

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING) ORDINANCE NO. 87-216
CONTRACT PROCEDURES AND REPEALING)
CHAPTER 2.04.001 TO 2.04.270)

WHEREAS, This ordinance recodifies prior contract procedures;
and

WHEREAS, The new exemptions are those raising the dollar amount
for bids let by competitive quote from \$10,000 to \$15,000, clarify-
ing the bid process for contract amendments/extensions and providing
for special food service contracts; and

WHEREAS, The Council finds that these exemptions will not
encourage favoritism or substantially diminish competition because
competitive elements are retained and because the state has similar
provisions for food service, quotes and contract amendments/
extensions as explained in the Staff Report; and

WHEREAS, The exemptions will result in substantial cost savings
to the agency because the quote system is more economically
efficient for small contracts, the contract amendments/extensions
are for ongoing projects and the special food service contracts will
enhance Metro's food sales by selecting appropriate items; now,
therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Sections 2.04.001 to 2.04.270 are hereby
repealed.

Section 2. The following provisions are added to the Metro
Code as Chapter 2.04:

2.04.010 Definitions

(a) CONTRACT REVIEW BOARD or BOARD -- The Council is the Contract Review Board for the Metropolitan Service District with the powers described in ORS Chapter 279 and Section 2.04.020 of this Chapter.

(b) PUBLIC CONTRACT -- Any purchase, lease or sale by Metro of personal property, public improvement or services, including those transacted by purchase order, other than agreements which are for personal services. Public Contracts may be obtained by purchase order as determined by the Executive Officer.

(c) PERSONAL SERVICES CONTRACT -- (1) The following are personal services contracts:

(a) Contracts for services performed as an independent contractor in a professional capacity, including but not limited to the services of an accountant; attorney; architectural or land use planning consultant; physician or dentist; registered professional engineer; appraiser or surveyor; passenger aircraft pilot; aerial photographer; timber cruiser; data processing consultant or broadcaster.

(b) Contracts for services as an artist in the performing or fine arts, including but not limited to persons identified as photographer, filmmaker, painter, weaver, or sculptor.

(c) Contracts for services of a specialized, creative and research-oriented, noncommercial nature.

(d) Contracts for services as consultant.

(e) Contracts for educational and human custodial care services.

(2) The following are not personal services contracts:

(a) Contracts, even though in a professional capacity, if predominantly for a product, e.g., a contract with a landscape architect to design a garden is for personal services, but a contract to design a garden and supply all the shrubs and trees is predominantly for a tangible product.

(b) A service contract to supply labor which is of a type that can generally be done by any competent worker, e.g., janitorial, security guard, crop spraying, laundry and landscape maintenance service contracts.

(c) Contracts for trade-related activities considered to be labor and material contracts.

(d) Contracts for services of a trade-related activity, even though a specific license is required to engage in the activity. Examples are repair and/or maintenance of all types of equipment or structures.

(d) COMPETITIVE BIDS OR BIDS-- A competitive offer in which price and conformance to specification will be the award criteria.

(e) EXEMPTIONS FROM COMPETITIVE BIDDING -- Exemptions include any exemption or exception from the regular competitive bidding process for public contracts as defined in ORS 279.011 to 279.061, this chapter, and any exemption made by the Board pursuant to Section 2.04.041 of the Code.

(f) PURCHASE ORDER -- A public contract for purchase of goods in any amount, or for goods and services \$500 or less, or for services \$500 or less.

(g) PUBLIC AGENCY -- Any agency of the federal government, state of Oregon, or any political subdivision thereof, authorized by law to enter into public contracts and any public body created by intergovernmental agreement.

(h) PUBLIC IMPROVEMENT -- Projects for construction, reconstruction or major renovation on real property by or for a public agency. "Public improvement" does not include emergency work, minor alteration, ordinary repair or maintenance in order to preserve a public improvement.

(i) EMERGENCY CONTRACTS -- A contract may be exempt from the competitive bidding process if an emergency requires prompt execution of a contract.

(j) SOLE SOURCE CONTRACTS -- Contracts for which it can be documented there is only one qualified provider of the required service or material.

