.

A. These rules supplement and do not replace ORS 244.010 through ORS 244.400 for the purpose of applying the policy of ORS 244.010 to public contracting under the code and these rules. **Lane County abides by ORS 244.010 through ORS 244.400.**

B. Any County officer or employee is prohibited from using the employee's official position for personal advancement, financial gain, or for the financial gain of family members. **In addition, no County officer or employee may participate in the selection, award, or administration of a contract, purchase, or any type of financial transaction if there is a real, potential, perceived, or apparent conflict of interest.**

C. No County officer or employee may commit the County to any provision of services or expenditure of funds for any purpose unless the services or expenditure have been authorized in the County's budget or otherwise approved by the Board.

(Order 24-01-09-04, 1.9.24)

20.100.050 – Policy on Competition.

It is the policy of Lane County to encourage open and impartial competition in the procurement of goods and services, in accordance with the requirements of ORS Chapter 279 and the Public Contracting Code.

(Order 15-09-01-05, 10.15.15)

20.100.055 – Policy on Electronic Procurement Procedures.

A. The LCRB has determined that it is more cost-effective for the County to publicly advertise bids and all other public notices related to procurement processes using **electronic means**~~the internet~~, except where Oregon law requires advertising in a newspaper of general circulation in Lane County or a statewide trade publication.

~~B. The County may, at its discretion, distribute all materials related to a procurement exclusively by electronic means, and may direct the receipt of all bids, proposals, and related documents exclusively by electronic means.~~

~~C. The County may utilize third-party internet services for distribution of procurement-related materials and receipt of bids and proposals.~~

B~~D~~. Procedures for electronic procurement are established in OAR 137-047-0330 and OAR 137-049-0310.

(Order 15-09-01-05, 10.15.15; Order 21-06-08-02, 7.1.21; Order 24-01-09-04, 1.9.24)

20.100.060 – Policy on Performing Services for Other Public Agencies.

Under the authority of Chapter II, Section 8 of the Lane County Home Rule Charter and ORS Chapter 190, it is the policy of Lane County to offer services to other public agencies where feasible, providing that the County must be compensated for the complete cost of providing all intergovernmental services. The Board must approve any waiver of the policy for compensation.

(Order 15-09-01-05, 10.15.15)

20.100.065 – Policy on Bid Security and Bonds.

~~A. Contracts, generally. All contracts, other than those for public improvements and construction contracts as defined in ORS 279C.320(1), are exempt from the bid security requirements of ORS 279B.050 and performance and payment bond requirements, provided that the County may, in its discretion, require bid security or performance and payment security on any contract~~.

A~~B~~. Contracts for public improvements and construction. For contracts for public improvements and construction contracts as defined in ORS 279C.320(1)~~.~~ ~~Except as provided in LM 20.100.065B.1.b,~~ the County will require that bidders and contractors for public improvements and construction contracts provide:

1. Not less than five percent (5%) bid security meeting the requirements of OAR 137-049-0290.

2. Performance and payment bonds meeting the requirements of OAR 137-049-0460.

B. Contracts other than for construction. County may require bid security or bonds if it determines that such requirements are reasonably necessary or prudent to protect the interests of the County.

(Order 15-09-01-05, 10.15.15; Order 18-03-13-03, 3.13.18; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.100.070 – Policy on Contracting for Services Performed by County Employees.

A. Prior to conducting a procurement for services that may presently be performed by union-represented County employees or may be within the scope of work that represented employees perform, a ~~Department~~**department** must receive approval for the procurement from the County's Labor Relations Manager.

B. Prior to conducting a procurement for Goods or Services that is estimated to exceed two hundred fifty thousand dollars ($250,000), a department will conduct a Feasibility Determination and/or Cost Analysis pursuant to OAR 137-047-0250.

(Order 24-01-09-04, 1.9.24)

20.100.080 – Policy on Social Equity in Procurement

A. Contracts shall include equity in contracting procedures and requirements as put forth by the County Administrator in the APM, pursuant ORS 200.090

20.100.090 – Policy on Sustainability in Procurement

A. Contracts shall include sustainability and climate resiliency procedures and requirements as put forth by the County Administrator in the APM.

B. Public Improvement contracts that call for demolition must include a condition requiring the Contractor to salvage or recycle construction and demolition debris, if feasible and cost-effective, pursuant ORS 279C.510.

C. Contracts for lawn or landscape maintenance must include a condition requiring the Contractor to compost or mulch yard waste material at an approved site, if feasible and cost-effective, pursuant ORS 279C.510.

20.200 – EXEMPTIONS FROM COMPETITIVE SELECTION

20.200.100 – General Statutory and Regulatory Exemptions from Competitive Selection.

County contracts are not required to be based upon a County competitive selection process if a state or federal law or regulation provides otherwise or directs that another selection process be used. Contracts exempt or excluded from competitive selection include:

A. Contracts with the State of Oregon, other Oregon units of local government, other American states, or the federal government **pursuant ORS 190.010** (Intergovernmental Agreements).

B. Grants or county grants.

C. 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.

D. Acquisitions or disposals of real property or interests in real property.

E. Contracts for employee benefit plans as provided in ORS 243.105(1), ORS 243.125(4), ORS 243.221, ORS 243.275, ORS 243.291, ORS 243.303 and ORS 243.565.

F. Insurance and service contracts as provided for under ORS 414.115, ORS 414.125, ORS 414.135 and ORS 414.145.

G. Contracts specifically exempt or authorized as a special procurement under LM Chapter 20 or under state law.

H. Contracts for which County is authorized under Oregon or federal law to make award without competitive selection.

I. Services of Oregon Forward Contractors. If the service meeting the County's requirements is available from an Oregon Forward Contractor, the County must purchase such products or services from an Oregon Forward Contractor, in accordance with ORS 279.835 through ORS 279.855.

J. Price-Regulated Items or Services. The County may, without competitive bidding or quotes, contract for the purchase of goods or services where the rate or price for the goods or services being purchased is established by federal or state law or regulatory authority.

K. Price Set by Federal Contracts. When the price of goods and services has been established by a contract with an agency of the federal government pursuant to a federal contract award, the County may purchase the goods and services from the supplier without subsequent competitive bidding.

L. Cooperative Procurements. The County may participate in, sponsor, conduct, or administer joint cooperative procurements in accordance with OAR 137-046-0400.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.200.110 – Specific Exemptions from Competitive Selection.

A. Advertising. The County may purchase advertising without competitive selection. This includes, but is not limited to, advertising and legal notices placed in general communications media such as newspapers, publications, radio, television, and on the internet.

B. Publications and Copyrighted Materials.

1. The County may purchase library circulation materials, such as books and recordings, whether delivered in hard copy or electronically, without competitive selection.

2. The County may purchase subscriptions for newspapers and periodicals, whether delivered in hard copy or electronically, without competitive selection.

3. The County may purchase copyrighted materials without competitive selection when there is only one (1) known supplier.

C. Election Supplies and Services. The County may purchase elections supplies and services without competitive selection, including but not limited to printing of official ballots, sample or test ballots, ballot envelopes, ballot counting equipment and software, and signs.

D. Equipment Repair and Overhaul. The County may contract for equipment repair, overhaul, or maintenance without competitive bidding or quotes, subject to the following conditions:

1. The service and/or parts required are unknown, and the cost cannot be determined without extensive preliminary dismantling or testing; or

2. The service and/or parts required are for equipment for which specially trained personnel are required, and such personnel are available from only one (1) source; and

3. If a contract under this exemption exceeds one hundred fifty thousand ($150,000), the County must document in the procurement file the reasons why competitive bids or quotes were deemed to be impractical.

E. Gasoline, Diesel Fuel, Heating Oil, Lubricants, **Rock,** and Asphalts. The County may enter into contracts for the purchase of gasoline, diesel fuel, heating oil, lubricants, **rock,** and asphalts without formal competitive bidding, provided that the County:

1. Solicits a minimum of three (3) competitive quotes.

2. Makes its purchases from the least expensive source, taking into consideration the costs of delivery or transportation.

3. Retains written justification **in the Procurement File** for the source selected~~. for the purchase.~~

F. Client and Patient Services. The County may contract for direct client services without competitive selection where the Department:

1. Reasonably believes, after inquiry, that no qualified providers are likely to participate in competitive selection.

2. Will include on a list all qualified providers willing to consider taking client referrals on an as-needed basis.

3. Will select a qualified provider from the list as a client need arises, based on criteria including, but not limited to, client and family needs, quality and type of appropriate care, availability of service at the time it is needed, and cost.

G. Laboratory and Medical Supplies. The County may specify or select laboratory and medical supplies on the basis of brand name, provided that the County:

1. Purchases from the lowest-priced vendor for the specific product and brand.

2. Has a reasonable medical or scientific basis for the selection.

H. Used Personal Property. The County may purchase used personal property **by direct negotiation if such property is suitable for the County's needs and can be purchased for a lower cost than substantially similar new property, provided that:**~~for fifty thousand dollars ($50,000) or less without competitive selection, provided that:~~

1. The County has determined that the direct purchase without competitive bidding will result in cost savings.

2. For purchases of used personal property over fifty thousand dollars ($50,000), **a written record is made of the findings that support the purchase.** ~~at least three (3) competitive quotes have been obtained, if available. If three (3) quotes are not available, a written record must be made of the attempt to obtain quotes.~~

3. Approval of the determination to purchase used personal property shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.

For this purpose, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the County.

I. Litigation Services. Subject to the limitations of LM 61.010.025, the County may contract for personal services related to litigation or legal matters without competitive selection when County Counsel deems it necessary to do so. Such services may include, but are not limited to, outside legal representation, expert witnesses, consultants, arbitrators, mediators, investigators or other specialized personnel. Notwithstanding the provisions of LM 20.**400.100**~~600.330~~, the County Counsel's authority to contract for such services is not limited by amount or duration. However, County Counsel must advise the Board and the department of the status of such matters on a regular basis, not less than quarterly, including costs related to representation.

J. Employee Benefit Insurance. The County may purchase employee benefit insurance without competitive selection.

K. Investments. The County may contract for the purpose of the investment of public funds or the borrowing of funds without competitive selection, when such investment or borrowing is contracted pursuant to a statute, order, ordinance, charter, or the Oregon Constitution.

L. Insurance. The County may purchase insurance without a formal competitive selection when the annual or aggregate premium is less than or equal to one hundred **fifty** thousand dollars ($1~~50~~0,000). Contracts for insurance where either the annual or aggregate premium exceeds one hundred fifty thousand dollars ($150,000) must be let by competitive selection or through an agent of record.

Agent of Record. The County may appoint a licensed insurance agent as its agent of record to perform insurance services in connection with more than one (1) insurance contract, including the securing of proposals from insurance carriers for all coverages for which the agent of record is given responsibility, provided that:

1. The County has made reasonable efforts to inform known insurance agents in the competitive market area that it is considering such appointment, including a public advertisement describing the nature of the agent of record services.

2. The appointment does not exceed three (3) years.

3. In making the appointment, the County has selected the agent most likely to perform cost-effective services.

M. Oil or Hazardous Material Removal. The County may enter into contracts without competitive selection when necessary to comply with a cleanup order issued under the authority granted the Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through ORS 466.680, provided that:

1. The order necessitates the prompt establishment and performance of the contract in order to comply with laws regarding spill or release of oil or hazardous material that have created an ~~e~~**E**mergency~~; condition.~~

2. The order contains time limitations that do not permit hiring a contractor under the usual competitive selection procedures.

3. To the extent reasonable under the circumstances, the County has encouraged competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods or services.

4. The cleanup is conducted in accordance with the rules set forth at OAR 340-122-0205 to ORS 340-122-0360.

N. Disposal of Recyclable and Nonrecyclable Waste Materials. The County may sell, pay for disposal of, or contract for the sale or disposal of waste materials without competitive selection when necessary to dispose of waste materials received at County solid waste or Public Works facilities in a timely manner, provided that:

1. The County has encouraged competition by researching potential purchasers or receivers and making formal or informal solicitations for such services.

2. The County has been unable to either obtain competitive offers or to identify purchasers or receivers willing to enter into a term contract with the County.

3. The Director of the Department of Public Works has approved the method for selection of a purchaser, receiver, or contractor for the type of material that is in the best interests of the County. Such methods may include, but are not limited to, selection of the only known purchaser or receiver within a commercial reasonable distance, comparative one-time price quotes, response time, and direct negotiation.

O. Concession Agreements. Concession Agreements may be directly awarded subject to the following conditions:

1. Prior to the selection of a contractor, the County has made reasonable efforts to inform known companies providing such services by posting notice of the opportunity in the same manner that bids are advertised, and requesting comments from interested parties; and

2. The concessionaire is selected based on offering the most advantageous offer to the County.

3. Efforts taken to inform companies of such an opportunity and justification for the selection shall be part of the Procurement File.

4. These conditions do not apply to Concession Agreements directly awarded by the Lane County Fair Board or for events occurring at the Lane Events Center.

(Order 15-09-01-05, 10.15.15; Order 19-04-30-02, 4.30.19; Order 19-05-21-03, 5.21.19; Order 19-08-20-03, 8.20.19; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.200.120 – Conditional Exemptions from Competitive Selection.

A. Small Procurements per the thresholds stated in LM 20.300.050 and process stated in OAR 137-047-0265, OAR 137-048-0200, and ORS 279C.335(3).

B. Sole Source Contracts. The County may award a contract for goods or services without competitive selection when the County determines that there is only one (1) source for goods or services, or a class of goods or services of the quality required by the County pursuant to OAR 137-047-0275.

Authority to make the sole source determination **shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.**~~is granted:~~

~~1. For contracts not greater than fifty thousand dollars ($50,000), to each Department Director or the Director's designee.~~

~~2. For contracts not greater than one hundred fifty thousand dollars ($150,000), to the County Administrator, based upon proposed written findings prepared by the Department, along with such other information as the Administrator may require.~~

~~3~~**1**. For contracts in excess of **two**~~one~~ hundred fifty thousand dollars ($**250,000**~~150,000~~), public notice of the proposed determination must be published electronically **in the same manner bids are advertised.**~~on the website designated by the County for advertisements for bids or through another public notice placed so as to be reasonably able to reach potential offerors~~

~~of such goods or services.~~ The notice must provide **for a seven day protest period pursuant LM 20.700.100(B).** ~~that any person that believes its interests would be adversely affected by the determination must deliver a written protest to the County Administrator and within five (5) days of the public notice. The written protest shall include a detailed statement of the legal and factual grounds for the protest, a description of the resulting harm, and the relief requested. Unless otherwise specified in the public notice of the sole source procurement, the LCRB may consider the written record, and any other testimony provided at the public meeting and must make its determination by Board Order.~~

C. Emergency Contracts. Certain contracts may be awarded without competitive selection, if an emergency exists that requires prompt execution of those contract(s) to preserve public funds, property, or the uninterrupted provision of government services.

