

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO PUBLIC)	ORDINANCE NO. 84-175
CONTRACT PROCEDURES AND AMENDING)	
CODE SECTIONS 2.04.001, 002, 003,)	
005, 010, 015, 020, 030, 035,)	
040 and 045.)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Code section 2.04.001 is hereby amended to read as follows:

2.04.001 Public Contract Review Board: Creation: Pursuant to [1979 Or. Laws, ch. 804,] ORS 279.055 the Council is designated and created as the Metropolitan Service District [(Metro)] Contract Review Board.

Section 2. Code section 2.04.002 is hereby amended to read as follows:

2.04.002 Powers of Board: The [(Metro)] Contract Review Board shall have all the powers in the award of District contracts [that the Oregon State Public Contract Review Board may exercise in the state at-large under ORS ch. 279 and OAR Chapter 127,] allowed under ORS 279.011 to 279.061 including such revisions and additions to those [chapters] statutes as may later be adopted.

Section 3. Code section 2.04.003 is hereby amended to read as follows:

2.04.003 Rules: The [(Metro)] Contract Review Board may adopt rules relating to the award of District contracts. [Such rules shall prevail when in conflict with the rules of the Oregon State Contract Review Board at OAR Chapter 127.] Such rules of the [(Metro)] Contract Review Board shall be adopted by ordinance.

Section 4. Code section 2.04.005 is hereby amended to read as follows:

2.04.005 Contract Review Board Meetings:

(a) The meetings of the [Metropolitan Service District] Contract Review Board shall normally, but need not, be conducted at the same time as, and as a part of, the regular meetings of the Metropolitan Service District Council.

(b) The rules of procedure adopted by the [Metropolitan Service District] Council for its proceedings shall also govern proceedings of the [Metropolitan Service District] Contract Review Board unless they conflict with rules adopted by the Board.

[(c) Subsections (a) and (b) of this section supersede the rules adopted by the Public Contract Board at OAR Chapter 127, Divisions 80 and 90.]

Section 5. Code section 2.04.010 is hereby rescinded:

Section 6. The following provisions shall be added to Code Chapter 2.04:

2.04.011 Requirement of Competitive Bidding, Exemptions

(a) For purposes of this chapter, "public contract" shall mean any purchase, lease or sale by Metro of personal property, public improvement or services other than agreements which are for personal service.

(b) All public contracts shall be based on competitive bids except:

(1) Contracts with other public agencies or the federal government.

(2) Contracts made with qualified nonprofit agencies providing employment opportunities for the handicapped.

(3) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145.

(4) Contracts for supplies of less than \$2,500.

(5) Personal service contracts subject to ORS 279.051 and Code Section 2.04.035.

(6) Classes of public contracts which the Contract Review Board has found to be exempt without encouraging favoritism or substantially diminishing competition for public contracts and that such exemptions will result in substantial cost savings. These contracts include:

(a) Purchase and sale of Zoo animals.

(b) Purchase and sale of Zoo gift shop retail inventory and resale items.

(c) All contracts of less than \$10,000, not otherwise exempt, subject to the requirements of subsection (d) of this section.

(d) Contracts not to exceed \$25,000 for road, highway or parking lot maintenance provided that at least three (3) competitive quotes are obtained, if available, and a record of said quotes and efforts to obtain them are maintained.

(e) Emergency contracts subject to subsection (f) of this section.

(f) Contracts for sale of surplus property subject to subsection (g) of this section.

(c) Specific contracts, not within the classes exempted in subsection (6) above, may be exempted by the Board by resolution subject to the requirements of ORS 279.015(2) and ORS 279.015(5).

(d) Contracts exempted by subsection (6)(c) of this section may be awarded only subject to the following:

(1) The amount of the contract does not exceed \$10,000; and is for a single project; and is not a component of any other project.

(2) When the amount of the contract does not exceed \$500, the District should, where feasible, obtain competitive quotes.

(3) When the amount of the contract is more than \$500, but less than \$10,000, the District must obtain a minimum of three (3) competitive quotes. The District shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes.

(4) No contractor may be awarded in the aggregate, within the fiscal year, contracts in excess of \$30,000 without competitive bidding. In computing the aggregate under this subsection, awards under \$500 shall not be included.

(e) Emergency contracts shall be awarded subject to a resolution of the Council declaring the emergency and reciting the conditions which require prompt contract execution. Any emergency contract shall be awarded within sixty (60) days following the declaration of the emergency unless the Board grants an extension.

(f) Contracts for sale of surplus property may be executed without competitive bidding only when the Executive Officer determines in writing that the number, value and nature of the items to be sold make it probable that the cost of conducting a sale by competitive bid will be such that a liquidation sale will result in substantially greater net revenue to the District.

Section 7. Code section 2.04.015 is hereby amended to read as follows:

2.04.015 Contract Review Committee:

(a) There is hereby created a Contract Review Committee of the Council, which committee shall have the powers and

responsibilities described in the Metro Contract Procedures adopted by this chapter.

(b) The Contract Review Committee shall be comprised of three members to be appointed annually by the Presiding Officer of the Council.

(c) The Committee may establish a regular meeting schedule and may meet in special session at the call of the [Deputy Presiding Officer] Committee Chair. A majority of the Committee shall constitute a quorum and the Committee shall act by majority vote.

(d) In addition to the meeting provisions in subsection (c) of this section, the Committee may act by individual or telephonic poll of the membership. The results of any such polling shall be included in the minutes of the next regular or special meeting of the Committee.

Section 8. Code section 2.04.020 is hereby amended to read as follows:

2.04.020 Application of Contract Procedures:

(a) All public contracts to which Metro is a party or to which Metro may become a party shall be established, processed, approved and executed pursuant to [the Metro Contract Procedures adopted by] this chapter.

(b) The Executive Officer may establish such other contract regulations, not inconsistent with [the Metro Contract Procedures,] this chapter as may be necessary and expedient.

Section 9. Code section 2.04.025 is hereby rescinded.

Section 10. Code section 2.04.030 is hereby amended to read as follows:

2.04.030 Rules and Procedures Governing All Contracts:

(a) Initiating a Contract: When a department initiates a contract not in the form of a purchase order, it must first notify the [Department of Management] Budget and Administrative Services Division of its intention and request the issuance of a contract number which shall appear on all copies of the contract. Additionally, the department must complete a Contract Summary form indicating the specifics of the contract. This form must be forwarded to the [Department of Management] Budget and Administrative Services Division either with a fully executed contract [three] (one [copies] copy), if the amount is [under] \$2,500 or under; or with an unexecuted contract (three copies) for review, approval and signature, if the amount is over \$2,500.