(k) REQUESTS FOR PROPOSALS OR RFP's -- A request for proposal is the process described in Section 2.04.050, "Personal Services Contracts." This process may be used for public contracts only when the Board has granted an exemption for that type of contract or for a particular contract as set out in Section 2.04.041, "Requirement of Competitive Bidding, Exemptions." The Board may adopt a particular RFP process for a particular contract by setting forth the amendments in the exemption approval.

2.04.020 Public Contract Review Board:

(a) Creation of the Public Contract Review Board: Pursuant to ORS 279.055 the Council is designated and created as the Metropolitan Service District Contract Review Board. (Ordinance No. 79-76, Sec. 1; amended by Ordinance No. 84-175, Sec. 1)

(b) Powers of Board: The Contract Review Board shall have all the powers in the award of District contracts allowed under ORS 279.011 to 279.061. (Ordinance No. 79-76, Sec. 2; amended by Ordinance No. 84-175, Sec. 2)

(c) Contract Review Board Meetings:

(1) The meetings of the 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.

(2) 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. (Ordinance No. 81-125, Sec. 2; amended by Ordinance No. 84-175, Sec. 4)

(d) Rules: The Contract Review Board may adopt rules relating to the award of District contracts. Such rules of the Contract Review Board shall be adopted by ordinance. (Ordinance No. 79-76, Sec. 1; amended by Ordinance No. 81-125; Sec. 4; Ordinance No. 84-175, Sec. 3)

(e) Regulations: The Executive Officer may establish such other contract regulations, not inconsistent with this chapter as may be necessary and expedient. (Ordinance No. 82-130, Sec. 2; amended by Ordinance No. 84-175, Sec. 8)

2.04.030 Rules and Procedures Governing All Personal Services and Public Contracts:

(a) Applicability: All personal services and public contracts are subject to the applicable selection, review and approval procedures of this Chapter.

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

(c) Documentation Required for Contract Files: The Department of Finance and Administration 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

(d) Contract Review: Prior to approval by the appropriate person or body, contracts shall be reviewed as follows:

(1) Any contract which deviates from a standard contract form, exceeds \$10,000, or is with another public agency must be reviewed by legal counsel.

(2) Contracts involving federal or state grant funds must be reviewed by the Deputy Executive Officer.

(e) Disadvantaged Business Program: All 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 Director of Finance and Administration 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.

(f) Monthly Contract Report: The Executive Officer shall provide 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.

(g) Code of Conduct:

(1) No employee, elected official 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, elected official 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 elected official, 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 employee to disciplinary action pursuant to the Metro Personnel Rules and may be grounds for other civil or criminal penalties provided by law.

(h) 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.

2.04.040 Public Contracts, General Provisions:

(a) Competitive Bidding: Unless exempt from competitive bidding, all public contracts shall be awarded to the lowest responsive, responsible bidder.

(b) Oregon Preference: In all public contracts, the District 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.

(c) Rejection of Bids: The Executive Officer or the Deputy Executive Officer may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may, for good cause, reject any or all bids upon a finding that it is in the public interest to do so, for example, when all bids exceed the budget or estimate for that project.

(d) Bonds:

(1) Bid security not exceeding 10 percent of the amount bid for the contract is required unless the contract is for \$10,000 or less.

(2) Labor and Materials bond in an amount equal to 100 percent of the contract price is required for contracts over \$10,000.

(3) Performance bond in an amount equal to 100 percent of the contract price is required for contracts over \$10,000. If the contract is under \$50,000, the performance bond and labor and material bond may be one bond; if the contract is \$50,000 or more, there shall be two bonds.

(4) Bid security, labor and material bond and performance bond may be required even though the contract is of a class exempted above, if the department head of the initiating department determines it is in the public interest.

(5) Bid security and bonds may be provided in the form of a surety bond, cash, cashier's check or certified check.

2.04.041 Requirement of Competitive Bidding, Exemptions:

(a) State Law: The following contracts are exempt from the competitive bidding selection process pursuant to State Statute:

(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 estimated to be less than \$500.

(b) Board Rule: The following classes of public contracts are exempt from the competitive bidding process based on the findings by the Contract Review Board that the exemption will not encourage favoritism or substantially diminishing competition for public contracts and that such exemptions will result in substantial cost savings:

(1) Purchase and sale of Zoo animals.