~~1. As used in this section, an emergency is defined as circumstances that could not have been reasonably foreseen, and create a substantial risk of loss, damage, or interruption of services, or a threat to property, public health, or safety, as provided in ORS 279A.010(f).~~

~~2~~**1**. A written determination must be made documenting the nature of the emergency, the method of contractor selection, and designating the contract(s) to be awarded. **Authority to approve the determination shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.**~~The County Administrator is delegated authority to make the determination for one (1) or more contracts, in an aggregate amount not to exceed one hundred fifty thousand dollars ($150,000) for a single occurrence or event. A determination for emergency contracts in excess of one hundred fifty thousand dollars ($150,000) for a single occurrence or event must be made by the LCRB.~~

2~~3~~. The County must ensure competition for the contract that is reasonable and appropriate under the emergency circumstances, which may include, but are not limited to:

a. Limiting the scope or duration of the contract to the amount necessary under the emergency conditions.

b. Providing a limited solicitation period and limiting required documentation.

c. Waiver of a performance or payment bond pursuant to ORS 279C.380(4) or of a public works bond pursuant to ORS 279C.836(9).

~~4~~**3**. ~~FEMA~~ Requirements for Emergency Contracts. If the County intends to request reimbursement ~~from the Federal Office of Emergency Management (FEMA)~~, both the County's solicitation and selection process and the contract terms must be in compliance with **the reimbursing agency's requirements.**~~FEMA requirements in order to receive reimbursement.~~

D. Personal Services Contracts. Where possible, selection of a personal service contractor must be made by competitive selection, unless impracticable. However, the County may award a contract for personal services without competitive selection, provided that:

1. The Department Director makes a written determination that the services to be provided in the particular contract are personal services, as defined in LM 20.300.210.

2. The County has made a **written determination**~~finding~~ that direct contracting is in the best interests of the County for the contract. Authority to **approve**~~make~~ the **determination shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.** ~~finding is granted to:~~

~~a. Each Department Director, for contracts not greater than fifty thousand dollars ($50,000).~~

~~b. The County Administrator, for contracts not greater than one hundred fifty thousand dollars ($150,000).~~

~~c. The LCRB, for contracts greater than one hundred fifty thousand dollars ($150,000).~~

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.200.130 – Exemptions from Competitive Selection for Alternate Contracting Methods.

A. Individual and Class Special Procurements. For contracts that are not related to public improvements under ORS chapter 279C, the County may utilize a special procurement for a**n individual** ~~particular~~ contract, or a class of contracts, to allow procurement **that differs from**~~ether than through~~ an otherwise applicable solicitation process. Approval of a special procurement must be made in accordance with the requirements of OAR 137-047-0285. **County will post a notice of intent to approve a special procurement and allow a seven-day protest period pursuant OAR 137-047-0700.**

1. Authority to approve **Special Procurements**~~an individual special procurement is granted to:~~ **shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.**

~~a. Each Department Director, for contracts not greater than fifty thousand dollars ($50,000).~~

~~b. The County Administrator, for contracts not greater than one hundred fifty thousand dollars ($150,000).~~

~~c. The LCRB, for contracts greater than one hundred fifty thousand dollars ($150,000).~~

~~2. Authority to approve a class special procurement is granted to:~~

~~a. The County Administrator, for classes of contracts where the total of all contracts within the class is not greater than one hundred fifty thousand dollars ($150,000).~~

~~b. The LCRB, for classes of contracts where the total of all contracts within the class is greater than one hundred fifty thousand dollars ($150,000).~~

B. Alternative Contracting Methods for Public Improvement Contracts.

1. Contracts Subject to Exemption. Upon approval of the findings in LM 20.200.130B.2.c, the LCRB may authorize an exemption from competitive bidding requirements for any of the following types of public improvement contracts:

a. Construction Manager/General Contractor (CM/GC), as defined in OAR 137-049-0610.

b. Design Build, as defined in OAR 137-049-0610.

c. Energy Savings Performance Contracting (ESPC), as defined in OAR 137-049-0610.

2. Approval of Findings. Prior to exempting a **Public Improvement** contract from competitive bidding requirements, the LCRB must:

~~a. Hold a public hearing, in accordance with OAR 137-049-0630.~~

~~b~~a. Give at least fourteen (14) days' notice **prior to approving the exemption**~~of the public hearing,~~ in accordance with ORS 279C.335(5)(b) and ORS 279C.335(5)(c).

b. Hold a public hearing to hear comments on the draft findings, if requested in writing by an interested party, and

c. Approve written findings that:

(1) It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts.

(2) The awarding of public improvement contracts under the exemption will likely result in substantial cost savings to the County or the public. In making this finding, the LCRB may consider the type, cost and amount of the contract, the number of persons available to bid, and must consider all required factors in ORS 279C.335(2)(b), to the extent applicable.

3. Post Project Evaluation. Upon completion and final payment for any public improvement project in excess of one hundred ~~fifty~~ thousand dollars ($**100,000**~~150,000~~) for which an exemption was authorized under this section, the contracting Department will prepare and deliver to the LCRB an evaluation of the public improvement contract. The evaluation must, at a minimum, meet the requirements of **OAR 137-049-0620(3).**~~ORS 279C.335(b) and ORS 279C.335(c), and should include: financial information including comparing estimates with actual cost; any Guaranteed Maximum Price (GMP); changes and actual costs; successes and failures during design, engineering and construction; and assessment of the use of method as compared to any exemption findings.~~

C. Construction Manager/General Contractor. If the County conducts a procurement for a Construction Manager/General Contractor pursuant to an exemption granted under LM 20.200.130B, the procurement must be conducted in accordance with OAR 137-049-0690.

D. Design-Build. If the County conducts a procurement for a Design-Build contractor pursuant to an exemption granted under LM 20.200.130B, the procurement must be conducted in accordance with OAR 137-049-0670.

E. Energy Savings Performance Contracting. If the County conducts a procurement for an Energy Savings Performance Contractor (ESPC) pursuant to an exemption granted under LM 20.200.130B, the procurement may be conducted in accordance with OAR 137-049-0680.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 21-06-08-02, 7.1.21; Order 24-01-09-04, 1.9.24)

20.300 – SOLICITATIONS ~~PROCEDURES~~

20.300.050 – Solicitation Thresholds.

Goods and Services.

Direct Award	Less than $**25,000**~~10,000~~
Intermediate Award	Less than $**250,000**~~150,000~~
Formal Award	Over $**250,000**~~150,000~~

A/E Design Services.

Direct Award	Less than $100,000
Intermediate Award	Less than $250,000
Formal Award	Over $250,000

Public Improvement.

Direct Award	Less than $**25,000**~~10,000~~
Intermediate Award	Less than $100,000
Formal Award	Over $100,000

(Order 24-01-09-04, 1.9.24)

20.300.100 – Preliminary Procedures and Prequalification.

In preparation for competitive selection, the County may:

A. **Utilize preliminary procedures.** Issue a request for information, request for letters of interest, request for qualifications, or other preliminary documents, for the purpose of determining the availability and interest of possible vendors for the goods or services proposed.

B. **Prequalification of Prospective Offerors. Per the requirements of OAR 137-047-0550 (Goods and Services) or OAR 137-049-0220 (Public Improvements) County may prequalify offerors for future competitive selection. County may** ~~A~~**a**llow or **may** require prequalification of bidders or proposers, either through an advertised process setting forth the procedure and criteria for prequalification prior to issuance of competitive procurement, or by inclusion of the requirements in the invitation to bid. The public officer has authority to determine when prequalification may be required for a specific contract or class of contracts and may determine the prequalification procedure **pursuant OAR.**~~in accordance with the requirements of ORS 279B.120 and ORS 279B.125, and the requirements of ORS 279C.430 for public improvements projects. Determination of prequalification must be made in accordance with ORS 279B.120(2), or the requirements of ORS 279C.375(3)(b) for public improvements projects.~~

1. A notice must be issued that states if a prospective bidder or proposer is deemed pre-qualified or not.

a. If qualified, the notice must state the type and nature of contracts the party is qualified for and for what period of time the prequalification is valid.

b. If not qualified, the notice must state the reasons for not being deemed qualified and inform the party of their right to a hearing pursuant ORS 279B.215(2)

C. Prequalification of Goods. County may develop and maintain a qualified products list pursuant ORS279B.115.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.300.110 – Community Benefit Projects.

The LCRB has designated all County building construction and renovation projects above a certain dollar value threshold as Community Benefit Projects, pursuant to ORS 279C.308. The Facilities and Capital Improvements Manager will be directed by the Board as to the current threshold contract amount.

A. Community Benefit Project Requirements. Contractors and major first-tier subcontractors performing work on Community Benefit Projects must comply with the County's requirements for providing benefits and opportunities for workers and businesses established for each Community Benefit Project. These requirements include all of the following:

1. All workers on the Community Benefit Project must receive at least a minimum living wage, in an amount determined by the County.

2. Provision of employer-paid full-family health insurance coverage to all workers on the Community Benefit Project. Such insurance must not require the worker to contribute to the cost of the insurance.

3. Participation in one (1) or more State of Oregon-approved trade apprenticeship programs, and employment of apprentices on the Community Benefit Project.

4. Providing opportunities for increased employment and participation by workers and local businesses in the Community Benefit Project.

5. Other requirements established for the specific Community Benefit Project, if any.

B. Prequalification of Bidders. Contractors and major first-tier subcontractors must prequalify with the County **to be eligible** ~~in order~~ to submit bids for a Community Benefit Contract. Prequalification includes knowing and understanding the requirements established for the Project, and the contractors' and subcontractors' agreement to comply with the requirements if awarded a Community Benefit Contract.

(Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.300.200 – Methods of Source Selection.

Unless exempted under LM 20.200~~.100 to LM20.200.120 or ORS 279B.065 through ORS 279B.085 and ORS 279A.200 through ORS 279A.225~~ all contracts for goods or services must be awarded by competitive selection. Notwithstanding such exemption, the public officer may use competitive selection to select a vendor for any type of goods or services except those relating to services provided by Oregon Forward Contractors in accordance with LM 20.200.100J.

A. Competitive Selection, Generally. Steps common to all competitive selection processes include:

1. A method for identifying and encouraging multiple potential vendors.

2. Providing each vendor with an adequate description of the County's requirements for offers on the quantity and type of goods and services requested, and the method by which a vendor will be chosen.

3. **Specifications that promote optimal value and suitability for the County's needs and that encourage competition. A brand name may be used to specify the expected level of quality, performance, functionality, and other characteristics, however, must include "or**

equal" after the brand name unless a written determination is made pursuant ORS 279B.215.

4. Receiving proposals or bids in a controlled manner that prevents competing vendors from knowing the contents of competitors' offers until all proposals or bids are received.

~~4~~**5**. A transparent process of making a selection from among properly submitted proposals or bids that is based upon the selection method stated.

6. Retaining all required documentation in a designated Procurement File.

B. Goods and Services Competitive Selection Methods. The County may use any of the following procedures to procure goods and services through competitive selection:

1. **Invitation to Bid (ITB)**~~Competitive Bidding~~ pursuant to the requirements for competitive sealed bidding in OAR 137-047-0255 or OAR 137-047-0257.

2. Request for Proposals (RFP) pursuant to the requirements for competitive sealed proposals in OAR 137-047-0260 or OAR 137-047-0261.

3. **Request for Quotes (RFQ)**~~Competitive Quotes (RFQ)~~ pursuant to the requirements for intermediate procurements in OAR 137-047-0270 and thresholds stated in LM 20.300.050. **Written quotes should be received for** RFQs **when a**~~for~~ **purchase is** ~~contracts~~ **estimated to be** greater than fifty thousand dollars ($50,000)~~. in value, the County must prepare a written solicitation document.~~

C. Direct Selection Subject to an Exemption. For procurement of goods or services that are exempt from the requirement for competitive selection pursuant to the requirements of LM 20.200.100 to LM 20.200.120, the public officer is authorized to make the selection that best serves the County's interests, taking into account price, qualifications, schedule, and other factors.

D. Contracts Relating to Public Works. Contracts for construction services that are not considered Public Improvements must be in accordance with OAR 137-049-0140. **The County must prepare a written solicitation document for projects estimated to be greater than fifty thousand dollars ($50,000).**

E. Contracts Relating to Public Improvements. Specific requirements apply to procurements and contracts relating to both the design and the construction of public improvements:

1. Construction, Generally. Unless exempt, contracts relating to the construction of public improvements must be awarded based **upon an Invitation to Bid or Request for Quotes**~~competitive bids or quotes~~ pursuant to OAR **Chapter 137,** Division 49.

2. Building Construction and Renovation. Procurements for building construction and renovation contracts that exceed the threshold amount to be **considered** Community Benefit Contracts must follow the prequalification procedures provided in LM 20.300.110.

3. Design-Related Services. Contracts relating to the design of public improvements must be awarded **using an RFP pursuant to OAR 137-048-0210 or OAR 137-048-0220.**~~based on the applicable procedures of OAR Division 48.~~

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.300.210 – Personal Services Contract Selection Procedures.

A. Pursuant to ORS 279A.055, a contract may be designated as a personal services contract if the contractual relationship is based primarily on a special trust and confidence between the County and contractor; or if 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.

1. Contracts that may be designated personal service contracts include, but are not limited to, 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.

2. Contracts for **Architects, Engineers, Photogrammetrist, Transportation Planner, Land Surveyors or providers of Related Services** ~~services relating to planning, designing, engineering, or overseeing of public improvements~~ are not subject to the requirements of this section **if related to a Public Improvement project**. Selection procedures for selection of consultants for such services must be made in the manner provided in OAR Chapter 137, Division 48.

3. Contracts that are not personal services contracts include contracts for services that can generally be performed by an experienced competent person, whether the person is required to be licensed or not, including but not limited to contracts for: 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.

B. If a contract has been designated as a personal services contract under this section, the County may use an RFP process or an RFQ process, depending upon the contract amount.

1. Evaluation factors should include, but are not limited to, the proposed contractor's qualifications, abilities, licenses and certifications, capacity and capability, past record of performance, cost control, quality of work, financial resources, availability, and familiarity with the area.

2. The process may include, as appropriate, written submissions, demonstrations, and interviews. ~~For contracts in excess of one hundred fifty thousand dollars ($150,000), the process should include interviews of not fewer than two (2) of the most qualified prospective contractors~~.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.300.300 – Solicitation Procedures.

Competitive solicitations will be conducted in accordance with OAR Chapter 137 Rules.

(Order 15-09-01-05, 10.15.15; Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.300.310 – Public Records Related to Procurement.~~Proposal Procedures.~~

A Contents of **Solicitations.**~~Proposals.~~ Following issuance of a notice of intent to award, all **bids and** proposals are open to public inspection, except for information ~~examination~~ covered by an exception in public records law pursuant to ORS 279B.055(5)(c). Each **offeror**~~proposer~~, by submitting a **bid/proposal,**~~proposer,~~ acknowledges that it is the **offeror's**~~proposer's~~ responsibility to defend and indemnify the County for any costs associated with establishing such an exemption. The **offeror's**~~proposer's~~ act in submitting a **bid/**proposal constitutes its acceptance of this responsibility.

B. Retention of Records. The **department soliciting offers or justifying an exemption**~~contracting department~~ must maintain **a Procurement File that includes** records sufficient to detail the history of each procurement **or exemption**, and maintain such records for the period required in OAR 166-150-0005 et seq. Such records include but are not limited to: the rationale for the method of procurement, determination of exemptions or exceptions, **distribution of solicitations, received offers, bid tabulation or evaluation summaries, justification for**~~selection of contract type,~~ contractor selection or rejection, **distribution of the intent to award notice, any received protests and related decision,** and the basis for the contract price.

(Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.400 – CONTRACTS ~~TYPES AND TERMS~~

20.400.100 - Delegated Procurement Authority

If ~~A~~authority has not been expressly delegated, as listed in the table below, or in LM 20.600, the Procurement and Contractual Authority will remain with the Board of County Commissioners. Unless stated otherwise, the County Administrator may sub-delegate authority as listed in table below as appropriate for business needs of the County.

Competitive Solicitation Exemption Authority	
Sole Source Determination up to $250k and not exceeding 2 ~~yrs~~yrs.	**County Administrator**
Emergency Procurement Exemption up to $250k per contract	**County Administrator**
Contract-Specific Special Procurement up to $250k and not exceeding 5 ~~yrs~~yrs.	**County Administrator**
Personal Service Contract Exemption up to $250k and not exceeding 5 ~~yrs~~yrs.	**County Administrator**
Contract Execution, Cancellation, and Termination Authority	
Execute Contracts/Purchases up to $250k and not exceeding 5 ~~yrs~~yrs.	**County Administrator**
Cancel Awards or Terminate Contracts	**County Administrator**
Also see LM 20.600.310	
Contract Amendment and Change Order Authority	
Contract total including all amendments up to $250k or 5 ~~yrs~~yrs.	**County Administrator**
Contracts that expressly delegate authority through Board Order, regardless of amount or time	**County Administrator****

Grant Application and Acceptance Authority	
Apply for and accept grants up to $250k	**County Administrator**
Apply for grants more than $250k if County is not obligated to accept the grant.	**County Administrator**
Accept grants more than $250k if the Board has approved the grant application	**County Administrator***
Apply for and accept continuation of grants originally approved by Board Order if continuation is Substantially Similar to the original grant	**County Administrator***
Apply for and accept grants when prompt execution is required. (see LM 20.600.300(B)	**County Administrator***
*** = Authority cannot be subdelegated**	

20.400.200 – County Contracts, Generally.

Except for simple, low-risk small dollar purchases, all County **purchases**~~contracts~~ require a written contract signed by a**n individual with Delegated Procurement Authority,** ~~duly authorized delegate,~~ or a purchase order authorized under these rules.

A. Identification of Contract Parties.

1. The name "Lane County" must be used as the County's title when entering into any agreement, preferably followed by the words, "a political subdivision of the State of Oregon." If the circumstances of the contract require that the name of the County Department be included as part of the County's name, the correct form is: "Lane County, acting through its _____ Department."

2. The County requires that the name of the party or parties with whom the County is entering into a contract be the parties' correct legal names. ~~Verification of parties' legal names through the Oregon Secretary of State's website is encouraged~~.

B. Mandatory Contract Terms.

1. All contracts must contain, either expressly or by reference, the County's standard contract provisions contained in LM 20.500.100, except as approved by the Office of Legal Counsel.

2. All contracts funded in whole or in part by federal or state funds must contain all contract conditions required by the agency or agencies contributing such funds, in the form required by the funding.

C. Contract Considerations.

1. Consideration should be given, in all contracts, to the risks involved in the specific work of the contract. Consultation with the County's Risk Manager is advised concerning the County's insurance requirements for a specific contract.

2. Title to all personal property obtained through a contract must be described on all formal title documents and bills of sale as: Lane County, Lane County Public Service Building, 125 E. 8th Avenue, Eugene, Oregon 97401.

D. The Office of Legal Counsel is required to maintain standard forms for common contracts that comply with these rules and make the forms available to County Departments.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.400.210 – Purchase Orders.

A. Unless otherwise provided, County purchase orders are not contracts until the purchase order is agreed to by the recipient. Once accepted, a purchase order becomes a contract according to its terms.

B. Authority to approve issuance of Purchase Orders for County Purchases **shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.**~~is subject to the limitations on contract amount and delegated authority contained in LM20.600.230, LM 20.600.310, LM 20.600.320 and LM 20.600.330.~~

C. The County Administrator is delegated authority to prescribe rules for the types of contracts or purchases that may be made using a purchase order, and the form to be used.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19)

20.400.220 – Goods and/or Services Contracts.

Goods and/or Services contracts are the County's standard method of contracting for goods, services, or a combination of goods and services. Such contracts may only be used to engage independent contractors meeting the requirements of ORS 670.600 and may not provide for the contractor or contractor's staff to be under the direction and control of the County.

(Order 15-09-01-05, 10.15.15)

20.400.230 – Construction and Public Improvement Contracts.

All contracts relating to construction must comply with the requirements of ORS 279C.300 though ORS 279C.870, in addition to these rules. Except as provided in these rules, the requirements of ORS chapter 279B do not apply to contracts for construction.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.400.250 – Price Agreements and Retainer Contracts.

Price Agreements and retainer contracts establish general terms for the future purchase of goods or services, the terms of which will apply only if subsequent purchases are made.

A. Each contract must comply with the following requirements:

1. Contain a description of the method that the County will use to initiate a purchase under the agreement, which must include a writing.

2. State that the County makes no guarantee that any purchase will be made or any minimum amount paid under the contract.

B. The contract may not be amended to encompass goods or services not reasonably **considered to be within the scope**~~**anticipated** anticipated in the terms~~ of the original competitive procurement.

C. The total estimated amount is considered when selecting the competitive selection method and the aggregate amount does not exceed the corresponding threshold required by these rules.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.400.260 – Intergovernmental Agreements.

Intergovernmental agreements (IGA) are contracts made between the County and other agencies of State, local, or federal government in accordance with ORS Chapter 190. IGAs are exempt from competitive selection, and generally do not require inclusion of the standard terms required for public contracts. IGAs involving significant obligations of funds, services, property, or allocation of risks must be made in writing, and are subject to the same approval and authorization as other County contracts.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.400.270 – Memoranda of Understanding.

A memorandum of understanding (MOU) is an agreement, generally between **County departments or the County and another party(s),**~~the County or a County Department and another agency,~~ that **documents**~~captures~~ the parties' common desire to work together to pursue specified common objectives. An MOU **is generally not legally enforceable.**~~may be entered into with multiple parties, and the parties may include different County departments.~~ Use of an MOU is appropriate when there is no exchange of funds, goods, or services between the parties.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22)

20.400.275 – Lease and Property Rental Agreements.

All lease agreements shall be subject to the contract delegated authority threshold as listed in LM 20.400.100.

A. Agreements when Lane County is owner/lessor. A Department wishing to lease property owned by Lane County to another entity shall utilize the Lane County Leasehold Template as provided by the Office of County Counsel. Any changes to the leasehold template must be discussed with the Office of County Counsel prior to execution.

B. Agreements when Lane County is lessee/renter. A Department wishing to lease from an outside entity may utilize a lease agreement document drafted by that entity with the advice and consent of the Office of County Counsel.

20.400.280 – Grant and Sub-Grant Agreements.

A. Grant agreements. The County may enter into agreements with public agencies or private parties in which the County receives and disburses funding for purposes specified in the grant agreement, and subject to the conditions set forth in the grant.

B. Compliance with the Uniform Guidance (UG) and grant requirements. The County department accepting a grant must comply with all applicable federal, state, and grantor requirements in accordance with the policy established in the Administrative Procedures Manual (APM) for grant administration.

C. Sub-grants.

1. The terms of a grant agreement may specify that specific sub-grants be entered into by the County with third (3rd) parties identified in the grant application or agreement. The grant may provide that the County merely passes through the grant funds received, in whole or in part, without modifying any terms or conditions of the original grant, except as related to County administration and oversight of the grant conditions.

2. If the terms of a grant do not specify the sub-grantees, and the County is entering into an agreement with a vendor to perform services defined by the County, then that agreement between the County and the vendor generally will be a goods and/or services contract or, if with a public agency, an intergovernmental agreement.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22)

20.400.285 – County Grants.

The County may grant funds to a private or public entity for the purposes of supporting objectives or activities proposed by the entity. If the County requires no further obligation from the grantee beyond use of the funds in compliance with the restrictions placed upon the use of the funds, documentation of the County Grant may be provided in the grant award letter, in a form approved by the Office of Legal Counsel.

(Order 15-09-01-05, 10.15.15; Order 19-08-20-03, 8.20.19; Order 22-03-08-03, 3.8.22)

20.400.290 – Revenue Contracts.

The County may enter into contracts to provide services in exchange for payment using an agreement appropriate for the type of services to be provided, in a form approved by the Office of Legal Counsel. However, a contract that includes obligations of the other party that extend beyond payment or documentation must include the County's standard contract conditions.

(Order 15-09-01-05, 10.15.15)

20.400.295 – Concession Agreements.

The County may enter into contracts that authorizes a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from real property owned or managed by the County, and under which the concessionaire makes payments to the County based, at least in part, on the concessionaire's revenue from sales. Does not include an agreement which is merely a flat-fee or per-foot rental, lease, license, permit, or other arrangement for the use of public property.

20.500 – STANDARD CONTRACT PROVISIONS

20.500.100 – County Contracting Requirements.~~Standard Lane County Contract Provisions.~~

A, The Office of County Counsel is delegated authority to establish standard contracting requirements, standard contract provisions, forms, and procedures for all County contracts, and will post such requirements, forms, and procedures on the County intranet.

B. Departments will consult with County Counsel anytime a contract other than a standard Lane County contract that has been approved by County Counsel is intended to be used. Requests for changes to standard Lane County contract terms or conditions must be reviewed by County Counsel prior to agreeing to the modification.

~~The Office of Legal Counsel will establish standard contract provisions to be included in County contracts and must publish the standard contract provisions on the Department's intranet webpage.~~

(Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 3.8.22)

20.500.400 – County Contract Insurance Requirements.

A. The County Risk Manager is delegated authority to establish standard insurance requirements, forms, and procedures for all County contracts, and will post such requirements, forms, and procedures on the County intranet.

B. For any contract involving work upon a County facility or County-owned property, and in contracts involving a significant risk of liability to the County, the department handling the contract must consult with the Risk Manager prior to advertising for bid or proposals.

C. Limits and types of coverage will be established by the Risk Manager based upon the risk and exposure involved in the performance of the contract. Generally, liability insurance limits will not be less than those established for the current year in the Oregon Tort Claims Act, ORS Chapter 30.

D. The County Risk Manager may, at the Risk Manager's sole discretion, waive or reduce insurance requirements and amounts for a specific contract.

(Order 85-6-12-13, 6.12.85; Order 05-12-14-9, 1.1.06; Order 11-12-14-1, 12.14.11; Order 22-07-19-01, 7.19.22; Order 24-01-09-04, 1.9.24)

20.600 – AWARD, APPROVAL, CANCELLATION, AND EXECUTION OF CONTRACTS AND AMENDMENTS

20.600.100 – Contract Award and Approval.

A. Intent to Award may be issued by the Public Officer responsible for the source selection process if the award is pursuant OAR Division 46, OAR Division 47, OAR Division 48, OAR Division 49 (as applicable) and these rules.

B. Contract award **will be made by the Board of County Commissioners unless the County Administrator has been delegated authority to make the award per LM 20.400.100 Delegated Procurement Authority or in these rules.**~~. may be made by the Department Director, County Administrator, the Board, or the Board's delegated authority per written delegated authority to execute contracts; or if no delegation has been made, by the Board.~~

C. All contracts must be processed through procedures prescribed by the County Administrator, including review by legal, risk management, budget and other staff, except as expressly stated otherwise by these rules.

D. Contracts for personal services for, or related to, legal services and investigations will be processed and archived in the Office of Legal Counsel. However, the authority to execute or amend such contracts must be exercised in accordance with the requirements of **LM 20.400.100 Delegated Procurement Authority.** ~~LM 20.600.300 through LM 20.600.330.~~

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.600.110 – Cancellation of Award.

The County may cancel the award of any contract at any time prior to the execution of said contract by all parties without any liability to the County~~. pursuant LM 20.600.340~~.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.600.210 – Requirements for Contract Amendments.

A. Each contract amendment must include, at a minimum, the title of the original contract, names of the parties, clear references to the original contract or prior amendment terms that are being modified, and execution of the amendment by all parties.

B. Each contract amendment should include, in addition, the date of original contract, the number of prior amendments and number of the current amendment, a restated contract amount and completion date, and a provision that "except as set forth above, all provisions of the original contract remain unchanged."

(Order 15-09-01-05, 10.15.15)

20.600.220 – Limitations on Contract Amendments.

A contract may only be amended if the amendment **is within the general scope of the original procurement and when**~~,~~ taken together with all prior amendments, does not result in a final contract that no longer bears a reasonable relationship to the contract contemplated in the original procurement.

A. Limitations on Cumulative Amount of Contract Amendments. In addition to the **Delegated Procurement Authority** limitations ~~on execution authority contained in LM 20.600.320 and LM 20.600.330~~**stated in LM 20.400.100**, all contracts are subject to limitations on the cumulative amount that a contract can be amended, after which a new contract must be awarded in accordance with these Rules~~., unless exempted under LM 20.600.220C.~~ These limitations apply to:

Small Procurement, if awarded without competitive procurement.	Not to exceed 125% of the amounts stated in LM 20.300.050.
Intermediate Procurement, if awarded using competitive quotes under LM 20.300.200A.3.	200% of original amount, not to exceed 125% of the amount stated in LM 20.300.050.

All other contracts.	per the limit**ations in LM 20.400.100**~~s in LM 20.600.320~~.

B. Limitations on Amendments to Public Improvements Contracts. Contracts for public improvements are subject to statutory limitations on amendments with an original contract amount of fifty thousand dollars ($50,000) or less may not be amended to exceed fifty thousand ($50,000) unless the requirements of ORS 279C.800 through ORS 279C.870 regarding the payment of prevailing wage rates are incorporated into the contract.

C. Exceptions to Limitations on the Cumulative Amount of Contract Amendments:

1. Contracts awarded under a specific exemption to competitive procurement pursuant to LM 20.200.100 to LM 20.200.130 are not subject to the limitations stated in this section.

2. Increases in the contract scope or amount that were **included**~~anticipated~~ in the original procurement.

3. The County **Administrator**~~Operations Director or the Director's~~ **or the Administrator's** delegee may authorize execution of an amendment to a contract that exceeds the limits in this section when, in the **County Administrator's or Administrator**~~Director or Director's~~ delegee's judgment, the increase in the contract amount is reasonable and necessary.

(Order 15-09-01-05, 10.15.15; Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.600.230 – Construction Change Orders.

A. The Director of a Department with authority to contract for public improvements, construction, or the renovation of roads and transportation facilities is granted authority to authorize and execute construction change orders, providing that all of the following conditions are met:

1~~A~~. The change would not increase the cost of the project by more than ten percent (10%) of the original contract price.

2~~B~~. The change order is reasonably related to the purpose of the project.

3~~C~~. The Director has determined that it is in the best interest of the County to authorize the order to facilitate completion of the project. **This authority may be sub-delegated by the Director.**

B. The County Administrator may authorize execution of Construction Change Orders that exceed the limits in this section when, in the County Administrator's judgement the increase in the contract amount is reasonable and necessary.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.600.240 – Contract Completion and Acceptance.

Each Department Director is granted authority to determine that all obligations under the contract have been met and the contract is completed and accepted.

(Order 15-09-01-05, 10.15.15)

20.600.250 – Extension of Expiring or Reinstatement of Expired Contracts.