(b) Persons Authorized to Sign Contracts:

(1) For contracts of an amount [under] of \$2,500 or under the Director of the initiating department, or a designee of the Director approved by the Executive Officer, may sign contracts if the following conditions are met:

(A) A standard contract form is used;

(B) Any deviations to the contract form are approved by the [General] Legal Counsel;

(C) The expenditure is authorized in the budget;

(D) The contract does not further obligate Metro beyond \$2,500;

(E) The appropriate Scope of Work is attached to the contract; and

(F) The Contract is for an entire project or purchase; not a portion of a project or purchase which, when complete, will amount to a cost greater than \$2,500.

(2) For contracts of more than \$2,500 [or more], and for contract amendments which exceed \$2,500 or which result in a total contract price exceeding \$2,500, either the Executive Officer or Deputy Executive Officer must sign; provided, however, that the Director or [Deputy] Assistant Director of the Zoo may sign purchase orders of [up to] \$10,000 or less. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the [Director of Management] Manager of Budget and Administrative Services may sign contracts.

(c) Approval of Contracts of more than \$10,000 [or More]:

(1) Except as provided in subsection (4) of this section, all initial contracts, individual amendments, or purchase orders, with a contract price of more than \$50,000 [or more] shall be approved by the Council prior to execution.

(2) Except as provided in subsection (4) of this section, all initial contracts, including purchase orders, with a contract price of greater than \$10,000 [or more] but [less than] \$50,000 or less shall be approved by the Contract Review Committee of the Council prior to execution.

(3) Except as provided in subsection (4) of this section, all contract amendments and extensions which exceed \$10,000 or which result in a total contract price of more than \$10,000 or \$50,000 [more] shall be approved by the Contract Review Committee prior to execution.

(4) The following types of contracts, including contract amendments and extensions to such contracts, shall be exempt from the provisions of this section (c).

(A) Contracts which merely pass through funds from a state or federal agency.

(B) Contracts under which Metro is to provide a service only and incurs no financial obligation to another party.

(C) Contracts with another government agency.

(D) Initial contracts of \$10,000 or less [than \$10,000] and contract extensions and amendments which do not cause or result in a total contract price of more than \$10,000 [or more].

(E) Grant award contracts.

[(F) Contracts previously approved as part of annual work programs.]

[(G)] (F) Purchases of inventory and gift items for resale at the Zoo Gift Shop.

(G) Emergency contracts approved pursuant to Code section 2.04.010(e).

(d) Documentation Required for Contract Files: The Budget and Administrative Services Division [Department of Management Services] will maintain central files for all contracts. [Individual departments should keep a copy of each contract which they have initiated and all subsequent extensions and amendments.] An original copy should be given to each contractor. All correspondence relating to a contract which alters conditions or amounts must be included in the central files as should all papers which document the process of obtaining competitive bids, quotes, or proposals. In any case where a low bid, quote, or proposal is not accepted, a detailed justification must be included with the contract file. Other documentation, if applicable, that should be included in the file includes:

- Mailing lists
- Affidavits of Publication
- Insurance endorsements and certificates
- Amendments
- Extensions
- Related Correspondence
- Quotes, Proposals, and Bids
- Bonds
- [MBE contacts] WBE/DBE information
- Contract closure form
- Personal Services Evaluation form

(e) Contract Review: Any contract which deviates from a standard contract form must be reviewed by [the Metro General Counsel] legal counsel. Contracts involving federal or state grant funds must be reviewed by the [Finance] Deputy Executive Officer. [Contracts which are to be let after advertised competitive bids, quotes or proposals must be reviewed by the Contracts Manager.]

(f) [Minority] Disadvantaged Business Program: All public contracting and purchasing is subject to the Metro [Minority] Disadvantaged Business Enterprise Program. Metro will take affirmative action to do business with [Minority] Disadvantaged Business Enterprises. The Contracts Manager will maintain a directory of [minority] disadvantaged businesses which shall be consulted and used in all contracting and purchasing of goods and services. If a [minority] disadvantaged business is [available] included in the directory that appears capable of providing needed goods or services, that business [must] should be contacted and given an opportunity to compete for Metro business. Contracts awarded subject to the [MBE] program may be exempted from the competitive bidding process by resolution of the Contract Review Board.

[(g) Awarding Contracts Without Competitive Bids, Quotes or Proposals:]

[(1) In some cases, competitive bidding may not be required. The Contracts Manager will make a determination of whether a contract must be awarded subject to competitive bidding. Examples of the contracts which may not be legally subject to competitive bidding are:

- Rare Animals
- Price Regulated Items
- Emergency Contracts
- Advertising Contracts
- Recycled Materials
- Products of the Handicapped
- Contracts between Government Agencies
- Affirmative Action Contracts
- Data Processing Contracts
- Insurance Contracts
- Contract Amendments and Extensions
- Personal Services Contracts
- Purchases Under Requirement Contracts]

[(2) In most cases these exempt categories must be interpreted narrowly. An emergency contract, for example, may only be executed if the emergency conditions could not have reasonably been foreseen and the only way to remedy the situation is through the execution of a contract.]

[(3) Personal services contracts are subject to separate procedures described in Section III.]

[(4) Specific exemptions from competitive bidding may be sought from the Metro Contract Review Board (See Ordinance No. 79-76 and Ordinance No. 81-125.)]

[(5) Any request for an exemption from competitive bidding must comply with OAR 127-10-160.]

[(h)] (g) Monthly Contract Report: The Executive Officer shall provide or cause to be provided a monthly report to the Council of all contracts, including extensions and amendments, which have been executed during the preceding month; provided, however, that such monthly report need not include purchase orders under \$500.

[(i)] (h) Purchase Orders: For purposes of [these regulations] this chapter, the term "contracts" includes purchases of goods or materials by purchase order. Purchase orders may be utilized in lieu of written contracts when the purchase is for goods or materials only.

[(j)] (i) Code of Conduct:

(1) No employee, officer or agent of Metro shall participate in the selection, award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his/her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. No Metro officer, employee or agent shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

(2) Violations of this Code of Conduct shall subject an officer or employee to disciplinary action pursuant to the Metro Personnel Rules and may be grounds for other civil or criminal penalties provided by law.

[(k)] (j) Federal/State Agency Approval: When required by federal or state law or regulations, review and approval of Metro contracts shall include prior concurrence or approval by appropriate federal or state agencies. (Ordinance No. 82-130, Sec. 2(a))

(k) In all public contracts, Metro shall prefer goods or services that have been manufactured or produced in Oregon if price, fitness, availability and quality are otherwise equal. Where a contract in excess of \$10,000 is awarded to a contractor not domiciled or registered to do business in Oregon, the initiating Department shall assure compliance with the provisions of ORS 279.021.

(l) All requests for bids or proposals for all contracts in excess of \$10,000 shall be reviewed by the Department of Management Services and Legal Counsel prior to solicitation or advertisement, and shall include the contract form to be used.

Section 11. Code section 2.04.035 is hereby amended to read as follows:

2.04.035 Personal Services Contracts:

(a) Definition: Personal Services contracts are for personal or professional services that are not normally performed by [the] Metro department staffs and will not require continuous supervision by Metro staff. Examples of services that may be obtained under Personal Services contracts are: attorneys; economic consultants; engineers; architects; special photography; legislative liaison; public relations and professional advice on retainer. [Personal Services contracts shall be in compliance with OAR 127-10-092.]