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

(3) All contracts estimated to be less than \$15,000 provided that the selection process described in the appropriate Code sections is followed.

(4) Contracts estimated 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.

(5) Emergency contracts when the Executive Officer makes written findings that an emergency exists and that the emergency consists of circumstances that could not have been reasonably foreseen and requires prompt execution of a contract to remedy that condition. An emergency contract must be awarded within sixty (60) days of the declaration of the emergency unless the Board grants an extension.

(6) Purchase of food items pursuant to Section 2.04.090.

(7) Contracts for warranties in which the supplier of the goods or services covered by the warranty has designated a sole provider for the warranty service.

(8) Contracts for computer equipment. These contracts must follow the RFP process outlined in Section 2.04.050, "Personal Services Contracts."

(9) Contracts under which Metro is to provide a service only and incurs no financial obligation to another party. (Ordinance No. 84-175, Sec. 6; amended by Ordinance No. 84-179, Sec. 1)

(c) Board Resolution: Specific contracts, not within the classes exempted in subsection (b) above, may be exempted by the Board by resolution subject to the requirements of ORS 279.015(2) and ORS 279.015(5). The Board shall, where appropriate, direct the use of alternate contracting and purchasing practices that take account of market realities and modern innovative contracting and purchasing methods, which are consistent with the public policy of encouraging competition.

(d) Limitation: The exemptions in subsections (a) - (c), above, are exemptions to the competitive bid process only; all other procedures, including review and approval, apply to these contracts.

2.04.042 Public Contracts \$2,500 and Under:

(a) Selection Process:

(1) Under \$500: Unless completely exempt from competitive bidding under Section 2.04.041, competitive bids are not required for public contracts not exceeding \$500. The District should, where feasible, obtain competitive quotes.

(2) Between \$501 and \$2,500: Unless completely exempt from competitive bidding under Section 2.04.041, when the amount of the contract is more than \$500, but not more than \$2,500, 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. 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.

(b) Approval Process: For public 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:

(1) A standard contract form is used;

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

- (3) The expenditure is authorized in the budget;
- (4) The contract does not further obligate the District beyond \$2,500;
- (5) The appropriate Scope of Work is attached to the contract; and
- (6) 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.

(c) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.043 Public Contracts Between \$2,501 and \$15,000

(a) Selection Process: Unless completely exempt from competitive bidding under Section 2.04.041, when the amount of the contract is more than \$2,500, but less than \$15,000, 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. 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.

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the Director of Finance and Administration.

(c) Approval Process: (1) Between \$2,501 and \$10,000. For contracts of more than \$2,500, either the Executive Officer or Deputy Executive Officer must sign; however, 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 Director of Finance and Administration may sign contracts.

(2) Between \$10,001 and \$15,000: Except as provided in subsection (3) of this section, all initial contracts with a contract price of greater than \$10,000 but \$15,000 or less shall be approved by the Council Management Committee prior to execution by the Executive Officer or Deputy Executive Officer.

(3) Exceptions: The following types of contracts may be approved by the Executive Officer or his/her designee:

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

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

(C) Emergency contracts.

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.044 Public Contracts Over \$15,000

(a) Selection Process:

Unless exempt from competitive bidding by Code section 2.04.041, 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 Department of Finance and Administration and by legal counsel before bids are solicited or advertised, and shall include the contract form to be used.

(3) A request for bids will be advertised in Portland Business Today, 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 Department of Finance and Administration.

(6) After selection and prior to approval, the contract must be reviewed by the Director of Finance and Administration.

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

(8) The District shall reserve the right to reject any or all quotes or bids received. (Ordinance No. 84-175, Sec. 16)

(b) Approval Process:

(1) Between \$15,001 and \$50,000: Except as provided in subsection (3) of this section, all initial contracts with a contract price of greater than \$15,000 but \$50,000 or less shall be approved by the Council Management Committee prior to execution by the Executive Officer or Deputy Executive Officer.