A. The County may approve **extension of an expiring contract, or** reinstatement of a contract after the term of the contract has **recently** expired, upon a determination that:

1. The failure to extend or renew the contract in a timely manner was not intentional.

2. The **extension or** reinstatement is made within a reasonable time after the expiration date of the original contract; usually not more than one hundred eighty (180) days later.

3. **Extension or r**~~R~~einstatement of the contract is in the best interests of the County.

B. When a contract is **extended or** reinstated pursuant to this section, the County may compensate the contractor at the rate of compensation established in the original contract for work performed in the interim between the expiration of the original contract and the execution and approval(s) of the extension or amendment.

C. A**n extension or** reinstatement is an amendment to the contract and is subject to the same limitations on authority as any other amendment~~., as provided in LM 20.600.320 and LM 20.600.330.~~

D. Once a contract is **extended or** reinstated, it is in full force and effect, as if it had not expired.

(Order 24-01-09-04, 1.9.24)

20.600.300 – Delegation of Authority to Execute Grant Applications and Accept Grants.

The following is in addition to the Delegated Procurement Authority stated in LM 20.400.100.~~A. Each Department Director is delegated the authority to approve and execute all documents in application for or acceptance of a grant not exceeding fifty thousand dollars ($50,000).~~

~~B. The County Administrator is delegated authority to approve and execute all documents in application for and acceptance of a grant not exceeding one hundred fifty thousand dollars ($150,000).~~

~~C. The County Administrator is delegated authority to approve and execute all documents in application for a grant in excess of one hundred fifty thousand dollars ($150,000), provided that the application does not obligate the County to accept the grant if awarded.~~

A~~D~~. The Board must approve the acceptance of a grant exceeding **two**~~one~~ hundred fifty thousand dollars ($**250,000**~~150,000~~). If an application for a grant in excess of **two**~~one~~ hundred fifty thousand dollars ($**250,000**~~150,000~~) obligates the County to accept the award as a condition of application, the Board must approve the application for the grant. Following Board approval of a grant or grant application, the Administrator is delegated authority to approve and execute all other grant documents.

~~E. The County Administrator is delegated authority to approve and execute all documents to continue a grant that was approved by the Board, so long as the continuation is substantially similar to the original grant approved by the Board.~~

B~~F~~. Notwithstanding the limits on the County Administrator's authority contained in this section, the County Administrator may approve grant applications and accept grants when necessary to secure the full benefit of the grant to the County, provided that:

1. In the Administrator's judgment, and with the concurrence of County Counsel and the budget and financial planning office, the grant applications or grants require execution prior to the time when they could reasonably be approved by the Board at a regularly scheduled meeting.

2. A description of the grant applications and grants, including the amounts, duration, and reason for prompt execution, is submitted to the Board for ratification on its consent agenda item following execution.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 21-06-08-02, 7.1.21)

20.600.310 – County Administrator's Authority to Execute Contracts.

The following is in addition to the Delegated Procurement Authority stated in LM 20.400.100.~~A. The County Administrator is delegated authority to execute all contracts and agreements that do not exceed one hundred fifty thousand dollars ($150,000) in cost or revenue nor three (3) years in length.~~

~~B. The County Administrator is further delegated authority to execute contracts that exceed three (3) years in length, or are by their terms self-renewing, but only if:~~

~~1. The cost or revenue for the first three (3) years does not exceed fifty thousand dollars ($50,000).~~

~~2. The contract contains a provision allowing the County to terminate the contract upon not more than one (1) year's notice.~~

A~~C~~. The County Administrator is further delegated authority to execute, without limitation of amount or length:

1. Insurance nonwaiver agreements and insurance endorsements to original policies.

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

3. Contracts and assignments for the collection of County judgments.

4. All contracts with terms of ten (10) years or less for Road & Bridge projects identified in adopted Countywide Capital Improvement Plans.

B~~D~~. Notwithstanding the limits on the County Administrator's authority contained in this section and LM 20.600.320, the County Administrator may execute contracts and amendments when necessary to secure the full benefit of the contract to the County, provided that:

1. In the Administrator's judgment, and with the concurrence of County Counsel and the budget and financial planning office, the contacts require execution prior to the time when they could reasonably be approved by the Board at a regularly scheduled meeting.

2. A description of the contracts or amendments, including the amounts, duration, and reason for prompt execution, is submitted to the Board for ratification on its consent agenda item following execution.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 19-08-20-03, 8.20.19; Order 21-06-08-02, 7.1.21; Order 24-01-09-04, 1.9.24)

20.600.320 – County Administrator's Authority to Execute Amendments.

Subject to the limitations on cumulative contract amount in LM 20.600.220, the County Administrator is delegated authority to:

A. Execute amendments to contracts that do not cause the contract amount to exceed **two**~~one~~ hundred fifty thousand dollars ($**250,000**~~150,000~~) in cost or revenue nor **five**~~three~~ (**5**~~3~~) years in length and

B. 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**.** ~~and~~

~~C. Execute amendments to contracts where the original contract amount exceeds one hundred fifty thousand dollars ($150,000), subject to the following limitations:~~

~~1. If either the original contract amount or the total contracting authority approved by the Board, whichever is greater, exceeds five hundred thousand dollars ($500,000), the total of all amendments to that contract may not exceed twenty-five percent (25%) of the amount approved by the Board; or~~

~~2. If either the original contract amount or the total contracting authority approved by the Board, whichever is greater, is five hundred thousand dollars ($500,000) or less, the total of all amendments may not exceed fifty percent (50%) of the amount approved by the Board, and~~

~~3. The amendment does not extend the length of the contract beyond three (3) years unless the original contract contained a provision for a longer duration and was awarded or expressly approved by the Board.~~

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 24-01-09-04, 1.9.24)

~~**20.600.330 – Department Directors' Authority to Execute Contracts and Amendments.**~~

~~A. Each Department Director is delegated authority to execute contracts that do not exceed fifty thousand dollars ($50,000) or three (3) years in length.~~

~~B. Each Department Director is further delegated authority to execute contracts that exceed three (3) years in length, or are by their terms self-renewing, but only if:~~

~~1. The cost or revenue for the first three (3) years does not exceed fifty thousand dollars ($50,000).~~

~~2. The contract contains a provision allowing the County to terminate the contract upon not more than one (1) year's notice.~~

~~C. Subject to the limitations on cumulative contract amount in LM 20.600.220, each Department Director is delegated authority to execute amendments that do not exceed fifty thousand dollars ($50,000), subject to the following limitations:~~

~~1. The amendment, in combination with all prior amendments, does not cause the contract amount to exceed one hundred fifty thousand dollars ($150,000) in cost or revenue nor three (3) years in length.~~

~~2. The amendment, in combination with all prior amendments, does not exceed fifty thousand dollars ($50,000), or fifty percent (50%) of the contract amount approved by the Board, whichever is greater.~~

~~(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19)~~

20.600.332 – Sheriff's Authority for Radio Site Leases.

The Sheriff is delegated authority to enter into, renew, modify, and cancel leases and subleases for public safety and emergency communications radio sites as set forth in this section.

A. The Board must approve all new leases of radio sites that have a term in excess of three (3) years.

B. The Sheriff has authority to renegotiate, extend, or terminate the County's lease of any radio site.

C. The Sheriff has authority to negotiate, enter into, extend, or terminate subleases from the County to any sub-lessee at any radio site.

(Order 23-05-23-06, 5.23.23)

~~**20.600.340 - County Administrator's Authority to Cancel Awards and Terminate Contracts.**~~

~~The County Administrator is delegated the authority to cancel awards and terminate contracts and grants, including amendments, as provided in the contract or by law.~~

~~(Order 15-09-01-05, 10.15.15)~~

20.600.350 - Further Delegation.

Any **sub-**delegation of the County Administrator's **delegated**~~or a Department Director's signing~~ authority ~~under LM 20.600.300 through LM 20.600.340~~ must be ~~delegated~~ in writing.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.700 - DEBARMENT, DISQUALIFICATION, AND PROTESTS

20.700.050 – Debarment and Disqualification.

A. Contracts for Goods or Services. The County may debar a prospective bidder or proposer from consideration for award of a County contract for Goods or Services, in accordance with the requirements of OAR 137-047-0575, for:

1. Conviction of any of those criminal or statutory offenses described in ORS 279B.130(2)(a), ORS 279B.130(2)(b), and ORS 279B.130(2)(c);

2. Failure to provide workers' compensation or unemployment insurance as required by statute; or

3. Violation of a contract provision that is regarded by the County or the Construction Contractors Board to be so serious as to justify disqualification, including but not limited to:

   a. Failure to perform, or unsatisfactory performance, or repeated failure to comply with significant terms and requirements,

   b. Failure to possess, obtain, or maintain necessary licenses or insurance coverage required for performance of a contract,

   c. Making false statements in proposals, prequalification applications, contract forms, or

d. Making false statements that result in an increased contract costs to the County or reduction of contract's performance standards.

B. Contracts for Public Improvements. The County may disqualify or deny prequalification to a prospective bidder or proposer for a Public Improvement County Contract in accordance with the requirements of OAR 137-049-0220 and OAR 137-049-0370.

(Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.700.075 – Appeals of Prequalification, Debarment, and Disqualification.

A prospective bidder or proposer may appeal a department's decision to debar (non-public improvement) or disqualify (public improvement), or deny, revise, or revoke prequalification **pursuant OAR 137-047-0575, OAR 137-049-0220, or OAR 137-049-0370 as applicable**. ~~See ORS 279B.425 and ORS 279C.450.~~

~~A. A prospective bidder or proposer must file a written appeal, including a detailed statement of the grounds for the appeal, within three (3) days after receiving notice of the County's decision.~~

~~B. The department must schedule the appeal to be heard before the LCRB, or its designee, as soon as reasonably possible, and notify the appellant of the time and place for the hearing.~~

~~C. The Department must prepare a written response, provide a copy to the appellant and to the LCRB, and submit the written record to the LCRB.~~

~~D. The LCRB must provide a de novo review of the notice of denial, revocation or revision of prequalification or notice of debarment or disqualification and any evidence provided by the parties and apply the standards of responsibility in deciding an appeal of a denial, revision or revocation of a prequalification in LM 20.700.140E and criteria for debarment or disqualification in LM 20.700.140F.~~

~~E. The hearing and appeal decision must occur within thirty (30) days after receiving the notice from the department, and the LCRB must provide written reasons for the decision in a final order and include any allocation of costs for the hearing.~~

~~F. In determining whether the standards of responsibility have been met, the LCRB consider the criteria in ORS 279C.375 for public contracts and in ORS 279B.110 for non-public contracts have been met.~~

(Order 24-01-09-04, 1.9.24)

20.700.100 - Protest of Goods and Services Solicitations and Awards.

A. Protests of Special Procurements must be in accordance with OAR 137-047-0700.

B. Protests of Sole-Source Procurements must be in accordance with OAR 137-047-0710.

C. Protests of Multi-Tiered and Multi-Step Solicitations must be in accordance with OAR 137-047-0720.

D. Protests of formal Solicitations must be in accordance with OAR 137-047-0730.

E. Protests of formally solicited Contract Award must be in accordance with OAR 137-047-0740.

F. Protests of Qualified Products List Decisions must be in accordance with OAR 137-047-0745.

G. Review of Prequalification and Debarment Decisions must be in accordance with OAR 137-047-0760.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 24-01-09-04, 1.9.24)

20.700.120 - Protest of Architect, Engineering, Photogrammetrist, Transportation Planner, Land Surveyor~~ing~~, and Related Services Solicitations and Awards.

A. Protest of informal and formal Solicitations in accordance with OAR 137-048-0240(1).

B. Protest of informal and formally solicitated contract awards in accordance with OAR 137-048-0240(2).

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.700.130 - Protest of Public Improvement Solicitations and Awards.

A Protests of formal Solicitations in accordance with OAR 137-049-0260.

B. Protests of formally solicitated contract award in accordance with OAR 137-049-0450.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.700.140 – Review and Determination of Contract Award Protests.

Protests of award or intent to award will be considered by the LCRB, if the Boards action would be required to award the contract. All other protests of intent of award will be considered by the County Administrator, or the Administrator's designee. County will consider and respond to a protest in a timely manner.

A. Contract Award based upon competitive Bidding (ITB).

1. Contracts Requiring Board Action to Award. If the Department Director determines there is sufficient merit to reject one or more bids, the Director may do so. If, following any action by the Director, any portion of the protest remains, the LCRB must be provided with, and may consider, a complete copy of the written record, and any other evidence provided, at a public meeting. The LCRB may affirm, reverse, or revise an award, or may send the matter back to the Department for further action, and must issue its decision by Board Order.

2. Contracts Not Requiring Board Action to Award. The Department Director has authority to reject bids, or to affirm, reverse, or revise the award The Director must deliver the Director’s decision on any protest to the County Administrator. If, within seven (7) days, the County Administrator elects to review the matter, the County Administrator must be provided with and may consider a complete copy of the written record, and any other evidence provided the County Administrator may affirm, reverse, or revise an award, or may send the matter back to the Department for further action. If the County Administrator does not elect to review the matter within seven (7) days, the Department Director's decision will be final.

B. Contract Award based upon a Request for Proposals (RFP). ~~A proposer that submitted a responsive proposal, and is not selected for award, may protest the award or recommendation for award of a contract based on an RFP~~.

1. Upon receipt of a protest, the department must promptly notify ~~both~~ the evaluation committee ~~and the proposer recommended for award~~ that a protest has been received.

2. Following such notice, the Department that issued the RFP must prepare a written analysis of the protest and make a recommendation to the Department Director as to appropriate action to be taken.

3. Contracts Requiring Board Action to Award. If the Department Director determines there is sufficient merit to reject one or more proposals, the Director may do so. If, following any action by the Director, any portion of the protest remains, the LCRB must be provided with, and may consider, a complete copy of the written record, and any other evidence provided, at a public meeting. At the public meeting the LCRB may, at the LCRB's discretion, allow the department that issued the RFP and the appellant an opportunity to address the protest. The LCRB may affirm, reverse, or revise an award, or may send the matter back to the Department for further action, and must issue its decision by Board Order.

4. Contracts Not Requiring Board Action to Award. The Department Director has authority to reject proposals, or to affirm, reverse, or revise the award. The Director must deliver this decision to the County Administrator. If, within seven (7) days, the County Administrator elects to review the matter, the Administrator must be provided with and may consider a complete copy of the written record, and any other evidence provided, at a public meeting. The County Administrator may affirm, reverse, or revise an award, or may send the matter back to the Department for further action. If the County Administrator does not elect to review the matter within seven (7) days, the Department Director's decision will be final.

C. The procedures in this rule are mandatory to the extent they establish the time and manner for protests to be submitted to the County, including that the protest be in writing specifying the grounds and timely filed, and that there be a written response. The other protest procedures above are directory, and failure to follow or complete the action in the manner provided will not invalidate the County's decision.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.700.150 – Other Protests Referred to the LCRB.

The LCRB shall decide any protests referred to the LCRB under the County Rules.

(Order 15-09-01-05, 10.15.15)

Chapter 20 – CONTRACT POLICIES AND LOCAL CONTRACT REVIEW BOARD

20.100 – PURPOSE, DEFINITIONS, AND POLICIES

20.100.010 – Purpose.

A. The Board of County Commissioners is the Local Contract Review Board (LCRB) for Lane County, with the powers and duties of an LCRB set forth in the Public Contracting Code (ORS Chapters 279A, 279B, and 279C). The LCRB may delegate these powers and duties as long as not in conflict with the Public Contracting Code.