(b) Distinguishing Between Employees and Independent Contractors: [It is important that] Employees shall not be hired under the guise of a Personal Services Contract. To determine whether a particular worker is to be an employee or an independent contractor, the most important factor to consider is the employer's right to control. If the employer is to retain the right to control the manner and means of accomplishing a desired result, the worker is generally considered an employee; if, however, the employer has the right to control only the results of the work, the worker is considered an independent contractor. [Thus, the question usually comes down to who is to have the right to direct what shall be done and when and how it shall be done.] This test of control does not require actual exercise of control, but rather the employer's right to control. [A consideration of] The following factors [is helpful] shall be considered in determining a worker's status:

(1) Whether the worker is to be engaged in a distinct occupation or business. Independent contractor status is often accorded those who are engaged for their special skills. Thus, the hiring of an architect, broker, doctor, painter or attorney may indicate that an independent contractor relationship is being contemplated.

(2) Whether the employer or the worker is to supply the instrumentalities, tools and the place of work.

(3) Whether the worker or the employer is to have the power to dictate the particular manner in which the instrumentalities or tools shall be used and the way the workers shall do their work.

(4) Whether the worker employs, pays and has full power of control over assistants.

(5) Whether the work is part of the regular business of the employer.

(c) Selection Process for Personal Services Contracts:

(1) Contracts [Under] of \$2,500 or less: For Personal

Services contracts [under] of \$2,500 or less, the Department Director shall state in writing the need for the contract. This statement shall include a description of the contractor's capabilities in performing the work. Multiple proposals need not be obtained. This statement will be kept in the Department of Management Services contract file.

(2) Contracts Between \$2,500 and \$10,000: For Personal Services contracts [of at least] greater than \$2,500 but [less than] \$10,000 or less, the Department Director shall use the following process:

(A) Proposals shall be solicited from at least three (3) potential contractors who, in the judgment of the Department Director, are capable and qualified to perform the requested work. [The Minority Business Enterprise Directory maintained by the Contract Manager shall be consulted and at least one (1) of the potential contractors notified shall be an MBE if an MBE service provider appears in the MBE Directory.]

(B) The initiating Department shall document the fact that at least three (3) proposals have been solicited. Preferably, the proposals should be written but this is not required. Metro shall reserve the right to reject any or all proposals for any reason.

(C) Evaluation, as determined by the Department Director, shall include use of a contractor evaluation form and may require oral presentations. The objective is the highest quality of work for the most reasonable price. The quality of the proposal may be more important than cost.

(D) Notification of selection or rejection shall be made in writing after final review by the initiating department.

(E) If the contract is for more than \$2,500 [or more], it shall be submitted to the contractor for signature and then to [either the Executive Officer or Deputy Executive Officer for signature] the Budget and Administrative Services Division for internal review and execution.

(3) Contracts [of] for more than \$10,000 [or More]: For Personal Services contracts [of] for more than \$10,000 [or more], an evaluation of proposals from potential contractors shall be performed as follows:

(A) A request for proposals shall be prepared by the initiating department. Where appropriate, the request

shall be published in a newspaper of general circulation or in trade magazines. In addition, Metro shall notify in writing at least three (3) potential contractors, who, in the judgment of the Department Director are capable and qualified to perform the requested work. The [Department of Management Services] initiating department will be responsible for maintaining the file and making the appropriate notification.

(B) Evaluations of proposals shall include use of a contract evaluation form. The use of an oral interview or an evaluation team is recommended.

(C) After evaluation is complete, the Department Director will recommend [the] final selection [to the Executive Officer] thru the Budget and Administrative Services Division.

(D) Notifications of selection and rejection shall be made in writing by the initiating department.

(E) Such Personal Services contracts with the Scope of Work must be [reviewed] approved by the department head[,] [General Counsel] and then forwarded to the Budget and Administrative Services Division for internal review [by the Contracts Manager prior to approval] and execution. Legal counsel review is required if other than a standard contract form is used.

(F) Such Personal Services contracts shall be subject to the approval requirements of Section 2.04.030(c) of this chapter.

(4) Sole Source Personal Services Contracts: If there is only one qualified provider of the service required, the initiating department need not solicit and document three (3) proposals as required by subsections (c)(2) and (c)(3) above. The initiating department must document that there is only one qualified provider of the service required, and the Council shall be given notice of the execution and the justification for the contract.

(5) Continuing Activities: A Personal Services contract may be renewed without receiving competitive proposals if the contractor is performing a continuing activity for the agency. This applies, but is not limited to [such] contracts [as those] for construction observation, public relations consulting, outside legal counsel and annual auditing. Except as provided in paragraph (6) below, competitive proposals must be solicited for these services at least once every three (3) years and annually if the contractor proposes a price or rate increase of more than

10% over the previous year[, competitive proposals must be solicited].

(6) Limited Source Contracts: Personal Services contracts may be renewed, extended or renegotiated without soliciting competitive proposals if, at the time of renewal, extension or renegotiation, there are fewer than three (3) potential contractors qualified to provide the quality and type of services required. If a Personal Services contract is renewed, extended or renegotiated under this paragraph without soliciting proposals, the initiating department shall document in detail why the quality and type of services required make it unnecessary or impractical to solicit proposals.

(7) Approval of Personal Services Contracts: Personal Services contracts, amendments, renewals and extensions shall be subject to the approval requirements of Section 2.04.030[(c)] of this chapter.

(8) Personal Services Evaluation Form: Selection of Personal Services contractors shall include the use of an evaluation form documenting the reasons for the selection.

Section 12. Code section 2.04.040 is hereby amended to read as follows:

2.04.040 [Materials and Services] Labor and Materials Contracts:

(a) Definition: [This section is intended to provide guidance for contracting services other than Personal Services and is not intended to prevent the use of purchase orders. If a Department Director is in doubt as to whether a purchase should be on a purchase order or form contract, the Department Director or his/her designee should contact the Contracts Manager for a determination. Contracts for materials and services are those for specific goods or products or for the labor required to produce a specific product.] A Labor and Materials contract is a contract for trade related services, or services other than personal services, which may include the provision or production of related materials or goods. Examples of Labor and Materials contracts are maintenance, installation and custodial service, typesetting, security services and facility operations services. Labor and Materials contracts may be obtained by purchase order as determined by the Executive Officer.

(b) [Selection Process for Materials and Services Contracts:] Unless otherwise exempt from competitive bidding, Labor and Materials contracts shall be subject to the selection procedures of Code section 2.04.060.

[(1) Contracts Under \$500: For purchases of materials and services costing less than \$500, the initiating department should obtain three (3) quotes. The lowest quote obtained will be accepted unless valid reason for rejecting it can

be shown. After accepting a quote, the initiating department will follow up with a contract, attaching the quotes to the Department of Management Services file copy of the contract. Purchases of materials only under \$500 made by purchase order shall not require quotes and shall not be subject to the provisions of paragraph IID above.]