(2) Over \$50,000: Except as provided in subsection (3) of this section, all contracts with a contract price of more than \$50,000 shall be approved by the Council prior to execution by the Executive Officer or the Deputy Executive Officer.

(3) Exceptions: The following types of contracts may be approved by the Executive Officer or his/her designee:

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

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

(C) Emergency contracts.

(c) Within thirty (30) days of award of a construction contract, the Department of Finance and Administration shall provide the notice required by ORS 279.363. (Ordinance No. 84-175, Sec. 15)

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.045 Public Contract Extensions and Amendments (including Change Orders, Extra Work and Contract Renewals):

(a) Selection Process: Any contract amendment for additional work including contract renewals, change orders, extra work, field orders and other changes in the original specifications which increase the original contract price may be made with the contractor without competitive bidding subject to any of the following conditions:

(1) The original contract was let by competitive bidding, unit prices or bid alternates were provided that established the cost for additional work and a binding obligation exists on the parties covering the terms and conditions of the additional work. However, in the event that

the increase in price results solely from extension of the termination date of the contract, the extension shall not be greater than three months; or

(2) The amount of the aggregate cost increase resulting from all amendments does not exceed 20 percent of the initial contract if the face amount is less than or equal to \$1,000,000 or 10 percent if the face amount is greater than \$1,000,000; amendments made under subsection 1 are not included in computing the aggregate amount under this section; or

(3) The increase in price is due to unexpected conditions which arise during performance of a maintenance or repair contract and the Executive Officer determines that extension of the scope of work on the current contract is the most economical method of dealing with the unexpected conditions; or

(4) The total cost of the contract, including amendments, does not exceed \$5,000.

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the Director of Finance and Administration.

(c) Approval Process:

(1) \$2,500 and Under: All contract amendments and extensions which are \$2,500 or less or which result in a total contract price of \$2,500 or less may be approved by the Director of the initiating department or by a designee of the Director approved by the Executive Officer 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 the District 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 which, when complete, will amount to a cost not greater than \$2,500.

(2) Between \$2,501 and \$10,000: (A) Except as provided in (B) below, all contract amendments and extension which exceed \$2,500 or which result in a total contract price

of more than \$2,500 but less than \$10,000 may be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contract amendments and extensions.

(B) The Council Management Committee shall approve contract amendments when:

i The initial contract has been approved by the Council Management Committee or the Council; and

ii The amount of the aggregate cost increase resulting from all contract amendments exceeds 100 percent of a contract between \$10,000 and \$50,000 or 20 percent of the contract over \$100,000; the amount of the contract is the amount last approved by the Council Management Committee or Council.

(3) Between \$10,001 and \$50,000: Except as provided in subsection 5 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 but less than \$50,000 shall be approved by the Council Management Committee prior to execution.

(4) Over \$50,000: Except as provided in subsection 5 of this section, all contract amendments and extensions which exceed \$50,000 or which result in a total contract price of more than \$50,000 shall be approved by the Council prior to execution.

(5) Exceptions: The following types of contract amendments and extensions may be approved by the Executive Officer or his/her designee:

(A) Extensions and amendments to contracts which merely pass through funds from a state or federal agency.

(B) Contract extensions and amendments for purchases of inventory and gift items for resale at the Zoo Gift Shop.

(C) Emergency contract extensions and amendments.

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.050 Personal Services Contracts, General Provisions:

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:

(a) 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.

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

(c) 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.

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

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

2.04.051 Personal Services Contracts \$2,500 and Under

(a) Selection Process: 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 Finance and Administration contract file.

(b) Approval Process: For Personal Services contracts of \$2,500 or less, 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:

(1) A standard contract form is used;

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

(3) The expenditure is authorized in the budget;

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

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

(6) 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.

(c) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.052 Personal Services Contracts Between \$2,501 and \$10,000

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

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

(2) 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. The District reserves the right to reject any or all proposals for any reason.

(3) Evaluation, as determined by the Department Director, may require oral presentations and shall include use of a contractor evaluation form. The objective is the highest quality of work for the most reasonable price. The quality of the proposal may be more important than cost. (Ordinance No. 82-130, Sec. 2(a); amended by Ordinance No. 84-175, Sec. 11)

(4) Personal Services Evaluation Form: The Personal Services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.