B. The public contracting rules for Lane County (the “County Rules”) are in this order:

1. Lane Manual Chapter 20.

2. LM 60.100.400 regarding the sale of personal and surplus property ("County Rules").

3. The Model Rules adopted by the Oregon Attorney General (OAR Chapter 137).

C. Authority.

1. Lane County's powers and duties as a contracting agency under the Public Contracting Code may be exercised and performed by those employees who have been expressly delegated authority in accordance with the County Rules. These express delegations include, but are not limited to, authority to award and execute contract documents.

2. Absent an express delegation, the County Administrator and those Department Directors authorized by the County Administrator may determine which public officers have authority to exercise the powers and duties of the contracting agency under the County Rules.

3. Any delegation of authority under the County Rules may be further delegated by the delegee to a County employee. Such delegation must be in writing.

4. Nothing in this subsection is intended to modify the authority of the County Administrator and Department Directors for contract matters after contract execution.

D. In addition to the specific delegations of authority contained in these County Rules, the County Administrator is delegated authority to adopt all procedures necessary to implement the provisions of LM Chapter 20.

E. An adversely affected party must file any available protest or appeal under LM Chapter 20 before seeking judicial review of the County’s process, solicitation, contractor selection or award decisions. All administrative protests must be exhausted prior to judicial review.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.100.015 – Fair Board Authority to Contract.

A. Pursuant to ORS 565.230, the Fair Board may conduct contracting activities for contracts relating to fairground facilities and operations, except those contracts that transfer an interest in real property.

B. The Fair Board is delegated authority to cancel or terminate such contracts as provided in the contract or by law.

C. The Fair Board may further delegate authority under this provision to a representative by signed written document.

D. The Fair Board, in conducting contracting activities, must comply with the applicable requirements of the County Rules.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22)

20.100.020 – Definitions.

As used in this Chapter, the following words and phrases have the meaning given in this section:

"Addendum" or "Addenda" means a document issued by the County to make an addition to, deletion from, a material change in, or to explain the meaning and intent of a Solicitation Document.

"Award" means, as the context requires, the County's identification of the person with whom the County intends to enter into a contract, pending resolution of any protest of the County's selection of that person and the completion of all contract negotiations.

"Bid closure" means the time established in the bid or RFP documents for the submission of bids or proposals, after which time no bid or proposal will be received.

"Bidder" means an actual bidder or, prior to the time of bid closure, a prospective bidder that is considering submitting a bid to the County.

"Client and Patient Services" means services provided directly to the community to promote and protect health and well-being.

"Competitive bidding" means the formal process of advertising, bidding, and bid opening required by the Public Contracting Code and these rules.

"Competitive quote" or "CQ" means those offers made by competing offerors in response to an informal solicitation of offers by the County. A solicitation may be made by advertisement or by direct request to vendors. See LM 20.300.200A.3.

"Competitive selection" means the process of selecting a vendor for goods and services based upon competition, as provided in LM 20.300.200A.

"Community Benefit Contract" means a Contract for construction of a Community Benefit Project.

"Community Benefit Project" means a construction project that has been designated by the County as a Community Benefit Project under LM 20.300.110.

"Concession Agreement" means a contract that authorizes a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from County owned property and under which the concessionaire makes payments to the County based, at least in part, on the concessionaire's revenue from sales. Does not include an agreement which is merely a flat-fee or per-foot rental, lease, license, permit, or other arrangement for the use of public property.

"Construction Change order" means a written order authorizing a change in the contract, plans, specifications, quantities, price, or time that are within the scope of a Public Improvement contract.

"Contract" means any agreement to purchase, lease, sell, or provide goods or services. A purchase order, once accepted, is a contract.

"County grant" means an agreement under which the County provides money, property, or other assistance, including loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other

assets, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient and in which no substantial involvement by the County is anticipated other than involvement associated with monitoring compliance with the grant conditions, as defined in ORS 279A.010(k)(ii). Distinguish from "grant," as defined in this section.

"Delegated Procurement Authority" means the individuals that have been delegated or sub-delegated in writing the authority to review and approve procurement exemptions, justifications, contract actions, and contract approvals related to procurement.

"Disqualification" means a disqualification, suspension, or debarment pursuant to ORS 200.065, ORS 200.075, or ORS 279A.110 or LM 20.700.050.

"Emergency" means an event or circumstance that could not have been reasonably foreseen, and creates a substantial risk of loss, damage, interruption of services, or a threat to property, public health, or safety, as provided in ORS 279A.010(f).

"Goods" means tangible or intangible items of personal property, whether furnished separately or combined with services, such as installation, and includes both "goods" and "future goods" as defined in ORS 72.1050. See ORS 279A.010(i).

"Grant" means an agreement under which the County receives money, property, and other assistance, as defined in ORS 279A.010(k)(i). Distinguish from "county grant," as defined in this section.

"Invitation to Bid" means the complete set of documents used to solicit and receive competitive bids, as defined in ORS 279B.005(1)(a).

"LCRB" means the Lane County Board of County Commissioners, sitting as the local contract review board in accordance with ORS 279A.060.

"Model Rules" means the Attorney General's model rules of procedure for Public Contracting as required under ORS 279A.065 (OAR chapter 137, Divisions 46 through 49).

"Offeror" means any vendor or person that submits a bid, proposal, quote, or other type of offer.

"Oregon Forward" means the preference program for services provided by nonprofit organizations that serve individuals with disabilities, as administered by the State of Oregon Department of Administrative Services (DAS).

"Oregon Forward Contractor" means a DAS-approved provider of goods and services under the Oregon Forward program. Oregon Forward contractors were formerly known as Qualified Rehabilitation Facilities (QRFs).

"Personal property" means property, other than real estate, consisting generally of movable or temporary things, as defined in ORS 307.020.

"Personal services" means those services described in LM 20.300.210.

"Price Agreement" means an agreement in which the contractor agrees to supply to the County the specific goods or services identified in the agreement for a specific time period, based upon the quantity required or ordered by the County's during the time period.

"Procurement" means the process by which the County conducts its purchases of goods and services.

"Procurement File" means the location of all required documentation related to procurements as required by these rules, OAR, or ORS. Such file must be accessible by multiple staff, meet the County's record retention requirements, and in most cases will be subject to public record requests.

"Project" means a specific plan or undertaking with defined objectives or limits.

"Proposer" means an actual proposer submitting a proposal or, prior to the time of bid closure, a prospective proposer that is considering submitting a proposal in response to an RFP or similar request issued by the County.

"Public Contract" has the meaning set forth in ORS 279A.010(1)(z).

"Public Improvement" has the meaning set forth in ORS 279A.010(1)(cc).

"Public Officer" means any person authorized to conduct a procurement on the County's behalf.

"Public Works" has the meaning set forth in ORS 279C.800(6).

"Purchase Order" means a document based on a standard form that is issued by the County to a vendor that establishes types, quantities, and agreed products for purchases.

"Qualified Rehabilitation Facility" or "QRF" means the former name used to describe an Oregon Forward Contractor.

"Responsible" means meeting the standards set forth in OAR 137-047-0640 or OAR 137-049-0390(2), and not debarred or disqualified by the County under OAR 137-047-0575 or OAR 137-049-0370.

"Responsive" means having the characteristic of substantial compliance in all material respects with applicable solicitation requirements.

"Retainage" means the difference between the amount earned by a contractor on a public contract and the amount paid, such retainage being held to guarantee full performance. See ORS 279C.550.

"RFP" means request for proposals, as described in LM 20.300.200A.3.

"Services" means work performed to meet a demand or need. Distinguish from "goods," as defined in this section. See also ORS 279A.010(1)(kk).

"Solicitation Document" means an Invitation to Bid (ITB), Request for Proposals (RFP), Request for Quotes (RFQ), or other similar document issued to invite Offers from prospective vendors under ORS Chapter 279B or ORS Chapter 279C. The following are not Solicitation Documents unless they invite Offers from prospective Contracts: a Request for Qualifications (RFQu), a prequalification of bidders, a request for information, a sole source notice, an approval of a Special Procurement, or a request for product prequalification. A project-specific selection document under a Price Agreement that has resulted from a previous Solicitation Document is not itself a Solicitation Document.

"Source Selection" means the process by which a contractor or vendor is chosen, whether done using a competitive process or using a non-competitive method authorized under LM Chapter 20.

"Substantially Similar" means, as used for Grant Approval, the same grantor, generally the same amount of money received, for generally the same purpose.

"Threshold" means the aggregate total of a Contract which includes all amendments, change orders, renewals, and extensions.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.100.030 – Policy on Ethics Requirements for County Officers and Employees.

A. These rules supplement and do not replace ORS 244.010 through ORS 244.400 for the purpose of applying the policy of ORS 244.010 to public contracting under the code and these rules. Lane County abides by ORS 244.010 through ORS 244.400.

B. Any County officer or employee is prohibited from using the employee's official position for personal advancement, financial gain, or for the financial gain of family members. In addition, no County officer or employee may participate in the selection, award, or administration of a contract, purchase, or any type of financial transaction if there is a real, potential, perceived, or apparent conflict of interest.

C. No County officer or employee may commit the County to any provision of services or expenditure of funds for any purpose unless the services or expenditure have been authorized in the County's budget or otherwise approved by the Board.

(Order 24-01-09-04, 1.9.24)

20.100.050 – Policy on Competition.

It is the policy of Lane County to encourage open and impartial competition in the procurement of goods and services, in accordance with the requirements of ORS Chapter 279 and the Public Contracting Code.

(Order 15-09-01-05, 10.15.15)

20.100.055 – Policy on Electronic Procurement Procedures.

A. The LCRB has determined that it is more cost-effective for the County to publicly advertise bids and all other public notices related to procurement processes using electronic means, except where Oregon law requires advertising in a newspaper of general circulation in Lane County or a statewide trade publication.

B. Procedures for electronic procurement are established in OAR 137-047-0330 and OAR 137-049-0310.

(Order 15-09-01-05, 10.15.15; Order 21-06-08-02, 7.1.21; Order 24-01-09-04, 1.9.24)

20.100.060 – Policy on Performing Services for Other Public Agencies.

Under the authority of Chapter II, Section 8 of the Lane County Home Rule Charter and ORS Chapter 190, it is the policy of Lane County to offer services to other public agencies where feasible, providing that the County must be compensated for the complete cost of providing all intergovernmental services. The Board must approve any waiver of the policy for compensation.

(Order 15-09-01-05, 10.15.15)

20.100.065 – Policy on Bid Security and Bonds.

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A. Contracts for public improvements and construction. For contracts for public improvements and construction contracts as defined in ORS 279C.320(1), the County will require that bidders and contractors for public improvements and construction contracts provide:

1. Not less than five percent (5%) bid security meeting the requirements of OAR 137-049-0290.
2. Performance and payment bonds meeting the requirements of OAR 137-049-0460.

B. Contracts other than for construction. County may require bid security or bonds if it determines that such requirements are reasonably necessary or prudent to protect the interests of the County.

(Order 15-09-01-05, 10.15.15; Order 18-03-13-03, 3.13.18; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.100.070 – Policy on Contracting for Services Performed by County Employees.

A. Prior to conducting a procurement for services that may presently be performed by union-represented County employees or may be within the scope of work that represented employees perform, a department must receive approval for the procurement from the County's Labor Relations Manager.

B. Prior to conducting a procurement for Goods or Services that is estimated to exceed two hundred fifty thousand dollars ($250,000), a department will conduct a Feasibility Determination and/or Cost Analysis pursuant to OAR 137-047-0250.

(Order 24-01-09-04, 1.9.24)

20.100.080 – Policy on Social Equity in Procurement

A. Contracts shall include equity in contracting procedures and requirements as put forth by the County Administrator in the APM, pursuant ORS 200.090

20.100.090 – Policy on Sustainability in Procurement

A. Contracts shall include sustainability and climate resiliency procedures and requirements as put forth by the County Administrator in the APM.

B. Public Improvement contracts that call for demolition must include a condition requiring the Contractor to salvage or recycle construction and demolition debris, if feasible and cost-effective, pursuant ORS 279C.510.

C. Contracts for lawn or landscape maintenance must include a condition requiring the Contractor to compost or mulch yard waste material at an approved site, if feasible and cost-effective, pursuant ORS 279C.510.

20.200 – EXEMPTIONS FROM COMPETITIVE SELECTION

20.200.100 – General Statutory and Regulatory Exemptions from Competitive Selection.

County contracts are not required to be based upon a County competitive selection process if a state or federal law or regulation provides otherwise or directs that another selection process be used. Contracts exempt or excluded from competitive selection include:

A. Contracts with the State of Oregon, other Oregon units of local government, other American states, or the federal government pursuant ORS 190.010 (Intergovernmental Agreements).

B. Grants or county grants.

C. 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.

D. Acquisitions or disposals of real property or interests in real property.

E. Contracts for employee benefit plans as provided in ORS 243.105(1), ORS 243.125(4), ORS 243.221, ORS 243.275, ORS 243.291, ORS 243.303 and ORS 243.565.

F. Insurance and service contracts as provided for under ORS 414.115, ORS 414.125, ORS 414.135 and ORS 414.145.

G. Contracts specifically exempt or authorized as a special procurement under LM Chapter 20 or under state law.

H. Contracts for which County is authorized under Oregon or federal law to make award without competitive selection.

I. Services of Oregon Forward Contractors. If the service meeting the County's requirements is available from an Oregon Forward Contractor, the County must purchase such products or services from an Oregon Forward Contractor, in accordance with ORS 279.835 through ORS 279.855.

J. Price-Regulated Items or Services. The County may, without competitive bidding or quotes, contract for the purchase of goods or services where the rate or price for the goods or services being purchased is established by federal or state law or regulatory authority.

K. Price Set by Federal Contracts. When the price of goods and services has been established by a contract with an agency of the federal government pursuant to a federal contract award, the County may purchase the goods and services from the supplier without subsequent competitive bidding.

L. Cooperative Procurements. The County may participate in, sponsor, conduct, or administer joint cooperative procurements in accordance with OAR 137-046-0400.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.200.110 – Specific Exemptions from Competitive Selection.

A. Advertising. The County may purchase advertising without competitive selection. This includes, but is not limited to, advertising and legal notices placed in general communications media such as newspapers, publications, radio, television, and on the internet.

B. Publications and Copyrighted Materials.

1. The County may purchase library circulation materials, such as books and recordings, whether delivered in hard copy or electronically, without competitive selection.

2. The County may purchase subscriptions for newspapers and periodicals, whether delivered in hard copy or electronically, without competitive selection.

3. The County may purchase copyrighted materials without competitive selection when there is only one (1) known supplier.

C. Election Supplies and Services. The County may purchase elections supplies and services without competitive selection, including but not limited to printing of official ballots, sample or test ballots, ballot envelopes, ballot counting equipment and software, and signs.

D. Equipment Repair and Overhaul. The County may contract for equipment repair, overhaul, or maintenance without competitive bidding or quotes, subject to the following conditions:

1. The service and/or parts required are unknown, and the cost cannot be determined without extensive preliminary dismantling or testing; or

2. The service and/or parts required are for equipment for which specially trained personnel are required, and such personnel are available from only one (1) source; and

3. If a contract under this exemption exceeds one hundred fifty thousand ($150,000), the County must document in the procurement file the reasons why competitive bids or quotes were deemed to be impractical.