[(2) Contracts Between \$500 and \$10,000: All contracted materials and services costing between \$500 and \$10,000 will require written quotes. The initiating department will write specifications, sending them to possible contractors whom they feel can do the job. If possible, at least three (3) contractors will be contacted. After receipt of the quotes and review by the initiating department's staff, a contract will be developed. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. If it is over the amount of \$2,500 the contract will then be submitted to the contractor for signature and then to either the Executive Officer or Deputy Executive Officer for signature. The initiating department will attach all quotes received to the Department of Management Services' copy of the contract. The Minority Business Enterprise Directory maintained by the Department of Management Services shall be consulted to determine whether an MBE is available that may possibly do the work or supply the goods required by the specifications. If one is available it must be given the opportunity to make a bid or quote.]

[(3) Contracts Over \$10,000: Unless a general or specific exemption applies, all contracted materials and services costing over \$10,000 will be subject to a formal sealed bid process. The following procedure will be used:

[(A) The initiating department staff will write bid specifications and compile a list of potential bidders.

[(B) The bid document will be reviewed by the Department of Management Services and by legal counsel before bids are solicited.

[(C) A request for bids will be advertised in the Daily Journal of Commerce, or when feasible, in an appropriate trade magazine.

[(D) The Department of Management Services will receive and open sealed bids.

[(E) The opened bids will be reviewed by the requesting department and a recommendation and contract will be submitted to the Department of Management Services.

[(F) The Department of Management Services will make recommendation to the Executive Officer or Deputy Executive Officer.]

[(G) Materials and services contracts, amendments, renewals and extensions shall be subject to the approval requirements of Section 2.04.030(c) of this chapter.]

[(H) The Management Services Department will notify all bidders of the contract award, obtain signatures on the contract and obtain any necessary bonds and insurance certificates.]

[(I) Metro shall reserve the right to reject any or all quotes or bids received.]

[(4) Subsections (b)(1) and (b)(2) above shall not apply to the purchase of inventory and gift items for resale at the Zoo Gift Shop.]

[(c) Insurance and Bonding Requirements: All contracts which produce a possible liability to Metro must be accompanied by a certificate of liability insurance from the contractor naming Metro as a certificate holder or additional insured.]

[(1) Any improvements contract in excess of \$10,000 must be accompanied by a bid bond of not to exceed 10% of the amount of the contract and a performance bond of 100% of the amount of the contract.]

[(2) If a liability exposure to the District exists, certificates of insurance are required.]

[Minimum insurance requirements are:

[(A) \$100,000 for personal injury to any one (1) person;

[(B) \$300,000 for any number of claims resulting from one (1) accident;

[(C) \$50,000 property damage for all damage claims resulting from one (1) accident.]

Section 13. Code chapter 2.04.045 is hereby amended to read as follows:

2.04.045 Contracts Between Government Agencies:

(a) Contracts between government agencies may be made without competitive bids, quotes, or proposals.

(b) Each contract being initiated by a department must be reviewed by the Department Director, [General Counsel] legal counsel, Budget and Administrative Services Division and appropriate state or federal agencies. If the contract is made pursuant to federal or state grants, it must be reviewed by the [Finance] Deputy Executive Officer. (Ordinance No. 82-130, Sec. 2(a))

Section 14. Code Chapter 2.04 is hereby amended by adding a new section 2.04.050 as follows:

2.04.050 Procurement or Sales Contracts

(a) Definition: Procurement or Sales Contracts are contracts for the purchase, lease, rental or sale of goods, supplies or other personal property in which labor or service is not involved or is merely incidental to the purpose of the contract. Procurement or sales by purchase order is allowed as may be determined by the Executive Officer.

(b) Unless otherwise exempt from competitive bidding, Procurement or Sales Contracts shall be subject to the selection procedures of Code section 2.04.060.

Section 15. Code Chapter 2.04 is hereby amended by adding a new section 2.04.055 as follows:

2.04.055 Construction Contracts

(a) Definition: A Construction Contract is a contract for construction, reconstruction, or major renovation on real property, but does not include Labor and Materials Contracts such as emergency work, minor alteration or ordinary repair and maintenance necessary in order to preserve a public improvement.

(b) Unless otherwise exempt from competitive bidding, Construction Contracts shall be subject to the selection procedures of Code section 2.04.060.

(c) Within thirty (30) days of award of a construction contract, the Department of Management Services shall provide the notice required by ORS 279.363. Such notice is not required for contracts not exceeding \$10,000 or for contracts regulated under the Davis-Bacon Act (40 USC 276a).

Section 16. Code Chapter 2.04 is hereby amended by adding a new section 2.04.060 as follows:

2.04.060 Competitive Bidding Procedures

Unless exempt from competitive bidding by Code section 2.04.010 or otherwise, the following competitive bidding procedures shall apply to all contracts:

(1) The initiating department staff will prepare or have prepared bid specifications and compile a list of potential bidders.

(2) The bid document will be reviewed by the Budget and Administrative Services Division and by legal counsel before bids are solicited.

(3) A request for bids will be advertised in the Daily Journal of Commerce, a local minority newspaper, and when feasible, in an appropriate trade magazine. Additional advertisement may be appropriate depending upon the nature of the contract.

(4) The initiating department will receive and open sealed bids at the time and place designated in the request for bids.

(5) The opened bids will be reviewed by the requesting department and a recommendation and contract will be submitted to the Budget and Administrative Services Division.

(6) Contracts shall be subject, if applicable, to the approval requirements of Section 2.04.030(c) of this Chapter.

(7) The initiating department will notify all bidders of the contract award and obtain any necessary bonds and insurance certificates.

(8) Metro shall reserve the right to reject any or all quotes or bids received.

ADOPTED by the Council of the Metropolitan Service District
this 5th day of July, 1984.

Corky Kirkpatrick
Presiding Officer

ATTEST:

Shirley Hanigan
Clerk of the Council

SK/srb
1140C/382
06/07/84

METRO CONTRACT PROCEDURES

(Revised by Adoption of Ordinance No. 84-175 on July 5, 1984)

Section 1. Code section 2.04.001 is hereby amended to read as follows:

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Section 2. Code section 2.04.002 is hereby amended to read as follows:

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Section 3. Code section 2.04.003 is hereby amended to read as follows:

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(b) The rules of procedure adopted by the Council for its proceedings shall also govern proceedings of the Contract Review Board unless they conflict with rules adopted by the Board.

Section 5. Code section 2.04.010 is hereby rescinded.

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(a) For purposes of this chapter, "public contract" shall mean any purchase, lease or sale by Metro of personal property, public improvement or services other than agreements which are for personal service.

(b) All public contracts shall be based on competitive bids except:

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(b) Purchase and sale of Zoo gift shop retail inventory and resale items.