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

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the Director of Finance and Administration.

(c) Approval Process: For contracts of more than \$2,500, either the Executive Officer or Deputy Executive Officer must sign. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contracts.

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.053 Personal Services Contracts Over \$10,000

(a) Selection Process: For Personal Services contracts of \$10,000 or more an evaluation of proposals from potential contractors shall be performed as follows:

(1) A request for proposals shall be prepared by the initiating department and shall be reviewed by legal counsel and the Department of Finance and Administration. 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.

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

(3) Personal Services Evaluation Form: The Personal Services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.

(4) After evaluation is complete, the Department Director will recommend final selection through the Department of Finance and Administration.

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

(6) Personal Services contracts with the Scope of Work must be approved by the department head and then forwarded to the Director of Finance and Administration for internal review and execution. Legal counsel review is required.

(b) Approval Process:

(1) Between \$10,001 and \$50,000: Except as provided in subsection (3) of this section, all initial contracts with a contract price of greater than \$10,000 but \$50,000 or less shall be approved by the Council Management Committee prior to execution.

(2) Over \$50,000: Except as provided in subsection (3) of this section, all contracts with a contract price of more than \$50,000 shall be approved by the Council prior to execution.

(3) Exceptions: The following types of contracts may be approved by the Executive Officer or his/her designee.

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

(B) Grant award contracts.

(C) Emergency contracts.

(c) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.054 Personal Services Contract Extensions and Amendments:

(a) Selection Process:

(1) 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 subsection (2) 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 percent over the previous year.

(2) 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 and the initiating department makes detailed findings that the quality and type of services required make it unnecessary or impractical to solicit proposals.

(b) Approval Process:

(1) \$2,500 and Under: All contract amendments and extensions which are \$2,500 or less or which result in a total contract price of \$2,500 or less may be approved by the Director of the initiating department or by a designee of the Director approved by the Executive Officer 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 which, when complete, will amount to a cost not greater than \$2,500.

(2) Between \$2,501 and \$10,000: (A) All contract amendments and extension which exceed \$2,500 or which result in a total contract price of more than \$2,500 but less than \$10,000 may be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contract amendments and extensions.

(B) The Council Management Committee shall approve contract amendments when:

i The initial contract has been approved by the Council Management Committee or the Council; and

ii The amount of the aggregate cost increase resulting from all contract amendments exceeds 100 percent of a contract between \$10,000 and \$50,000 or 20 percent of the contract over \$100,000 based on the amount last approved by the Council Management Committee or Council.

(3) Between \$10,001 and \$50,000: Except as provided in subsection 5 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 but less than \$50,000 shall be approved by the Council Management Committee prior to execution.

(4) Over \$50,000: Except as provided in subsection 5 of this section, all contract amendments and extensions which exceed \$50,000 or which result in a total contract price of more than \$50,000 shall be approved by the Council prior to execution.

(5) Exceptions: The following types of contract amendments and extensions may be approved by the Executive Officer or his/her designee:

(A) Extensions and amendments to contracts which merely pass through funds from a state or federal agency.

(B) Contract extensions and amendments for purchases of inventory and gift items for resale at the Zoo Gift Shop.

(C) Emergency contract extensions and amendments.

(c) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.060 Sole Source Contracts:

(a) Selection Process: If there is only one qualified provider of the service required, the initiating department need not solicit and document proposals. 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.

(b) Approval Process: The approval process for sole source contracts is the same as described for regular personal services or public contracts, depending on the nature of the work.

(c) All contracts are subject to the rules and procedures of Code Section 2.04.050, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.070 Sale of Metro Goods and Services

Approval of agreements for the sale of Metro Goods and Services shall follow the procedures for purchase of goods and services.

2.04.080 Sale of Surplus Property

Contracts for sale of surplus property may be executed without competitive bidding only when the Executive Officer, or Director or

Assistant Director of the Zoo 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. (Ordinance No. 84-175, Sec. 6; amended by Ordinance No. 84-179, Sec. 1)

2.04.090 Food Items and Food Service Contracts

(a) Selection Process: (1) All food items and food service contracts will be awarded as public contracts, except as provided in sections 2-4 below.