E. Gasoline, Diesel Fuel, Heating Oil, Lubricants, Rock, and Asphalts. The County may enter into contracts for the purchase of gasoline, diesel fuel, heating oil, lubricants, rock, and asphalts without formal competitive bidding, provided that the County:

1. Solicits a minimum of three (3) competitive quotes.

2. Makes its purchases from the least expensive source, taking into consideration the costs of delivery or transportation.

3. Retains written justification in the Procurement File for the source selected.

F. Client and Patient Services. The County may contract for direct client services without competitive selection where the Department:

1. Reasonably believes, after inquiry, that no qualified providers are likely to participate in competitive selection.

2. Will include on a list all qualified providers willing to consider taking client referrals on an as-needed basis.

3. Will select a qualified provider from the list as a client need arises, based on criteria including, but not limited to, client and family needs, quality and type of appropriate care, availability of service at the time it is needed, and cost.

G. Laboratory and Medical Supplies. The County may specify or select laboratory and medical supplies on the basis of brand name, provided that the County:

1. Purchases from the lowest-priced vendor for the specific product and brand.

2. Has a reasonable medical or scientific basis for the selection.

H. Used Personal Property. The County may purchase used personal property by direct negotiation if such property is suitable for the County's needs and can be purchased for a lower cost than substantially similar new property, provided that:

1. The County has determined that the direct purchase without competitive bidding will result in cost savings.

2. For purchases of used personal property over fifty thousand dollars ($50,000), a written record is made of the findings that support the purchase.

3. Approval of the determination to purchase used personal property shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.

For this purpose, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the County.

I. Litigation Services. Subject to the limitations of LM 61.010.025, the County may contract for personal services related to litigation or legal matters without competitive selection when County Counsel deems it necessary to do so. Such services may include, but are not limited to, outside legal representation, expert witnesses, consultants, arbitrators, mediators, investigators or other specialized personnel. Notwithstanding the provisions of LM 20.400.100, the County Counsel's authority to contract for such services is not limited by amount or duration. However, County Counsel must advise the Board and the department of the status of such matters on a regular basis, not less than quarterly, including costs related to representation.

J. Employee Benefit Insurance. The County may purchase employee benefit insurance without competitive selection.

K. Investments. The County may contract for the purpose of the investment of public funds or the borrowing of funds without competitive selection, when such investment or borrowing is contracted pursuant to a statute, order, ordinance, charter, or the Oregon Constitution.

L. Insurance. The County may purchase insurance without a formal competitive selection when the annual or aggregate premium is less than or equal to one hundred fifty thousand dollars ($150,000). Contracts for insurance where either the annual or aggregate premium exceeds one hundred fifty thousand dollars ($150,000) must be let by competitive selection or through an agent of record.

Agent of Record. The County may appoint a licensed insurance agent as its agent of record to perform insurance services in connection with more than one (1) insurance contract, including the securing of proposals from insurance carriers for all coverages for which the agent of record is given responsibility, provided that:

1. The County has made reasonable efforts to inform known insurance agents in the competitive market area that it is considering such appointment, including a public advertisement describing the nature of the agent of record services.

2. The appointment does not exceed three (3) years.

3. In making the appointment, the County has selected the agent most likely to perform cost-effective services.

M. Oil or Hazardous Material Removal. The County may enter into contracts without competitive selection when necessary to comply with a cleanup order issued under the authority granted the Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through ORS 466.680, provided that:

1. The order necessitates the prompt establishment and performance of the contract in order to comply with laws regarding spill or release of oil or hazardous material that have created an Emergency;

2. The order contains time limitations that do not permit hiring a contractor under the usual competitive selection procedures.

3. To the extent reasonable under the circumstances, the County has encouraged competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods or services.

4. The cleanup is conducted in accordance with the rules set forth at OAR 340-122-0205 to ORS 340-122-0360.

N. Disposal of Recyclable and Nonrecyclable Waste Materials. The County may sell, pay for disposal of, or contract for the sale or disposal of waste materials without competitive selection when necessary to dispose of waste materials received at County solid waste or Public Works facilities in a timely manner, provided that:

1. The County has encouraged competition by researching potential purchasers or receivers and making formal or informal solicitations for such services.

2. The County has been unable to either obtain competitive offers or to identify purchasers or receivers willing to enter into a term contract with the County.

3. The Director of the Department of Public Works has approved the method for selection of a purchaser, receiver, or contractor for the type of material that is in the best interests of the County. Such methods may include, but are not limited to, selection of the only known purchaser or receiver within a commercial reasonable distance, comparative one-time price quotes, response time, and direct negotiation.

O. Concession Agreements. Concession Agreements may be directly awarded subject to the following conditions:

1. Prior to the selection of a contractor, the County has made reasonable efforts to inform known companies providing such services by posting notice of the opportunity in the same manner that bids are advertised, and requesting comments from interested parties; and

2. The concessionaire is selected based on offering the most advantageous offer to the County.

3. Efforts taken to inform companies of such an opportunity and justification for the selection shall be part of the Procurement File.

4. These conditions do not apply to Concession Agreements directly awarded by the Lane County Fair Board or for events occurring at the Lane Events Center.

(Order 15-09-01-05, 10.15.15; Order 19-04-30-02, 4.30.19; Order 19-05-21-03, 5.21.19; Order 19-08-20-03, 8.20.19; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.200.120 – Conditional Exemptions from Competitive Selection.

A. Small Procurements per the thresholds stated in LM 20.300.050 and process stated in OAR 137-047-0265, OAR 137-048-0200, and ORS 279C.335(3).

B. Sole Source Contracts. The County may award a contract for goods or services without competitive selection when the County determines that there is only one (1) source for goods or services, or a class of goods or services of the quality required by the County pursuant to OAR 137-047-0275.

Authority to make the sole source determination shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.

1. For contracts in excess of two hundred fifty thousand dollars ($250,000), public notice of the proposed determination must be published electronically in the same manner bids are

advertised. The notice must provide for a seven day protest period pursuant LM 20.700.100(B).

C. Emergency Contracts. Certain contracts may be awarded without competitive selection, if an emergency exists that requires prompt execution of those contract(s) to preserve public funds, property, or the uninterrupted provision of government services.

1. A written determination must be made documenting the nature of the emergency, the method of contractor selection, and designating the contract(s) to be awarded. Authority to approve the determination shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.

2. The County must ensure competition for the contract that is reasonable and appropriate under the emergency circumstances, which may include, but are not limited to:

a. Limiting the scope or duration of the contract to the amount necessary under the emergency conditions.

b. Providing a limited solicitation period and limiting required documentation.

c. Waiver of a performance or payment bond pursuant to ORS 279C.380(4) or of a public works bond pursuant to ORS 279C.836(9).

3. Requirements for Emergency Contracts. If the County intends to request reimbursement, both the County's solicitation and selection process and the contract terms must be in compliance with the reimbursing agency's requirements.

D. Personal Services Contracts. Where possible, selection of a personal service contractor must be made by competitive selection, unless impracticable. However, the County may award a contract for personal services without competitive selection, provided that:

1. The Department Director makes a written determination that the services to be provided in the particular contract are personal services, as defined in LM 20.300.210.

2. The County has made a written determination that direct contracting is in the best interests of the County for the contract. Authority to approve the determination shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.200.130 – Exemptions from Competitive Selection for Alternate Contracting Methods.

A. Individual and Class Special Procurements. For contracts that are not related to public improvements under ORS chapter 279C, the County may utilize a special procurement for an individual contract, or a class of contracts, to allow procurement that differs from an otherwise applicable solicitation process. Approval of a special procurement must be made in accordance with the requirements of OAR 137-047-0285. County will post a notice of intent to approve a special procurement and allow a seven-day protest period pursuant OAR 137-047-0700.

1. Authority to approve Special Procurements shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.

B. Alternative Contracting Methods for Public Improvement Contracts.

1. Contracts Subject to Exemption. Upon approval of the findings in LM 20.200.130B.2.c, the LCRB may authorize an exemption from competitive bidding requirements for any of the following types of public improvement contracts:

   a. Construction Manager/General Contractor (CM/GC), as defined in OAR 137-049-0610.

   b. Design Build, as defined in OAR 137-049-0610.

   c. Energy Savings Performance Contracting (ESPC), as defined in OAR 137-049-0610.

2. Approval of Findings. Prior to exempting a Public Improvement contract from competitive bidding requirements, the LCRB must:

   a. Give at least fourteen (14) days' notice prior to approving the exemption in accordance with ORS 279C.335(5)(b) and ORS 279C.335(5)(c).

   b. Hold a public hearing to hear comments on the draft findings, if requested in writing by an interested party, and

   c. Approve written findings that:

      (1) It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts.

      (2) The awarding of public improvement contracts under the exemption will likely result in substantial cost savings to the County or the public. In making this finding, the LCRB may consider the type, cost and amount of the contract, the number of persons available to bid, and must consider all required factors in ORS 279C.335(2)(b), to the extent applicable.

3. Post Project Evaluation. Upon completion and final payment for any public improvement project in excess of one hundred thousand dollars ($100,000) for which an exemption was authorized under this section, the contracting Department will prepare and deliver to the LCRB an evaluation of the public improvement contract. The evaluation must, at a minimum, meet the requirements of OAR 137-049-0620(3).

C. Construction Manager/General Contractor. If the County conducts a procurement for a Construction Manager/General Contractor pursuant to an exemption granted under LM 20.200.130B, the procurement must be conducted in accordance with OAR 137-049-0690.

D. Design-Build. If the County conducts a procurement for a Design-Build contractor pursuant to an exemption granted under LM 20.200.130B, the procurement must be conducted in accordance with OAR 137-049-0670.

E. Energy Savings Performance Contracting. If the County conducts a procurement for an Energy Savings Performance Contractor (ESPC) pursuant to an exemption granted under LM 20.200.130B, the procurement may be conducted in accordance with OAR 137-049-0680.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 21-06-08-02, 7.1.21; Order 24-01-09-04, 1.9.24)

20.300 – SOLICITATIONS

20.300.050 – Solicitation Thresholds.

Goods and Services.

Direct Award	Less than $25,000
Intermediate Award	Less than $250,000
Formal Award	Over $250,000

A/E Design Services.

Direct Award	Less than $100,000
Intermediate Award	Less than $250,000
Formal Award	Over $250,000

Public Improvement.

Direct Award	Less than $25,000
Intermediate Award	Less than $100,000
Formal Award	Over $100,000

(Order 24-01-09-04, 1.9.24)

20.300.100 – Preliminary Procedures and Prequalification.

In preparation for competitive selection, the County may:

A. Utilize preliminary procedures. Issue a request for information, request for letters of interest, request for qualifications, or other preliminary documents, for the purpose of determining the availability and interest of possible vendors for the goods or services proposed.

B. Prequalification of Prospective Offerors. Per the requirements of OAR 137-047-0550 (Goods and Services) or OAR 137-049-0220 (Public Improvements) County may prequalify offerors for future competitive selection. County may allow or may require prequalification of bidders or proposers, either through an advertised process setting forth the procedure and criteria for prequalification prior to issuance of competitive procurement, or by inclusion of the requirements in the invitation to bid. The public officer has authority to determine when prequalification may be required for a specific contract or class of contracts and may determine the prequalification procedure pursuant OAR.

    1. A notice must be issued that states if a prospective bidder or proposer is deemed pre-qualified or not.

        a. If qualified, the notice must state the type and nature of contracts the party is qualified for and for what period of time the prequalification is valid.

        b. If not qualified, the notice must state the reasons for not being deemed qualified and inform the party of their right to a hearing pursuant ORS 279B.215(2)

C. Prequalification of Goods. County may develop and maintain a qualified products list pursuant ORS279B.115.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.300.110 – Community Benefit Projects.

The LCRB has designated all County building construction and renovation projects above a certain dollar value threshold as Community Benefit Projects, pursuant to ORS 279C.308. The Facilities and Capital Improvements Manager will be directed by the Board as to the current threshold contract amount.

A. Community Benefit Project Requirements. Contractors and major first-tier subcontractors performing work on Community Benefit Projects must comply with the County's requirements for providing benefits and opportunities for workers and businesses established for each Community Benefit Project. These requirements include all of the following:

   1. All workers on the Community Benefit Project must receive at least a minimum living wage, in an amount determined by the County.

   2. Provision of employer-paid full-family health insurance coverage to all workers on the Community Benefit Project. Such insurance must not require the worker to contribute to the cost of the insurance.

   3. Participation in one (1) or more State of Oregon-approved trade apprenticeship programs, and employment of apprentices on the Community Benefit Project.

   4. Providing opportunities for increased employment and participation by workers and local businesses in the Community Benefit Project.

   5. Other requirements established for the specific Community Benefit Project, if any.

B. Prequalification of Bidders. Contractors and major first-tier subcontractors must prequalify with the County to be eligible to submit bids for a Community Benefit Contract. Prequalification includes knowing and understanding the requirements established for the Project, and the contractors' and subcontractors' agreement to comply with the requirements if awarded a Community Benefit Contract.

(Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.300.200 – Methods of Source Selection.

Unless exempted under LM 20.200 all contracts for goods or services must be awarded by competitive selection. Notwithstanding such exemption, the public officer may use competitive selection to select a vendor for any type of goods or services except those relating to services provided by Oregon Forward Contractors in accordance with LM 20.200.100J.

A. Competitive Selection, Generally. Steps common to all competitive selection processes include:

   1. A method for identifying and encouraging multiple potential vendors.

   2. Providing each vendor with an adequate description of the County's requirements for offers on the quantity and type of goods and services requested, and the method by which a vendor will be chosen.

   3. Specifications that promote optimal value and suitability for the County's needs and that encourage competition. A brand name may be used to specify the expected level of quality, performance, functionality, and other characteristics, however, must include "or equal" after the brand name unless a written determination is made pursuant ORS 279B.215.

   4. Receiving proposals or bids in a controlled manner that prevents competing vendors from knowing the contents of competitors' offers until all proposals or bids are received.

5. A transparent process of making a selection from among properly submitted proposals or bids that is based upon the selection method stated.

6. Retaining all required documentation in a designated Procurement File.

B. Goods and Services Competitive Selection Methods. The County may use any of the following procedures to procure goods and services through competitive selection:

1. Invitation to Bid (ITB) pursuant to the requirements for competitive sealed bidding in OAR 137-047-0255 or OAR 137-047-0257.

2. Request for Proposals (RFP) pursuant to the requirements for competitive sealed proposals in OAR 137-047-0260 or OAR 137-047-0261.

3. Request for Quotes (RFQ) pursuant to the requirements for intermediate procurements in OAR 137-047-0270 and thresholds stated in LM 20.300.050. Written quotes should be received for RFQs when a purchase is estimated to be greater than fifty thousand dollars ($50,000).

C. Direct Selection Subject to an Exemption. For procurement of goods or services that are exempt from the requirement for competitive selection pursuant to the requirements of LM 20.200.100 to LM 20.200.120, the public officer is authorized to make the selection that best serves the County's interests, taking into account price, qualifications, schedule, and other factors.

D. Contracts Relating to Public Works. Contracts for construction services that are not considered Public Improvements must be in accordance with OAR 137-049-0140. The County must prepare a written solicitation document for projects estimated to be greater than fifty thousand dollars ($50,000).