(c) All contracts of less than \$10,000, not otherwise exempt, subject to the requirements of subsection (d) of this section.

(d) Contracts not to exceed \$25,000 for road, highway or parking lot maintenance provided that at least three (3) competitive quotes are obtained, if available, and a record of said quotes and efforts to obtain them are maintained.

(e) Emergency contracts subject to subsection (f) of this section.

(f) Contracts for sale of surplus property subject to subsection (g) of this section.

(c) Specific contracts, not within the classes exempted in subsection (6) above, may be exempted by the Board by resolution subject to the requirements of ORS 279.015(2) and ORS 279.015(5).

(d) Contracts exempted by subsection (6)(c) of this section may be awarded only subject to the following:

(1) The amount of the contract does not exceed \$10,000; and is for a single project; and is not a component of any other project.

(2) When the amount of the contract does not exceed \$500, the District should, where feasible, obtain competitive quotes.

(3) When the amount of the contract is more than \$500, but less than \$10,000, the District must obtain a minimum of three (3) competitive quotes. The District shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes.

(4) No contractor may be awarded in the aggregate, within the fiscal year, contracts in excess of \$30,000 without competitive bidding. In computing the aggregate under this subsection, awards under \$500 shall not be included.

(e) Emergency contracts shall be awarded subject to a resolution of the Council declaring the emergency and reciting the conditions which require prompt contract execution. Any emergency contract shall be awarded within sixty (60) days following the declaration of the emergency unless the Board grants an extension.

(f) Contracts for sale of surplus property may be executed without competitive bidding only when the Executive Officer determines in writing that the number, value and nature of the items to be sold make it probable that the cost of conducting a sale by competitive bid will be such that a liquidation sale will result in substantially greater net revenue to the District.

Section 7. Code section 2.04.015 is hereby amended to read as follows:

2.04.015 Contract Review Committee:

(a) There is hereby created a Contract Review Committee of the Council, which committee shall have the powers and responsibilities described in the Metro Contract Procedures adopted by this chapter.

(b) The Contract Review Committee shall be comprised of three members to be appointed annually by the Presiding Officer of the Council.

(c) The Committee may establish a regular meeting schedule and may meet in special session at the call of the Committee Chair. A majority of the Committee shall constitute a quorum and the Committee shall act by majority vote.

(d) In addition to the meeting provisions in subsection (c) of this section, the Committee may act by individual or telephonic poll of the membership. The results of any such polling shall be included in the minutes of the next regular or special meeting of the Committee.

Section 8. Code section 2.04.020 is hereby amended to read as follows:

2.04.020 Application of Contract Procedures:

(a) All public contracts to which Metro is a party or to which Metro may become a party shall be established, processed, approved and executed pursuant to this chapter.

(b) The Executive Officer may establish such other contract regulations, not inconsistent with this chapter as may be necessary and expedient.

Section 9. Code section 2.04.025 is hereby rescinded.

Section 10. Code section 2.04.030 is hereby amended to read as follows:

2.04.030 Rules and Procedures Governing All Contracts:

(a) Initiating a Contract: When a department initiates a contract not in the form of a purchase order, it must first notify the Budget and Administrative Services Division of its intention and request the issuance of a contract number which shall appear on all copies of the contract. Additionally, the department must complete a Contract Summary form indicating the specifics of the contract. This form must be forwarded to the Budget and Administrative Services Division either with a fully executed contract (one copy), if the amount is \$2,500 or under; or with an unexecuted contract (three copies) for review, approval and signature, if the amount is over \$2,500.

(b) Persons Authorized to Sign Contracts:

(1) For contracts of an amount of \$2,500 or under the Director of the initiating department, or a designee of the Director approved by the Executive Officer, may sign contracts if the following conditions are met:

(A) A standard contract form is used;

(B) Any deviations to the contract form are approved by the Legal Counsel;

(C) The expenditure is authorized in the budget;

(D) The contract does not further obligate Metro beyond \$2,500;

(E) The appropriate Scope of Work is attached to the contract; and

(F) The Contract is for an entire project or purchase; not a portion of a project or purchase

which, when complete, will amount to a cost greater than \$2,500.

(2) For contracts of more than \$2,500, and for contract amendments which exceed \$2,500 or which result in a total contract price exceeding \$2,500, either the Executive Officer or Deputy Executive Officer must sign; provided, however, that the Director or Assistant Director of the Zoo may sign purchase orders of \$10,000 or less. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Manager of Budget and Administrative Services may sign contracts.

(c) Approval of Contracts of more than \$10,000:

(1) Except as provided in subsection (4) of this section, all initial contracts, individual amendments, or purchase orders, with a contract price of more than \$50,000 shall be approved by the Council prior to execution.

(2) Except as provided in subsection (4) of this section, all initial contracts, including purchase orders, with a contract price of greater than \$10,000 but \$50,000 or less shall be approved by the Contract Review Committee of the Council prior to execution.

(3) Except as provided in subsection (4) of this section, all contract amendments and extensions which exceed \$10,000 or which result in a total contract price of more than \$10,000 or \$50,000 shall be approved by the Contract Review Committee prior to execution.

(4) The following types of contracts, including contract amendments and extensions to such contracts, shall be exempt from the provisions of this section (c).

(A) Contracts which merely pass through funds from a state or federal agency.

(B) Contracts under which Metro is to provide a service only and incurs no financial obligation to another party.

(C) Contracts with another government agency.

(D) Initial contracts of \$10,000 or less and contract extensions and amendments which do not cause or result in a total contract price of more than \$10,000.

(E) Grant award contracts.

(F) Purchases of inventory and gift items for resale at the Zoo Gift Shop.

(G) Emergency contracts approved pursuant to Code section 2.04.010(e).

(d) Documentation Required for Contract Files: The Budget and Administrative Services Division will maintain central files for all contracts. An original copy should be given to each contractor. All correspondence relating to a contract which alters conditions or amounts must be included in the central files as should all papers which document the process of obtaining competitive bids, quotes, or proposals. In any case where a low bid, quote, or proposal is not accepted, a detailed justification must be included with the contract file. Other documentation, if applicable, that should be included in the file includes:

- Mailing lists
- Affidavits of Publication
- Insurance endorsements and certificates
- Amendments
- Extensions
- Related Correspondence
- Quotes, Proposals, and Bids
- Bonds
- WBE/DBE information
- Contract closure form
- Personal Services Evaluation form

(e) Contract Review: Any contract which deviates from a standard contract form must be reviewed by legal counsel. Contracts involving federal or state grant funds must be reviewed by the Deputy Executive Officer.

(f) Disadvantaged Business Program: All public contracting and purchasing is subject to the Metro Disadvantaged Business Enterprise Program. Metro will take affirmative action to do business with Disadvantaged Business Enterprises. The Contracts Manager will maintain a directory of disadvantaged businesses which shall be consulted and used in all contracting and purchasing of goods and services. If a disadvantaged business is included in the directory that appears capable of providing needed goods or services, that business should be contacted and given an opportunity to compete for Metro business. Contracts awarded subject to the program may be exempted from the competitive bidding process by resolution of the Contract Review Board.