(2) Competitive bids or quotes are not required when a specific food item is requested by a purchaser of the District's catering service. If the specific item is supplied by more than one source, competitive quotes shall be obtained from at least three known suppliers. The District shall keep a written record of the source and amount of the quotes received.

(3) Competitive bids or quotes are not required for food items which the Director or Assistant Director of the Zoo authorize for a market test. A market test is used to determine whether a food item should be added to the District's menu or to develop the specifications for a particular food item. The test should clearly define the period of time for the market study, not to exceed six months, and the statistical method used to determine the value of the food item as part of the regular menu. A written report shall be made. Based on this report if the Director or Assistant Director determines the item shall be added to the regular menu, he/she shall establish specifications for the item. The item shall be selected under either public contract procedures or subsection 4, below. During the time the selection process is carried out, the test market product may continue to be sold by the District.

(4) Competitive bids or quotes are not required when the Director or Assistant Director of the Zoo finds that marketing factors are likely to significantly impact sales, subject to the following conditions:

- (A) Prior to the selection of the contractor the department has made reasonable efforts to inform known companies providing the item or service of the subject matter of the contract and to solicit proposals, including public advertising in at least one newspaper of general circulation in the area.
- (B) The contractor is selected on the basis of the most competitive offer considering cost, quality of the product, service to be rendered and marketing advantages.

A written record of the selection process shall be made.

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the Director of Finance and Administration.

(c) Approval Process:

(1) \$2,500 and Under: All contract and amendments and extensions which are \$2,500 or less or which result in a total contract price of \$2,500 or less may be approved by the Director of the initiating department or by a designee of the Director approved by the Executive Officer 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 the District 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 which, when complete, will amount to a cost not greater than \$2,500.

(2) Between \$2,501 and \$10,000: All contracts and amendments and extension which exceed \$2,500 or which result in a total contract price of more than \$2,500 but less than \$10,000 may be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contracts and amendments and extensions.

(3) Between \$10,001 and \$50,000: Except as provided in subsection 5 of this section, all contracts and amendments and extensions which exceed \$10,000 or which result in a total contract price of more than \$10,000 but less than \$50,000 shall be approved by the Council Management Committee prior to execution.

(4) Over \$50,000: Except as provided in subsection 5 of this section, all contracts and amendments and extensions which exceed \$50,000 or which result in a total contract price of more than \$50,000 shall be approved by the Council prior to execution.

(5) Exceptions: Emergency contract extensions and amendments may be approved by the Executive Officer or his/her designee.

(d) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

2.04.100 Disadvantaged Business Program, Purpose and Authority:

(a) It is the purpose of this ordinance to establish and implement a program to encourage the utilization by Metro of disadvantaged and women-owned businesses.

(b) This ordinance is adopted pursuant to 49 CFR 23 and is intended to comply with all relevant federal regulations. Federal regulation 49 CFR 23 and its amendments implement section (105)(f) of the Surface Transportation Assistance Act of 1982 relating to the participation by Minority Business Enterprises in Department of Transportation programs.

(c) This ordinance shall be known and may be cited as the "Metro Disadvantaged Business Program," hereinafter referred to as the "Program."

(d) This ordinance supersedes the Metro "Minority Business Enterprise (MBE) Program" dated October 1980 and amended December 1982.

(Ordinance No. 83-165, Sec. 1; amended by Ordinance No. 84-181, Sec. 1)

2.04.105 Policy Statement:

(a) Through this Program, Metro:

(1) expresses its strong commitment to provide maximum opportunity to disadvantaged and women-owned businesses in contracting;

(2) informs all employees, governmental agencies and the general public of its intent to implement this policy statement; and

(3) assures conformity with applicable federal regulations as they exist or may be amended.

(b) It is the policy of Metro to provide equal opportunity to all persons to access and participate in the projects, programs and services of Metro. Metro and Metro contractors will not discrimi-

nate against any person or firm on the basis of race, color, national origin, sex, age, religion, physical handicap, political affiliation or marital status.

(c) The policies, practices and procedures established by this ordinance shall apply to all Metro departments and project areas except as expressly provided in this ordinance.