E. Contracts Relating to Public Improvements. Specific requirements apply to procurements and contracts relating to both the design and the construction of public improvements:

1. Construction, Generally. Unless exempt, contracts relating to the construction of public improvements must be awarded based upon an Invitation to Bid or Request for Quotes pursuant to OAR Chapter 137, Division 49.

2. Building Construction and Renovation. Procurements for building construction and renovation contracts that exceed the threshold amount to be considered Community Benefit Contracts must follow the prequalification procedures provided in LM 20.300.110.

3. Design-Related Services. Contracts relating to the design of public improvements must be awarded using an RFP pursuant to OAR 137-048-0210 or OAR 137-048-0220.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.300.210 – Personal Services Contract Selection Procedures.

A. Pursuant to ORS 279A.055, a contract may be designated as a personal services contract if the contractual relationship is based primarily on a special trust and confidence between the County and contractor; or if 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.

1. Contracts that may be designated personal service contracts include, but are not limited to, 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.

2. Contracts for Architects, Engineers, Photogrammetrist, Transportation Planner, Land Surveyors or providers of Related Services are not subject to the requirements of this section if related to a Public Improvement project. Selection procedures for selection of consultants for such services must be made in the manner provided in OAR Chapter 137, Division 48.

3. Contracts that are not personal services contracts include contracts for services that can generally be performed by an experienced competent person, whether the person is required to be licensed or not, including but not limited to contracts for: 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.

B. If a contract has been designated as a personal services contract under this section, the County may use an RFP process or an RFQ process, depending upon the contract amount.

1. Evaluation factors should include, but are not limited to, the proposed contractor's qualifications, abilities, licenses and certifications, capacity and capability, past record of performance, cost control, quality of work, financial resources, availability, and familiarity with the area.

2. The process may include, as appropriate, written submissions, demonstrations, and interviews.
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(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.300.300 – Solicitation Procedures.

Competitive solicitations will be conducted in accordance with OAR Chapter 137 Rules.

(Order 15-09-01-05, 10.15.15; Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.300.310 – Public Records Related to Procurement.

A Contents of Solicitations. Following issuance of a notice of intent to award, all bids and proposals are open to public inspection, except for information covered by an exception in public records law pursuant to ORS 279B.055(5)(c). Each offeror, by submitting a bid/proposal, acknowledges that it is the offeror’s responsibility to defend and indemnify the County for any costs associated with establishing such an exemption. The offeror’s act in submitting a bid/proposal constitutes its acceptance of this responsibility.

B. Retention of Records. The department soliciting offers or justifying an exemption must maintain a Procurement File that includes records sufficient to detail the history of each procurement or exemption, and maintain such records for the period required in OAR 166-150-0005 et seq. Such records include but are not limited to: the rationale for the method of procurement, determination of exemptions or exceptions, distribution of solicitations, received offers, bid tabulation or evaluation summaries, justification for contractor selection or rejection, distribution of the intent to award notice, any received protests and related decision, and the basis for the contract price.

(Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.400 – CONTRACTS

20.400.100 - Delegated Procurement Authority

If authority has not been expressly delegated, as listed in the table below, or in LM 20.600, the Procurement and Contractual Authority will remain with the Board of County Commissioners. Unless stated otherwise, **t**he County Administrator may sub-delegate authority as listed in table below as appropriate for business needs of the County.

Competitive Solicitation Exemption Authority	
Sole Source Determination up to $250k and not exceeding 2 yrs.	County Administrator
Emergency Procurement Exemption up to $250k per contract	County Administrator
Contract-Specific Special Procurement up to $250k and not exceeding 5 yrs.	County Administrator
Personal Service Contract Exemption up to $250k and not exceeding 5 yrs.	County Administrator
Contract Execution, Cancellation, and Termination Authority	
Execute Contracts/Purchases up to $250k and not exceeding 5 yrs.	County Administrator
Cancel Awards or Terminate Contracts	County Administrator
Also see LM 20.600.310	
Contract Amendment and Change Order Authority	
Contract total including all amendments up to $250k or 5 yrs.	County Administrator
Contracts that expressly delegate authority through Board Order, regardless of amount or time	County Administrator*****
Grant Application and Acceptance Authority	
Apply for and accept grants up to $250k	County Administrator
Apply for grants more than $250k if County is not obligated to accept the grant	County Administrator
Accept grants more than $250k if the Board has approved the grant application	County Administrator*
Apply for and accept continuation of grants originally approved by Board Order if continuation is Substantially Similar to the original grant	County Administrator*
Apply for and accept grants when prompt execution is required. (see LM 20.600.300(B)	County Administrator*
*** = Authority cannot be subdelegated**	

20.400.200 – County Contracts, Generally.

Except for simple, low-risk small dollar purchases, all County purchases require a written contract signed by an individual with Delegated Procurement Authority, or a purchase order authorized under these rules.

A. Identification of Contract Parties.

1. The name "Lane County" must be used as the County's title when entering into any agreement, preferably followed by the words, "a political subdivision of the State of Oregon." If the circumstances of the contract require that the name of the County Department be included as part of the County's name, the correct form is: "Lane County, acting through its _____ Department."

2. The County requires that the name of the party or parties with whom the County is entering into a contract be the parties' correct legal names..

B. Mandatory Contract Terms.

1. All contracts must contain, either expressly or by reference, the County's standard contract provisions contained in LM 20.500.100, except as approved by the Office of Legal Counsel.

2. All contracts funded in whole or in part by federal or state funds must contain all contract conditions required by the agency or agencies contributing such funds, in the form required by the funding.

C. Contract Considerations.

1. Consideration should be given, in all contracts, to the risks involved in the specific work of the contract. Consultation with the County's Risk Manager is advised concerning the County's insurance requirements for a specific contract.

2. Title to all personal property obtained through a contract must be described on all formal title documents and bills of sale as: Lane County, Lane County Public Service Building, 125 E. 8th Avenue, Eugene, Oregon 97401.

D. The Office of Legal Counsel is required to maintain standard forms for common contracts that comply with these rules and make the forms available to County Departments.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.400.210 – Purchase Orders.

A. Unless otherwise provided, County purchase orders are not contracts until the purchase order is agreed to by the recipient. Once accepted, a purchase order becomes a contract according to its terms.

B. Authority to approve issuance of Purchase Orders for County Purchases shall follow standard Delegated Procurement Authority limits in LM 20.400.100 and supporting documentation will be kept in the Procurement File.

C. The County Administrator is delegated authority to prescribe rules for the types of contracts or purchases that may be made using a purchase order, and the form to be used.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19)

20.400.220 – Goods and/or Services Contracts.

Goods and/or Services contracts are the County's standard method of contracting for goods, services, or a combination of goods and services. Such contracts may only be used to engage independent

contractors meeting the requirements of ORS 670.600 and may not provide for the contractor or contractor's staff to be under the direction and control of the County.

(Order 15-09-01-05, 10.15.15)

20.400.230 – Construction and Public Improvement Contracts.

All contracts relating to construction must comply with the requirements of ORS 279C.300 though ORS 279C.870, in addition to these rules. Except as provided in these rules, the requirements of ORS chapter 279B do not apply to contracts for construction.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.400.250 – Price Agreements and Retainer Contracts.

Price Agreements and retainer contracts establish general terms for the future purchase of goods or services, the terms of which will apply only if subsequent purchases are made.

A. Each contract must comply with the following requirements:

   1. Contain a description of the method that the County will use to initiate a purchase under the agreement, which must include a writing.

   2. State that the County makes no guarantee that any purchase will be made or any minimum amount paid under the contract.

B. The contract may not be amended to encompass goods or services not reasonably considered to be within the scope of the original competitive procurement.

C. The total estimated amount is considered when selecting the competitive selection method and the aggregate amount does not exceed the corresponding threshold required by these rules.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.400.260 – Intergovernmental Agreements.

Intergovernmental agreements (IGA) are contracts made between the County and other agencies of State, local, or federal government in accordance with ORS Chapter 190. IGAs are exempt from competitive selection, and generally do not require inclusion of the standard terms required for public contracts. IGAs involving significant obligations of funds, services, property, or allocation of risks must be made in writing, and are subject to the same approval and authorization as other County contracts.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.400.270 – Memoranda of Understanding.

A memorandum of understanding (MOU) is an agreement, generally between County departments or the County and another party(s), that documents the parties' common desire to work together to pursue specified common objectives. An MOU is generally not legally enforceable. Use of an MOU is appropriate when there is no exchange of funds, goods, or services between the parties.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22)

20.400.275 – Lease and Property Rental Agreements.

All lease agreements shall be subject to the contract delegated authority threshold as listed in LM 20.400.100.

A. Agreements when Lane County is owner/lessor. A Department wishing to lease property owned by Lane County to another entity shall utilize the Lane County Leasehold Template as provided by the Office of County Counsel. Any changes to the leasehold template must be discussed with the Office of County Counsel prior to execution.

B. Agreements when Lane County is lessee/renter. A Department wishing to lease from an outside entity may utilize a lease agreement document drafted by that entity with the advice and consent of the Office of County Counsel.

20.400.280 – Grant and Sub-Grant Agreements.

A. Grant agreements. The County may enter into agreements with public agencies or private parties in which the County receives and disburses funding for purposes specified in the grant agreement, and subject to the conditions set forth in the grant.

B. Compliance with the Uniform Guidance (UG) and grant requirements. The County department accepting a grant must comply with all applicable federal, state, and grantor requirements in accordance with the policy established in the Administrative Procedures Manual (APM) for grant administration.

C. Sub-grants.

1. The terms of a grant agreement may specify that specific sub-grants be entered into by the County with third (3rd) parties identified in the grant application or agreement. The grant may provide that the County merely passes through the grant funds received, in whole or in part, without modifying any terms or conditions of the original grant, except as related to County administration and oversight of the grant conditions.

2. If the terms of a grant do not specify the sub-grantees, and the County is entering into an agreement with a vendor to perform services defined by the County, then that agreement between the County and the vendor generally will be a goods and/or services contract or, if with a public agency, an intergovernmental agreement.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22)

20.400.285 – County Grants.

The County may grant funds to a private or public entity for the purposes of supporting objectives or activities proposed by the entity. If the County requires no further obligation from the grantee beyond use of the funds in compliance with the restrictions placed upon the use of the funds, documentation of the County Grant may be provided in the grant award letter, in a form approved by the Office of Legal Counsel.

(Order 15-09-01-05, 10.15.15; Order 19-08-20-03, 8.20.19; Order 22-03-08-03, 3.8.22)

20.400.290 – Revenue Contracts.

The County may enter into contracts to provide services in exchange for payment using an agreement appropriate for the type of services to be provided, in a form approved by the Office of Legal Counsel. However, a contract that includes obligations of the other party that extend beyond payment or documentation must include the County's standard contract conditions.

(Order 15-09-01-05, 10.15.15)

20.400.295 – Concession Agreements.

The County may enter into contracts that authorizes a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from real property owned or managed by the County, and under which the concessionaire makes payments to the County based, at least in part, on the concessionaire's revenue from sales. Does not include an agreement which is merely a flat-fee or per-foot rental, lease, license, permit, or other arrangement for the use of public property.

20.500 – STANDARD CONTRACT PROVISIONS

20.500.100 – County Contracting Requirements.

A, The Office of County Counsel is delegated authority to establish standard contracting requirements, standard contract provisions, forms, and procedures for all County contracts, and will post such requirements, forms, and procedures on the County intranet.

B. Departments will consult with County Counsel anytime a contract other than a standard Lane County contract that has been approved by County Counsel is intended to be used. Requests for changes to standard Lane County contract terms or conditions must be reviewed by County Counsel prior to agreeing to the modification.

(Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 3.8.22)

20.500.400 – County Contract Insurance Requirements.

A. The County Risk Manager is delegated authority to establish standard insurance requirements, forms, and procedures for all County contracts, and will post such requirements, forms, and procedures on the County intranet.

B. For any contract involving work upon a County facility or County-owned property, and in contracts involving a significant risk of liability to the County, the department handling the contract must consult with the Risk Manager prior to advertising for bid or proposals.

C. Limits and types of coverage will be established by the Risk Manager based upon the risk and exposure involved in the performance of the contract. Generally, liability insurance limits will not be less than those established for the current year in the Oregon Tort Claims Act, ORS Chapter 30.

D. The County Risk Manager may, at the Risk Manager's sole discretion, waive or reduce insurance requirements and amounts for a specific contract.

(Order 85-6-12-13, 6.12.85; Order 05-12-14-9, 1.1.06; Order 11-12-14-1, 12.14.11; Order 22-07-19-01, 7.19.22; Order 24-01-09-04, 1.9.24)

20.600 – AWARD, APPROVAL, CANCELLATION, AND EXECUTION OF CONTRACTS AND AMENDMENTS

20.600.100 – Contract Award and Approval.

A. Intent to Award may be issued by the Public Officer responsible for the source selection process if the award is pursuant OAR Division 46, OAR Division 47, OAR Division 48, OAR Division 49 (as applicable) and these rules.

B. Contract award will be made by the Board of County Commissioners unless the County Administrator has been delegated authority to make the award per LM 20.400.100 Delegated Procurement Authority or in these rules.

C. All contracts must be processed through procedures prescribed by the County Administrator, including review by legal, risk management, budget and other staff, except as expressly stated otherwise by these rules.

D. Contracts for personal services for, or related to, legal services and investigations will be processed and archived in the Office of Legal Counsel. However, the authority to execute or amend such contracts must be exercised in accordance with the requirements of LM 20.400.100 Delegated Procurement Authority.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.600.110 – Cancellation of Award.

The County may cancel the award of any contract at any time prior to the execution of said contract by all parties without any liability to the County..

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.600.210 – Requirements for Contract Amendments.

A. Each contract amendment must include, at a minimum, the title of the original contract, names of the parties, clear references to the original contract or prior amendment terms that are being modified, and execution of the amendment by all parties.

B. Each contract amendment should include, in addition, the date of original contract, the number of prior amendments and number of the current amendment, a restated contract amount and completion date, and a provision that "except as set forth above, all provisions of the original contract remain unchanged."

(Order 15-09-01-05, 10.15.15)

20.600.220 – Limitations on Contract Amendments.

A contract may only be amended if the amendment is within the general scope of the original procurement and when taken together with all prior amendments, does not result in a final contract that no longer bears a reasonable relationship to the contract contemplated in the original procurement.

A. Limitations on Cumulative Amount of Contract Amendments. In addition to the Delegated Procurement Authority limitations stated in LM 20.400.100, all contracts are subject to limitations on

the cumulative amount that a contract can be amended, after which a new contract must be awarded in accordance with these Rules. These limitations apply to:

Small Procurement, if awarded without competitive procurement.	Not to exceed 125% of the amounts stated in LM 20.300.050.
Intermediate Procurement, if awarded using competitive quotes under LM 20.300.200A.3.	200% of original amount, not to exceed 125% of the amount stated in LM 20.300.050.
All other contracts.	per the limitations in LM 20.400.100.

B. Limitations on Amendments to Public Improvements Contracts. Contracts for public improvements are subject to statutory limitations on amendments with an original contract amount of fifty thousand dollars ($50,000) or less may not be amended to exceed fifty thousand ($50,000) unless the requirements of ORS 279C.800 through ORS 279C.870 regarding the payment of prevailing wage rates are incorporated into the contract.

