

ORDINANCE NO. 662

AN ORDINANCE OF THE CITY OF WILLAMINA REPEALING ORDINANCE 414, ORDINANCE 612 AND AMENDING WILLAMINA MUNICIPAL CODE SECTION 34.03

WHEREAS, the city last updated its public contracting rules in 2002;

WHEREAS, the State of Oregon has since made changes to the Oregon Public Contracting Code; and

WHEREAS, the city wants to update its contracting rules through a resolution.

NOW, THEREFORE, the City of Willamina, Oregon ordains as follows:

Section 1. The Willamina City Council repeals Ordinance 414, Ordinance 612 and all other ordinances relating to public contracting.

Section 2. The Willamina City Council amends Section 34.03 of the Willamina Municipal Code as follows: "The City Council adopts and periodically amends public contracting rules and procedures by resolution. Copies are available through the City Recorder."

First Reading: July 21, 2016 Second Reading: July 21, 2016

PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF THE CITY OF WILLAMINA this
21 day of July, 2016


Ila Skyberg, Mayor

Attest: 

Debbie Bernard, City Recorder

RESOLUTION NO. 16.17-002

A RESOLUTION ADOPTING PUBLIC CONTRACTING RULES

THE CITY OF WILLAMINA RESOLVES AS FOLLOWS:

Section 1. Public Contracting Rules for the City of Willamina.

1.10.010 General provisions

- (1) Except as provided within these rules, Willamina’s public contracting is governed by the Oregon Public Contracting Code (ORS Chapters 279, 279A, 279B and 279C) (the “Code”) and the Oregon Attorney General’s Model Public Contract Rules (OAR Chapter 137, divisions 46, 47, 48 and 49) (the “Model Rules”).
- (2) The Willamina City Council (“Council”) is the local contract review board. Except as these rules may otherwise provide, the powers and duties of local contract review boards under the Code and Model Rules will be exercised by the Council and the powers and duties given or assigned to contracting agencies by the Code or Model Rules will be exercised by the City Manager acting as Willamina’s contracting agent.
- (3) For the purposes of these rules, “City Manager” means the City Manager for the City of Willamina, or the City Manager’s designee.
- (4) For the purposes of these rules, “Emergency” means circumstances that:
 - (A) Could not have been reasonably foreseen;
 - (B) Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
 - (C) Require prompt execution of a contract to remedy the condition.

1.10.020 Personal service contracts not including certain construction-related personal services

- (1) “Personal service contract” means a contract for personal or professional services performed by an independent contractor, primarily for the provision of services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of attorneys, accounting and auditing services, information technology services, planning and development services, artists, designers, performers, property managers and consultants. The City Manager has discretion

- (B) After the interview process concludes, the City Manager will make the final selection. If the interviews are conducted before the Board, the Board will make the final selection.
 - (C) The final selection will be based upon applicant capability, experience, project approach, compensation requirements, references and any other criteria identified by Willamina as necessary for Willamina to select a contractor.
- (3) The following informal selection procedure may be used when the estimated payment to the contractor does not exceed \$75,000 or when the City Manager determines that the informal procedures will not interfere with competition among prospective contractors, reduce the quality of services or increase costs. The City Manager will contact a minimum of three prospective contractors qualified to offer the services sought. The City Manager will request an estimated fee, and make the selection consistent with Willamina's best interests. If three quotes are not received, the City Manager will make a written record of efforts to obtain the quotes.
 - (4) The City Manager may enter into personal service contracts not exceeding an estimated \$25,000 without following the procedures under subsection (2) or (3). However, the City Manager must make reasonable efforts to choose the most qualified contractor to meet Willamina's needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures.
 - (5) The City Manager may negotiate with a single source for personal services if the services are available from only one contractor, or the prospective contractor has special skills uniquely required for the performance of the services. Willamina must make written findings to demonstrate why the proposed contractor is the only contractor who can perform the services desired.
 - (6) The City Manager may select a contractor without following any procedures if an emergency exists. In such instances, the City Manager must memorialize in writing the circumstances that justify the emergency appointments.

1.10.030 Authority to electronically advertise solicitations for goods and services

- (1) The City Manager is authorized to develop an "Electronic Procurement System" in accordance with OAR 137-047-0300(2)(b). As described in OAR 137-046-0110(16), this is an information system accessible through the Internet that allows Willamina to post electronic advertisements and receive electronic offers for goods and services. When an electronic procurement system is in place, the Model Rules allow procurement solicitations to be advertised exclusively online. This saves Willamina time and money over newspaper advertisements.

- (3) As an alternative, Willamina may provide written notice to each bidder or proposer of Willamina's intent to award a contract. This written notice may be provided electronically or through non-electronic means.
- (4) Willamina may give less than seven days notice of its intent to award a contract if Willamina determines in writing that seven days is impracticable as allowed by ORS 279B.135.
- (5) This section does not apply to goods and services contracts awarded under small procurements under these rules, or other goods and services contracts awarded in accordance with ORS 279B.070, 279B.075, 279B.080 or 279B.085.
- (6) This section does not apply to any public improvement contract or class of public improvement contracts exempted from competitive bidding requirements.
- (7) A protest of Willamina's intent to award a contract may only be filed in accordance with OAR 137-047-0740 or OAR 137-049-0450, as applicable.

1.10.080 Procedure for surplus property

- (1) Surplus property is property owned by Willamina such as office furniture, computers, equipment, vehicles, excluding real property, that the City Manager determines is surplus and no longer useful to Willamina.
- (2) The City Manager may authorize the sale, donation or destruction of surplus property. Surplus property may be sold through the informal solicitation of bids or through an auction, including an online auction. The City Manager has the discretion to advertise the sale of surplus property in a newspaper of city-wide circulation.
- (3) Employees of Willamina may purchase surplus property, so long as at least three individuals or entities have bid on the property and the employee's bid is the highest bid.

Section 2. This resolution is effective on the date of its adoption.

THIS RESOLUTION IS ADOPTED BY THE WILLAMINA CITY COUNCIL this ²¹~~17~~ day of July, 2016


Ila Skyberg Mayor


Attest: Debbie Bernard, City Recorder