

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Sitting/Acting as (if applicable)

Study Session Worksheet

Presentation Date: October 15, 2013

Approx Start Time: 3:00 pm

Length: 30 Minutes

Presentation Title: Contract Signing Authority

Department: Office of County Counsel

Presenters: Stephen Madkour, County Counsel

Other Invitees:

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

This matter is scheduled at the Chair's request.

EXECUTIVE SUMMARY:

At the September 19, 2013, study session the board expressed interest in reviewing and approving contract amendments over a certain dollar amount. The County's current practice for contracting is set forth in our Local Contract Review Board Rules, which are included in our Code as Appendix C. The applicable sections are attached.

These rules set forth the signing authority for county officials. These rules were amended in 2009 to provide all department heads, and elected officials with increased signing authority, up to \$150,000.

These individuals also have signing authority for contract amendments. Department heads have authority to sign contract amendments for 10% of the original contract or \$150,000, whichever is less. However, elected officials, the County Administrator, DTD and WES have authority for 10% of contract amount of \$150,000, **whichever is greater**. Accordingly, if the initial contract was for \$5 million, the amendment signing authority would be \$500,000. DTD and WES signature authority for amendments is limited to public improvement contracts. Presently, the delegation of signature authority by the board does not require any additional involvement or approval by the board.

FINANCIAL IMPLICATIONS (current year and ongoing):

No direct financial implications

LEGAL/POLICY REQUIREMENTS:

PUBLIC/GOVERNMENTAL PARTICIPATION:

OPTIONS:

1. Maintain the current signing authority;
2. Review and adjust the signing authority; or
3. Amend rules to provide additional review or approval by board.

RECOMMENDATION:

ATTACHMENTS:

Portions of Appendix C of the County Code

SUBMITTED BY:

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



For information on this issue or copies of attachments, please contact Stephen L. Madkour, County Counsel
at 503-855-8362

components or phases of Work specified in or reasonably related to the scope of the original procurement. Amendments to a Public Improvement Contract may be made only when they are reasonably related to the scope of the original Procurement.

Stat. Auth.: ORS 279A.065

Stats. Implemented: ORS 279A.065 & ORS 279C.400(1)

[Adopted by Order NO. 2005-34, enacted 2/24/05; Amended by Order No. 2008-08, enacted 1/31/08]

DIVISION C-050

AUTHORITY TO SIGN CONTRACTS

C-050-0100 Delegation of Authority to sign Contracts and Amendments

(1) **Application.** The Board has authority to sign all Contracts and Contract amendments for the Contracting Agency. The purpose of these division C-050 rules is to establish a limited delegation of that authority to sign Contracts and Contract amendments. In other words, these rules identify the persons other than the Board who have the authority to sign Contracts and Contract amendments for the Contracting Agency. They do not address the type of procurement process that is to be followed, such as Invitation to Bid, Request for Proposals, or other procurement process.

(2) **Authority to Sign Contracts and Contract Amendments.**

(a) Officers and employees of Clackamas County holding the positions listed in this subsection have the authority to sign Contracts with a value not to exceed a total of \$150,000 in the aggregate for any one project or for any one contractor in a single fiscal year.

(b) The listed persons also have authority to sign Contract amendments, if the amendment does not exceed 10% of the original Contract amount or \$150,000, whichever is less.

Assessor
Business and Community Services Director
Business and Community Services Deputy Director
C-Com Director
County Clerk
Community and Legislative Affairs Director
Community Corrections Director
Community Development Director
County Administrator
County Counsel
Deputy County Administrator
District Attorney
District Attorney Office Administrator (Administrative Services Manager)
Emergency Management Director
Employee Services Director
Family Court Services Director
Finance Director
Homeland Security Director
Health, Housing and Human Services Director

Health, Housing and Human Services Assistant Director of Operations
 Technology Services Director
 Technology Services Deputy Director
 Justice of the Peace
 Juvenile Department Director
 Law Library Librarian
 Library Director
 Public and Government Relations Director
 Purchasing Manager
 Sheriff
 Tourism and Development Council Executive Director
 Transportation and Development Director
 Transportation and Development Deputy Director
 Transportation and Development Business Services Manager
 Treasurer
 Undersheriff
 Water Environment Services Director

(3) District Attorney's, Sheriff's, Treasurer's, Assessor's County Clerk's and Justice of the Peace's Additional Authority. In addition to the authority granted above in subsection (2), the District Attorney, the Sheriff, the Treasurer, the Assessor the County Clerk and the Justice of the Peace have the authority to sign Contract amendments, for contracts other than Public Improvement contracts, which do not exceed 10% of the original contract amount, or \$150,000, whichever is greater.

(4) DTD Director's and WES Director's Additional Authority. In addition to the authority granted above in subsection (2), the Transportation and Development Director, and the Water and Environment Services Director, have the authority to sign Contract amendments, for Public Improvement contracts, which do not exceed 10% of the original contract amount, or \$150,000, whichever is greater.

(5) County Administrator's Additional Authority. In addition to the authority granted above in subsection (2), the County Administrator has the authority to sign Contract amendments for both Public Improvement contracts and other contracts, which do not exceed 10% of the original contract amount, or \$150,000, whichever is greater.

(6) Authority Exclusive. The delegations of authority set forth in this section are exclusive, and no other persons have authority to perform such functions without express written authority from the Board granted after the adoption of this section. All previous delegations of authority adopted by the Board are hereby repealed. The County Administrator has other authority granted in Chapters 2.05 and 2.09 of the County Code, such as the authority to sign employment contracts.

(7) Other Limits. The authority granted in this section to sign Contract amendments does not override the limits on Contract amendments for Contracts awarded as small Procurements under C-047-0265 or intermediate Procurements under C-047-0270. Amendments to small Procurements shall not increase the Contract Price to greater than \$6,000. Amendments to intermediate Procurements shall not exceed 25% of the original Contract Price or \$25,000, whichever is greater.

[Adopted by Order NO. 2005-34, enacted 2/24/05; amended by Order No. 2006-366, enacted 8-24-06;
 Amended by Order No. 2008-08, enacted 1/31/08; Amended by Order No. 2008-165, enacted 10/16/08;
 Amended by Order No. 2009-84, enacted 7/9/09; amended by Order No. 2010-21, enacted 3/18/10;
 Amended by Order No. 2012-41, enacted 6/7/12.]

C-050-0200 Avoidance of Delay Costs

(1) The County Administrator has the authority to sign amendments to Public Improvement Contracts, for contract amounts exceeding those set forth in C-050-0100, under the following conditions:

- (a) The amendment modifies bid items that have been defined under the original Contract, or addresses Differing Site Conditions, and
- (b) The time needed to seek approval from the Board may result in delay costs or claims payable to the contractor.

(2) A report shall be provided to the members of the Board following every use of the authority. The amendment shall be placed before the Board for review at the earliest opportunity. The authority granted in this section is in addition to the authority granted in Rule C-050-0100.

[Adopted by Order NO. 2005-34, enacted 2/24/05]