C. Exceptions to Limitations on the Cumulative Amount of Contract Amendments:

1. Contracts awarded under a specific exemption to competitive procurement pursuant to LM 20.200.100 to LM 20.200.130 are not subject to the limitations stated in this section.

2. Increases in the contract scope or amount that were included in the original procurement.

3. The County Administrator or the Administrator's delegee may authorize execution of an amendment to a contract that exceeds the limits in this section when, in the County Administrator's or Administrator delegee's judgment, the increase in the contract amount is reasonable and necessary.

(Order 15-09-01-05, 10.15.15; Order 21-06-08-02, 7.1.21; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.600.230 – Construction Change Orders.

A. The Director of a Department with authority to contract for public improvements, construction, or the renovation of roads and transportation facilities is granted authority to authorize and execute construction change orders, providing that all of the following conditions are met:

1. The change would not increase the cost of the project by more than ten percent (10%) of the original contract price.

2. The change order is reasonably related to the purpose of the project.

3. The Director has determined that it is in the best interest of the County to authorize the order to facilitate completion of the project. This authority may be sub-delegated by the Director.

B. The County Administrator may authorize execution of Construction Change Orders that exceed the limits in this section when, in the County Administrator's judgement the increase in the contract amount is reasonable and necessary.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.600.240 – Contract Completion and Acceptance.

Each Department Director is granted authority to determine that all obligations under the contract have been met and the contract is completed and accepted.

(Order 15-09-01-05, 10.15.15)

20.600.250 – Extension of Expiring or Reinstatement of Expired Contracts.

A. The County may approve extension of an expiring contract, or reinstatement of a contract after the term of the contract has recently expired, upon a determination that:

   1. The failure to extend or renew the contract in a timely manner was not intentional.

   2. The extension or reinstatement is made within a reasonable time after the expiration date of the original contract; usually not more than one hundred eighty (180) days later.

   3. Extension or reinstatement of the contract is in the best interests of the County.

B. When a contract is extended or reinstated pursuant to this section, the County may compensate the contractor at the rate of compensation established in the original contract for work performed in the interim between the expiration of the original contract and the execution and approval(s) of the extension or amendment.

C. An extension or reinstatement is an amendment to the contract and is subject to the same limitations on authority as any other amendment.

D. Once a contract is extended or reinstated, it is in full force and effect, as if it had not expired.

(Order 24-01-09-04, 1.9.24)

20.600.300 – Delegation of Authority to Execute Grant Applications and Accept Grants.

The following is in addition to the Delegated Procurement Authority stated in LM 20.400.100.

A. The Board must approve the acceptance of a grant exceeding two hundred fifty thousand dollars ($250,000). If an application for a grant in excess of two hundred fifty thousand dollars ($250,000) obligates the County to accept the award as a condition of application, the Board must approve the application for the grant. Following Board approval of a grant or grant application, the Administrator is delegated authority to approve and execute all other grant documents.

B. Notwithstanding the limits on the County Administrator's authority contained in this section, the County Administrator may approve grant applications and accept grants when necessary to secure the full benefit of the grant to the County, provided that:

   1. In the Administrator's judgment, and with the concurrence of County Counsel and the budget and financial planning office, the grant applications or grants require execution prior to the time when they could reasonably be approved by the Board at a regularly scheduled meeting.

   2. A description of the grant applications and grants, including the amounts, duration, and reason for prompt execution, is submitted to the Board for ratification on its consent agenda item following execution.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 21-06-08-02, 7.1.21)

20.600.310 – County Administrator's Authority to Execute Contracts.

The following is in addition to the Delegated Procurement Authority stated in LM 20.400.100.

A. The County Administrator is further delegated authority to execute, without limitation of amount or length:

   1. Insurance nonwaiver agreements and insurance endorsements to original policies.

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

   3. Contracts and assignments for the collection of County judgments.

   4. All contracts with terms of ten (10) years or less for Road & Bridge projects identified in adopted Countywide Capital Improvement Plans.

B. Notwithstanding the limits on the County Administrator's authority contained in this section and LM 20.600.320, the County Administrator may execute contracts and amendments when necessary to secure the full benefit of the contract to the County, provided that:

   1. In the Administrator's judgment, and with the concurrence of County Counsel and the budget and financial planning office, the contacts require execution prior to the time when they could reasonably be approved by the Board at a regularly scheduled meeting.

   2. A description of the contracts or amendments, including the amounts, duration, and reason for prompt execution, is submitted to the Board for ratification on its consent agenda item following execution.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 19-08-20-03, 8.20.19; Order 21-06-08-02, 7.1.21; Order 24-01-09-04, 1.9.24)

20.600.320 – County Administrator's Authority to Execute Amendments.

Subject to the limitations on cumulative contract amount in LM 20.600.220, the County Administrator is delegated authority to:

A. Execute amendments to contracts that do not cause the contract amount to exceed two hundred fifty thousand dollars ($250,000) in cost or revenue nor five (5) years in length and

B. 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.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 24-01-09-04, 1.9.24)

20.600.332 – Sheriff's Authority for Radio Site Leases.

The Sheriff is delegated authority to enter into, renew, modify, and cancel leases and subleases for public safety and emergency communications radio sites as set forth in this section.

A. The Board must approve all new leases of radio sites that have a term in excess of three (3) years.

B. The Sheriff has authority to renegotiate, extend, or terminate the County's lease of any radio site.

C. The Sheriff has authority to negotiate, enter into, extend, or terminate subleases from the County to any sub-lessee at any radio site.

(Order 23-05-23-06, 5.23.23)

20.600.350 - Further Delegation.

Any sub-delegation of the County Administrator's delegated authority must be in writing.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.700 - DEBARMENT, DISQUALIFICATION, AND PROTESTS

20.700.050 – Debarment and Disqualification.

A. Contracts for Goods or Services. The County may debar a prospective bidder or proposer from consideration for award of a County contract for Goods or Services, in accordance with the requirements of OAR 137-047-0575, for:

   1. Conviction of any of those criminal or statutory offenses described in ORS 279B.130(2)(a), ORS 279B.130(2)(b), and ORS 279B.130(2)(c);

   2. Failure to provide workers' compensation or unemployment insurance as required by statute; or

   3. Violation of a contract provision that is regarded by the County or the Construction Contractors Board to be so serious as to justify disqualification, including but not limited to:

      a. Failure to perform, or unsatisfactory performance, or repeated failure to comply with significant terms and requirements,

      b. Failure to possess, obtain, or maintain necessary licenses or insurance coverage required for performance of a contract,

      c. Making false statements in proposals, prequalification applications, contract forms, or

      d. Making false statements that result in an increased contract costs to the County or reduction of contract's performance standards.

B. Contracts for Public Improvements. The County may disqualify or deny prequalification to a prospective bidder or proposer for a Public Improvement County Contract in accordance with the requirements of OAR 137-049-0220 and OAR 137-049-0370.

(Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.700.075 – Appeals of Prequalification, Debarment, and Disqualification.

A prospective bidder or proposer may appeal a department's decision to debar (non-public improvement) or disqualify (public improvement), or deny, revise, or revoke prequalification pursuant OAR 137-047-0575, OAR 137-049-0220, or OAR 137-049-0370 as applicable.

(Order 24-01-09-04, 1.9.24)

20.700.100 - Protest of Goods and Services Solicitations and Awards.

A. Protests of Special Procurements must be in accordance with OAR 137-047-0700.

B. Protests of Sole-Source Procurements must be in accordance with OAR 137-047-0710.

C. Protests of Multi-Tiered and Multi-Step Solicitations must be in accordance with OAR 137-047-0720.

D. Protests of formal Solicitations must be in accordance with OAR 137-047-0730.

E. Protests of formally solicited Contract Award must be in accordance with OAR 137-047-0740.

F. Protests of Qualified Products List Decisions must be in accordance with OAR 137-047-0745.

G. Review of Prequalification and Debarment Decisions must be in accordance with OAR 137-047-0760.

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 24-01-09-04, 1.9.24)

20.700.120 - Protest of Architect, Engineering, Photogrammetrist, Transportation Planner, Land Surveyor, and Related Services Solicitations and Awards.

A. Protest of informal and formal Solicitations in accordance with OAR 137-048-0240(1).

B. Protest of informal and formally solicitated contract awards in accordance with OAR 137-048-0240(2).

(Order 15-09-01-05, 10.15.15; Order 19-05-21-03, 5.21.19; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.700.130 - Protest of Public Improvement Solicitations and Awards.

A Protests of formal Solicitations in accordance with OAR 137-049-0260.

B. Protests of formally solicitated contract award in accordance with OAR 137-049-0450.

(Order 15-09-01-05, 10.15.15; Order 22-03-08-03, 3.8.22; Order 24-01-09-04, 1.9.24)

20.700.140 – Review and Determination of Contract Award Protests.

Protests of award or intent to award will be considered by the LCRB, if the Boards action would be required to award the contract. All other protests of intent of award will be considered by the County Administrator, or the Administrator's designee. County will consider and respond to a protest in a timely manner.

A. Contract Award based upon competitive Bidding (ITB).

1. Contracts Requiring Board Action to Award. If the Department Director determines there is sufficient merit to reject one or more bids, the Director may do so. If, following any action by the Director, any portion of the protest remains, the LCRB must be provided with, and may consider, a complete copy of the written record, and any other evidence provided, at a public meeting. The LCRB may affirm, reverse, or revise an award, or may send the matter back to the Department for further action, and must issue its decision by Board Order.

2. Contracts Not Requiring Board Action to Award. The Department Director has authority to reject bids, or to affirm, reverse, or revise the award The Director must deliver the Director’s decision on any protest to the County Administrator. If, within seven (7) days, the County Administrator elects to review the matter, the County Administrator must be provided with and may consider a

complete copy of the written record, and any other evidence provided the County Administrator may affirm, reverse, or revise an award, or may send the matter back to the Department for further action. If the County Administrator does not elect to review the matter within seven (7) days, the Department Director's decision will be final.

B. Contract Award based upon a Request for Proposals (RFP). .

1. Upon receipt of a protest, the department must promptly notify the evaluation committee that a protest has been received.

2. Following such notice, the Department that issued the RFP must prepare a written analysis of the protest and make a recommendation to the Department Director as to appropriate action to be taken.

3. Contracts Requiring Board Action to Award. If the Department Director determines there is sufficient merit to reject one or more proposals, the Director may do so. If, following any action by the Director, any portion of the protest remains, the LCRB must be provided with, and may consider, a complete copy of the written record, and any other evidence provided, at a public meeting. At the public meeting the LCRB may, at the LCRB's discretion, allow the department that issued the RFP and the appellant an opportunity to address the protest. The LCRB may affirm, reverse, or revise an award, or may send the matter back to the Department for further action, and must issue its decision by Board Order.

4. Contracts Not Requiring Board Action to Award. The Department Director has authority to reject proposals, or to affirm, reverse, or revise the award. The Director must deliver this decision to the County Administrator. If, within seven (7) days, the County Administrator elects to review the matter, the Administrator must be provided with and may consider a complete copy of the written record, and any other evidence provided, at a public meeting. The County Administrator may affirm, reverse, or revise an award, or may send the matter back to the Department for further action. If the County Administrator does not elect to review the matter within seven (7) days, the Department Director's decision will be final.

C. The procedures in this rule are mandatory to the extent they establish the time and manner for protests to be submitted to the County, including that the protest be in writing specifying the grounds and timely filed, and that there be a written response. The other protest procedures above are directory, and failure to follow or complete the action in the manner provided will not invalidate the County’s decision.

(Order 15-09-01-05, 10.15.15; Order 24-01-09-04, 1.9.24)

20.700.150 – Other Protests Referred to the LCRB.

The LCRB shall decide any protests referred to the LCRB under the County Rules.

(Order 15-09-01-05, 10.15.15)

Update to County's Contracting Policies

Shawn Hubbell, Procurement Manager
Emily Vario, Assistant County Counsel

October 22, 2024

Request

The Procurement Office is requesting approval of edits to Lane County's Contracting Policies. If approved, Lane Manual Chapter 20 will be updated and changes will go into effect on January 1, 2025.

Recommends Changes:

- The Procurement Office
- The Procurement Advisory Team
- County Counsel
- County Administrator
- County Directors

#1 Procurement Thresholds

Recommendation:

Align Lane County Procurement Thresholds with Oregon Statutory Limits.

Goal:

Consistency with partner organizations, reduction in administrative hurdles for medium sized projects, and adjusts for inflation.

#2 Delegated Authority Increases

Recommendation:

Increase County Administrator's Delegated Authority to $250,000.

Increase three-year contract limit to five-year contract limit.

Remove Director's Delegated Authority from Lane Manual.

Goal:

Reduction in administrative hurdles for medium sized projects, allow longer contract terms to be negotiated, and flexibility for Administrator to sub-delegate based on operational needs.

#3 Delegated Authority Changes

Recommendation:

Align the County Administrator's delegated authority related to amendments with the delegated authority for contracts.

Goal:

Reduction in administrative hurdles, streamline delegated authority language, and ensure Board is approving all contracts over the delegated authority.

#4 Policies to Address Equity in Contracting and Sustainable Procurement

Recommendation:

Add policies to direct creation of contracting procedures to support Equity in Contracting and Sustainable Procurement initiatives.

Goal:

Diversify the vendor base for County awarded contracts and include contracting processes that support the County's Climate Action Plan.

#5 Align County's Alternative Contracting Requirements with Statute

Recommendation:

Revise policy to allow a public hearing to be requested, rather than required, when an Alternative Contracting process is being considered.

Goal:

To conserve resources by reducing the number of procurement related hearings unless the hearing is requested.

#6 Concession Agreement Exemption

Recommendation:

Create a policy for awarding Concession Agreements to the most advantageous offer after outreach to any interested parties.

Goal:

Increased opportunities for concessionaires to partner with the County at events when applicable.

#7 Numerous Minor Edits

- Compile all Delegated Authority related to procurement in one policy location.
- Add County Administrator ability to sub-delegate cancelling/terminating contracts.
- Require all procurement supporting documentation be filed in a consistent manner.
- Add contracting requirements when leasing or renting property.
- Additional minor edits.

Next Steps

If approved, Lane Manual would be updated and changes would go into effect on January 1, 2025.

Prior to taking effect:

- Develop a system for monitoring sub-delegated authority.
- Implement method for providing additional transparency of solicitation activity.

Thank you for your consideration.

Procurement Advisory Team (PAT)

- Alex Dreher; ARPA/Grants
- Emily Vario; County Counsel
- Tawnya Ellis; County Administration
- Judy Williams, County Administration
- Lisa Loendorf; Human Resources
- Debby Haller; Sheriff's Office
- Robert Phillips; Sheriff's Office
- Jessie Hollingsworth; TS
- David Ward; Capital Improvements
- Matt Dapkus; Capital Improvements
- Kevin Mahoney; Budget & Planning
- Jonathan Mattingly; H&HS
- Cynthia Schlegel; H&HS
- Steve Templin; Public Works
- Ashleigh Riolo; Public Works
- Stephanie Freeman; Public Works
- Laurie Dukes; Public Works
- Kelly Barlow; CJRS
- Bailey Howard; CJRS
- Lynn Smith, CJRS
- Shawn Hubbell; Procurement