(g) Monthly Contract Report: The Executive Officer shall provide or cause to be provided a monthly report to the Council of all contracts, including extensions and amendments, which have been executed during the preceding month; provided, however, that such monthly report need not include purchase orders under \$500.

(h) Purchase Orders: For purposes of this chapter, the term "contracts" includes purchases of goods or materials by purchase order. Purchase orders may be utilized in lieu of written contracts when the purchase is for goods or materials only.

(i) Code of Conduct:

(1) No employee, officer or agent of Metro shall participate in the selection, award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his/her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. No Metro officer, employee or agent shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

(2) Violations of this Code of Conduct shall subject an officer or employee to disciplinary action pursuant to the Metro Personnel Rules and may be grounds for other civil or criminal penalties provided by law.

(j) Federal/State Agency Approval: When required by federal or state law or regulations, review and approval of Metro contracts shall include prior concurrence or approval by appropriate federal or state agencies. (Ordinance No. 82-130, Sec. 2(a))

(k) In all public contracts, Metro shall prefer goods or services that have been manufactured or produced in Oregon if price, fitness, availability and quality are otherwise equal. Where a contract in excess of \$10,000 is awarded to a contractor not domiciled or registered to do business in Oregon, the initiating Department shall assure compliance with the provisions of ORS 279.021.

(l) All requests for bids or proposals for all contracts in excess of \$10,000 shall be reviewed by the Department of Management Services and Legal Counsel prior to solicitation or advertisement, and shall include the contract form to be used.

Section 11. Code section 2.04.035 is hereby amended to read as follows:

2.04.035 Personal Services Contracts:

(a) Definition: Personal Services contracts are for personal or professional services that are not normally performed by Metro department staffs and will not require continuous supervision by Metro staff. Examples of services that may be obtained under Personal Services contracts are: attorneys; economic consultants; engineers; architects; special photography; legislative liaison; public relations and professional advice on retainer.

(b) Distinguishing Between Employees and Independent Contractors: Employees shall not be hired under the guise of a Personal Services Contract. To determine whether a particular worker is to be an employee or an independent contractor, the most important factor to consider is the employer's right to control. If

the employer is to retain the right to control the manner and means of accomplishing a desired result, the worker is generally considered an employee; if, however, the employer has the right to control only the results of the work, the worker is considered an independent contractor. This test of control does not require actual exercise of control, but rather the employer's right to control. The following factors shall be considered in determining a worker's status:

(1) Whether the worker is to be engaged in a distinct occupation or business. Independent contractor status is often accorded those who are engaged for their special skills. Thus, the hiring of an architect, broker, doctor, painter or attorney may indicate that an independent contractor relationship is being contemplated.

(2) Whether the employer or the worker is to supply the instrumentalities, tools and the place of work.

(3) Whether the worker or the employer is to have the power to dictate the particular manner in which the instrumentalities or tools shall be used and the way the workers shall do their work.

(4) Whether the worker employs, pays and has full power of control over assistants.

(5) Whether the work is part of the regular business of the employer.

(c) Selection Process for Personal Services Contracts:

(1) Contracts of \$2,500 or less: For Personal Services contracts of \$2,500 or less, the Department Director shall state in writing the need for the contract. This statement shall include a description of the contractor's capabilities in performing the work. Multiple proposals need not be obtained. This statement will be kept in the Department of Management Services contract file.

(2) Contracts Between \$2,500 and \$10,000: For Personal Services contracts greater than \$2,500 but \$10,000 or less, the Department Director shall use the following process:

(A) Proposals shall be solicited from at least three (3) potential contractors who, in the judgment of the Department Director, are capable and qualified to perform the requested work.

(B) The initiating Department shall document the fact that at least three (3) proposals have been solicited. Preferably, the proposals should be written but this is not required. Metro shall reserve the right to reject any or all proposals for any reason.

(C) Evaluation, as determined by the Department Director, shall include use of a contractor evaluation form and may require oral presentations. The objective is the highest quality of work for the most reasonable price. The quality of the proposal may be more important than cost.

(D) Notification of selection or rejection shall be made in writing after final review by the initiating department.

(E) If the contract is for more than \$2,500 it shall be submitted to the contractor for signature and then to the Budget and Administrative Services Division for internal review and execution.

(3) Contracts for more than \$10,000: For Personal Services contracts for more than \$10,000, an evaluation of proposals from potential contractors shall be performed as follows:

(A) A request for proposals shall be prepared by the initiating department. Where appropriate, the request shall be published in a newspaper of general circulation or in trade magazines. In addition, Metro shall notify in writing at least three (3) potential contractors, who, in the judgment of the Department Director are capable and qualified to perform the requested work. The initiating department will be responsible for maintaining the file and making the appropriate notification.

(B) Evaluations of proposals shall include use of a contract evaluation form. The use of an oral interview or an evaluation team is recommended.

(C) After evaluation is complete, the Department Director will recommend final selection thru the Budget and Administrative Services Division.

(D) Notifications of selection and rejection shall be made in writing by the initiating department.

(E) Such Personal Services contracts with the Scope of Work must be approved by the department head and then forwarded to the Budget and Administrative Services Division for internal review and execution. Legal counsel review is required if other than a standard contract form is used.

(F) Such Personal Services contracts shall be subject to the approval requirements of Section 2.04.030(c) of this chapter.

(4) Sole Source Personal Services Contracts: If there is only one qualified provider of the service required, the initiating department need not solicit and document three (3) proposals as required by subsections (c)(2) and (c)(3) above. The initiating department must document that there is only one qualified provider of the service required, and the Council shall be given notice of the execution and the justification for the contract.

(5) Continuing Activities: A Personal Services contract may be renewed without receiving competitive proposals if the contractor is performing a continuing activity for the agency. This applies, but is not limited to contracts for construction observation, public relations consulting, outside legal counsel and annual auditing. Except as provided in paragraph (6) below, competitive proposals must be solicited for these services at least once every three (3) years and annually if the contractor proposes a price or rate increase of more than 10% over the previous year.

(6) Limited Source Contracts: Personal Services contracts may be renewed, extended or renegotiated without soliciting competitive proposals if, at the time of renewal, extension or renegotiation, there are fewer than three (3) potential contractors qualified to provide the quality and type of services required. If a Personal Services contract is renewed, extended or renegotiated under this paragraph without soliciting proposals, the initiating department shall document in detail why the quality and type of services required make it unnecessary or impractical to solicit proposals.

(7) Approval of Personal Services Contracts: Personal Services contracts, amendments, renewals and extensions shall be subject to the approval requirements of Section 2.04.030 of this chapter.

(8) Personal Services Evaluation Form: Selection of Personal Services contractors shall include the use of an evaluation form documenting the reasons for the selection.

