

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: March 13, 2012 **Approximate Start Time:** 1:45

Approximate Length: 15 minutes

Presentation Title: Local Contract Review Board Rules (LCRB Rules) update

Department: County Counsel & Finance/Purchasing

Presenters: Dave Anderson & Lane Miller

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Amend the Clackamas County Local Contract Review Board Rules (Appendix C of the County Code) to follow recent changes made to the Model Rules by the Attorney General. Only Divisions C-046 and C-047 are affected (contracts other than construction).

EXECUTIVE SUMMARY :

The 2011 legislature made certain changes to public contracting law in Oregon. The Attorney General's office, in compliance with ORS 279A.065(3), recently published updated Model Rules for public contracting that adapt the existing Model Rules to the new statutes, and make other changes designed to improve the rules. The County is charged by statute, ORS 279A.065(5)(b), to review its own Local Contract Review Board Rules (LCRB Rules) each time the Attorney General updates the Model Rules. Staff has completed this review and recommends that the County adopt the attached changes to its existing LCRB Rules (County Code Appendix C). The Board acts as the Local Contract Review Board for the County. The Board would adopt changes to the LCRB Rules by adoption of a Board Order at its regular business meeting, upon a single reading, as provided in County Code section 2.04.020. Proposed additions are shown in the attached text underlined, and proposed deletions are show ~~struck through~~.

Summary of changes:

C-046-0300 Preferences for Oregon Goods and Services: adds discretionary preferences for goods fabricated or processed entirely in Oregon, or services performed entirely in Oregon.

C-047-0257 Multi-Step Sealed Bidding: Revised to give process flexibility and remove some mandatory steps.

C-047-0260 Competitive Sealed Proposals: Clarification concerning requirements for what must be included in a solicitation document.

C-047-0261 Multi-Tiered and Multi-Step Proposals: Clarification of rules related to proposal process. Combines rules.

C-047-0800 Contract Amendments. This rule was rewritten to clarify it. It was also changed to follow Model Rule changes. Included are the following:

C-047-0800(1)(b) Unanticipated Amendments. Changes amount of amendment to contract allowed without additional competitive process to the greater of 25% of the original contract or \$150,000, but only where other conditions regarding original process and scope of amendment are met. This amount matches Model Rule 137-047-0270.

C-047-0800(1)(f) Renegotiation: Clarification concerning extension of the term to be no longer than allowed in the solicitation documents, contract, or notice of sole source or special procurement.

C-047-0800(1)(g) Amendments to Price Agreements. Clarifies rule for amendments to price agreements.

C-047-0800(3) Intermediate Procurements: Follows the Model Rule concerning amendment to Intermediate Procurement up to \$150,000 or 25% of the original contract price, whichever is greater. (Based on Model Rule 137-047-0270).

C-050-0100 Delegation of Authority to Sign Contracts: updates job titles and adds Technology Services Deputy Director to the list.

FINANCIAL IMPLICATIONS (current year and ongoing): none.

LEGAL/POLICY REQUIREMENTS: ORS 279A.065(5)(b) requires the County to review its Local Contract Review Board Rules each time the Attorney General modifies the Model Rules. Staff has completed this review and recommends that the County's LCRB Rules (Appendix C of the Clackamas County Code) be amended as shown.

PUBLIC/GOVERNMENTAL PARTICIPATION: NA.

OPTIONS: Adopt the changes, or leave the LCRB rules in their current form.

RECOMMENDATION: Adopt the proposed changes to the LCRB Rules in order to follow the recent changes to the Model Rules made by the Attorney General.

ATTACHMENTS: LCRB Rules (Appendix C of the County Code) showing proposed additions underlined and proposed deletions ~~struck through~~.

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval _____
County Administrator Approval _____

For information on this issue or copies of attachments, please contact Dave Anderson at 503-655-8362 or Lane Miller at 503-742-5442

RESOURCES: Is this item in your current work plan and budget? YES.