Section 12. Code section 2.04.040 is hereby amended to read as follows:

2.04.040 Labor and Materials Contracts:

(a) Definition: A Labor and Materials contract is a contract for trade related services, or services other than personal services, which may include the provision or production of related materials or goods. Examples of Labor and Materials contracts are maintenance, installation and custodial service, typesetting, security services and facility operations services. Labor and Materials contracts may be obtained by purchase order as determined by the Executive Officer.

(b) Unless otherwise exempt from competitive bidding, Labor and Materials contracts shall be subject to the selection procedures of Code section 2.04.060.

Section 13. Code chapter 2.04.045 is hereby amended to read as follows:

2.04.045 Contracts Between Government Agencies:

(a) Contracts between government agencies may be made without competitive bids, quotes, or proposals.

(b) Each contract being initiated by a department must be reviewed by the Department Director, legal counsel, Budget and Administrative Services Division and appropriate state or federal agencies. If the contract is made pursuant to federal or state grants, it must be reviewed by the Deputy Executive Officer. (Ordinance No. 82-130, Sec. 2(a))

Section 14. Code Chapter 2.04 is hereby amended by adding a new section 2.04.050 as follows:

2.04.050 Procurement or Sales Contracts

(a) Definition: Procurement or Sales Contracts are contracts for the purchase, lease, rental or sale of goods, supplies or other personal property in which labor or service is not involved or is merely incidental to the purpose of the contract. Procurement or sales by purchase order is allowed as may be determined by the Executive Officer.

(b) Unless otherwise exempt from competitive bidding, Procurement or Sales Contracts shall be subject to the selection procedures of Code section 2.04.060.

Section 15. Code Chapter 2.04 is hereby amended by adding a new section 2.04.055 as follows:

2.04.055 Construction Contracts

(a) Definition: A Construction Contract is a contract for construction, reconstruction, or major renovation on real property, but does not include Labor and Materials Contracts such as emergency work, minor alteration or ordinary repair and maintenance necessary in order to preserve a public improvement.

(b) Unless otherwise exempt from competitive bidding, Construction Contracts shall be subject to the selection procedures of Code section 2.04.060.

(c) Within thirty (30) days of award of a construction contract, the Department of Management Services shall provide the notice required by ORS 279.363. Such notice is not required for contracts not exceeding \$10,000 or for contracts regulated under the Davis-Bacon Act (40 USC 276a).

Section 16. Code Chapter 2.04 is hereby amended by adding a new section 2.04.060 as follows:

2.04.060 Competitive Bidding Procedures

Unless exempt from competitive bidding by Code section 2.04.010 or otherwise, the following competitive bidding procedures shall apply to all contracts:

- (1) The initiating department staff will prepare or have prepared bid specifications and compile a list of potential bidders.
- (2) The bid document will be reviewed by the Budget and Administrative Services Division and by legal counsel before bids are solicited.
- (3) A request for bids will be advertised in the Daily Journal of Commerce, a local minority newspaper, and when feasible, in an appropriate trade magazine. Additional advertisement may be appropriate depending upon the nature of the contract.
- (4) The initiating department will receive and open sealed bids at the time and place designated in the request for bids.
- (5) The opened bids will be reviewed by the requesting department and a recommendation and contract will be submitted to the Budget and Administrative Services Division.
- (6) Contracts shall be subject, if applicable, to the approval requirements of Section 2.04.030(c) of this Chapter.
- (7) The initiating department will notify all bidders of the contract award and obtain any necessary bonds and insurance certificates.

(8) Metro shall reserve the right to reject any or all quotes or bids received.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

ATTEST:

Clerk of the Council

SK/gl
1140C/382
07/30/84

STAFF REPORT

Agenda Item No. 7.2

Meeting Date July 5, 1984

CONSIDERATION OF ORDINANCE NO. 84-175 RELATING TO
PUBLIC CONTRACT PROCEDURES AND AMENDING CODE
SECTIONS 2.04.001, 002, 003, 005, 010, 015, 020,
030, 035, 040 and 045.

Date: June 19, 1984

Presented by: Donald E. Carlson

FACTUAL BACKGROUND AND ANALYSIS

Metro currently has contract procedures which establish the manner in which Metro will choose its contractors and the actions that must take place before Metro binds itself to a contract. Ordinance No. 84-175 amends the Code sections applicable to the contract procedures for primarily "housekeeping" purposes. The amendments provide for changes as reflected in Attachment A.

Ordinance No. 84-175 reflects no change in the current policy or procedure.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 84-175.

COMMITTEE CONSIDERATION AND RECOMMENDATION

On June 18, 1984, the Council Coordinating Committee unanimously recommended adoption of Ordinance No. 84-175.

SK/srb
1344C/382
06/19/84



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
 Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: June 12, 1984

To: Donald E. Carlson, Deputy Executive Officer

From: Sue Klobertanz, Management Analyst *Sue*

Regarding: Changes in Contract Procedure as Reflected by
 Contract Ordinance No. 84-175

As per your request, I have listed below the changes reflected in Proposed Ordinance No. 84-175. The changes have been listed by type or effect.

1. Changes required to put contract procedures into code format. These changes include addition of section numbers, titles and appropriate headings.
2. Clarification of ORS numbers or references.
3. Deletion of the words "Metro" or "Metropolitan Service District" used unnecessarily in conjunction with references to the Council or Contract Review Board.
4. Additions/Deletions of sections to combine, rewrite or move to a more appropriate area. For example, Section 2.04.011 Requirement of Competitive Bidding, Exemptions is a rewrite of deleted Section (g) on p. 7. In this particular case, the policy for competitive bids remains the same while being rewritten to be more specific with reference to the new Code sections.
5. Name, title or word changes to reflect existing position titles, organizational structure or current program language. For example, contract types have been revised to be consistent with Metro's current Disadvantaged Business Program.
6. Changes to clarify the administrative use of contract amounts. Specifically, the existing contract procedures refer to contracts of "under \$2,500" or "up to \$10,000." The proposed change allows for contract amounts of \$2,500 or under" or "\$10,000 or under." This change allows for a rounded dollar amount to be used in determining approval/review required.

Memorandum
June 12, 1984
Page 2

7. Clarification of items to be reviewed by the Council. In the past, some confusion has existed over approval of amendments for \$50,000 or more. The proposed ordinance states specifically that "initial contracts, individual amendments, or purchase orders, with a contract price of more than \$50,000 shall be approved by the Council prior to execution."
8. Deletion of contracts previously approved as part of annual work programs from exemption to competitive bidding. It was felt that all contracts, regardless of status in an annual work program, should be subject to competitive bid. This change is consistent with current administrative policy.
9. Changes to reflect current administrative procedures and department responsibilities in competitive bidding procedures.

As I have indicated earlier, none of the changes are substantial in nature nor do they reflect changes in current policy or procedure.

SK/srb
1422C/D3

Council Minutes
June 28, 1984
Page 8

8.2 Consideration of Ordinance No. 84-175, relating to Public Contract Procedures and amending Code Sections 2.04.001, 002, 003, 005, 010, 015, 020, 030, 035, 040, and 045. (First Reading)

Motion: Councilor Bonner moved adoption of Ordinance No. 84-175. Councilor Kelley seconded the motion.

The ordinance was read a first time, by title only.

Councilor Bonner stated that the changes were basically housekeeping measures and that the Coordinating Committee recommended adoption.

There was no public testimony.

The ordinance was passed to second reading on July 5, 1984.

8.4 Consideration of Ordinance No. 84-172, for the purpose of adopting the annual budget of the Metropolitan Service District for Fiscal Year 1984-85, making appropriations from funds of the District in accordance with said annual budget, creating a St. Johns Final Improvement Fund, and levying ad valorem taxes. (Second Reading).

Councilor Kafoury stated that a revised Exhibit B had been distributed to the Council (attached to the agenda of the meeting).

Ms. Sims stated that since the first reading of the ordinance three items had been reviewed and approved by the Coordinating Committee: the additional salary requirements for the General Counsel, the additional costs for implementation of the Pay & Classification Plans, and \$4,000 for the Council for travel. She said another item, which was not included in the staff report, was \$1,255 for the purchase of a printer to go with the Pixel computer which had been budgeted in the current fiscal year and had not been purchased. She said a carryover of the \$1,255 would allow the purchase in FY 1984-85. She said the revised Exhibit B reflected the proposed change.

Motion Councilor Kafoury moved to amend Ordinance No. 84-172
to to substitute the revised Exhibit B for the
Amend: originally submitted Exhibit B. Councilor Waker seconded the motion.

7.1 Ordinance No. 84-174, amending Section 3.01.040 of the Code of the Metropolitan Service District. (Clarifying the Code relating to Urban Growth Boundary Locational Adjustment Standards) (Second Reading).

The ordinance was read a second time, by title only.

There was no public testimony.

Vote: The vote on the motion to adopt Ordinance No. 84-174, made by Councilors Kafoury and Bonner on June 28, 1984, resulted in:

Ayes: Councilors Bonner, Cooper, Deines, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker and Williamson.

Nays: None.

Absent: Banzer and Oleson.

Motional carried, Ordinance adopted.

7.2 Ordinance No. 84-175, relating to Public Contract Procedures and amending Code 2.04.001, 002, 003, 005, 010, 015, 020, 030, 035, 040, and 045. (Second Reading).

The ordinance was read a second time, by title only.

There was no public testimony.

Vote: The vote on the motion to adopt Ordinance No. 84-175, made by Councilors Bonner and Kelley on June 28, 1984, resulted in:

Ayes: Councilors Bonner, Cooper, Deines, Hansen, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: None.

Absent: Banzer and Oleson.

Motion carried, Ordinance adopted.



METROPOLITAN SERVICE DISTRICT

Providing Zoo, Transportation, Solid Waste and
other Regional Services

July 6, 1984

Rick Gustafson
Executive Officer

Metro Council

Corky Kirkpatrick
Presiding Officer
District 4

Ernie Bonner
Deputy Presiding
Officer
District 8

Bob Oleson
District 1

Richard Waker
District 2

Charlie Williamson
District 3

Jack Deines
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Cindy Banzer
District 9

Bruce Etlinger
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Ms. Juanita Orr
County Clerk
Clackamas County Courthouse
8th & Main
Oregon City, OR 97045

Dear Ms. Orr:

Enclosed are true copies of the following ordinances
adopted by the Council of the Metropolitan Service
District on July 5, 1984:

Ordinance No. 84-174, amending Section
3.01.040 of the Code of the
Metropolitan Service District.

✓ Ordinance No. 84-175, relating to
Public Contract Procedures and Amending
Code Sections 2.04.001, 002, 003, 005,
010, 015, 020, 030, 035, 040 and 045.

Please file these ordinances in the Metro ordinance files
maintained by your county.

Sincerely,

Everlee Flanigan
Clerk of the Council

EF/gl
1591C/D1

Enclosures

527 SW Hall St.
Portland, OR
97201
503/221-1646



METROPOLITAN SERVICE DISTRICT

Providing Zoo, Transportation, Solid Waste and
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July 6, 1984

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Ms. Juanita Orr
County Clerk
Clackamas County Courthouse
8th & Main
Oregon City, OR 97045

Dear Ms. Orr:

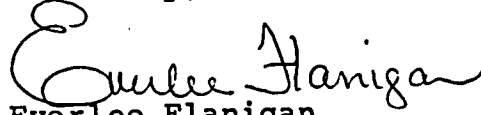
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1591C/D1

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97201
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METROPOLITAN SERVICE DISTRICT

Providing Zoo, Transportation, Solid Waste and
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July 6, 1984

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District 9

Bruce Etlinger
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Mr. Don Stilwell
County Administrator
Washington County
150 N. First Avenue
Hillsboro, OR 97123

Dear Mr. Stilwell:

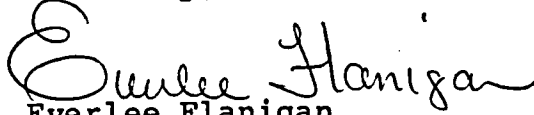
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Clerk of the Council

EF/gl
1591C/D1

Enclosures

527 SW Hall St.
Portland, OR
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503/221-1646



METROPOLITAN SERVICE DISTRICT

Providing Zoo, Transportation, Solid Waste and
other Regional Services

July 6, 1984

Rick Gustafson
Executive Officer

Metro Council

Corky Kirkpatrick
Presiding Officer
District 4

Ernie Bonner
Deputy Presiding
Officer
District 8

Bob Oleson
District 1

Richard Waker
District 2

Charlie Williamson
District 3

Jack Deines
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Cindy Banzer
District 9

Bruce Etlinger
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Ms. Jane McGarvin
Clerk of the Board
Multnomah County
1021 S.W. 4th Avenue
Portland, OR 97204

Dear Ms. McGarvin:

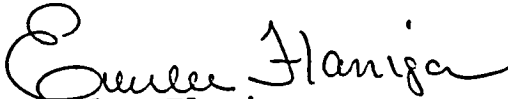
Enclosed are true copies of the following ordinances
adopted by the Council of the Metropolitan Service
District on July 5, 1984:

Ordinance No. 84-174, amending Section
3.01.040 of the Code of the
Metropolitan Service District.

Ordinance No. 84-175, relating to
Public Contract Procedures and Amending
Code Sections 2.04.001, 002, 003, 005,
010, 015, 020, 030, 035, 040 and 045.

Please file these ordinances in the Metro ordinance files
maintained by your county.

Sincerely,


Everlee Flanigan
Clerk of the Council

EF/gl
1591C/D1

Enclosures

527 SW Hall St.
Portland, OR
97201
503/221-1646