(d) The objectives of the program shall be:

(1) to assure that provisions of this ordinance are adhered to by all Metro departments, employees, subrecipients and contractors.

(2) to initiate and maintain efforts to increase program participation by disadvantaged businesses.

(e) Metro accepts and agrees to the statements of 49 CFR §23.43(a)(1) and (2), and said statements shall be included in all agreements with subrecipients and in all DOT assisted contracts between Metro or subrecipients and any contractor. (Ordinance No. 83-165, Sec. 2)

2.04.110 Definitions: For purposes of this Program, the following definitions shall apply:

(a) APPLICANT -- one who submits an application, request or plan to be approved by a DOT official or by Metro as a condition to eligibility for Department of Transportation (DOT) financial assistance; and "application" means such an application, request or plan.

(b) CONSTRUCTION CONTRACT -- means a contract for construction of buildings or other facilities, and includes reconstruction, remodeling and all activities which are appropriately associated with a construction project.

(c) CONTRACT -- means a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and the buyer to pay for them. For purposes of this ordinance, a lease or a purchase order of \$500.00 or more is a contract.

(d) CONTRACTOR -- means the one who participates, through a contract or subcontract, in the Program and includes lessees.

(e) DEPARTMENT or "DOT" -- means the United States Department of Transportation, including its operating elements.

(f) DOT ASSISTED CONTRACT -- means any contract or modification of a contract between Metro and a contractor which is paid for in whole or in part with DOT financial assistance or any contract or modification of a contract between Metro and a lessee.

(g) DOT FINANCIAL ASSISTANCE -- means financial aid provided by DOT or the United States Railroad Association to a recipient, but does not include a direct contract. The financial aid may be provided directly in the form of actual money, or indirectly in the form of guarantees authorized by statute as financial assistance services of federal personnel, title or other interest in real or personal property transferred for less than fair market value, or any other arrangement through which the recipient benefits financially, including licenses for the construction or operation of a Deep Water Port.

(h) DISADVANTAGED BUSINESS -- means a small business concern: (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

(i) JOINT VENTURE -- is defined as an association of two or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge.

(j) LABOR AND MATERIALS CONTRACT -- is a contract including a combination of personal service and provision of materials other than construction contracts. Examples may include plumbing repair, computer maintenance or electrical repair, etc.

(k) LESSEE -- means a business or person that leases, or is negotiating to lease, property from a recipient or the Department on the recipient's or Department's facility for the purpose of operating a transportation-related activity or for the provision of goods or services to the facility or to the public on the facility.

(l) PERSONAL SERVICES CONTRACT -- means a contract for services of a personal or professional nature.

(m) PROCUREMENT CONTRACT -- means a contract for the purchase or sale of supplies, materials, equipment, furnishings or other goods not associated with a construction or other contract.

(n) RECIPIENT -- means any entity, public or private, to whom DOT financial assistance is extended, directly or through another recipient for any program.

(o) SMALL BUSINESS CONCERN -- means a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

(p) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS OR DISADVANTAGED INDIVIDUALS -- means those individuals who are citizens of the United States (or lawfully admitted permanent

residents) and who are Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans or Asian-Indian Americans and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act. Certifying recipients shall make a rebuttable presumption that individuals in the following groups are socially and economically disadvantaged. Certifying recipients also may determine, on a case-by-case basis, that individuals who are not a member of one of the following groups are socially and economically disadvantaged:

(1) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

(2) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

(3) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;

(4) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas; and

(5) "Asian-Indian Americans," which includes persons whose origins are from India, Pakistan, and Bangladesh.

(g) WOMEN-OWNED BUSINESS ENTERPRISE or WBE -- means a small business concern, as defined pursuant to section 3 of the Small Business Act and implementing regulations which is owned and controlled by one or more women. "Owned and controlled" means a business which is at least 51 percent owned by one or more women or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more women, and whose management and daily business operations are controlled by one or more women.

(Ordinance No. 165, Sec. 3; amended by Ordinance No. 84-181, Sec. 2)

2.04.115 Notice to Contractors, Subcontractors and Subrecipients:

Contractors, subcontractors and subrecipients of Metro accepting contracts or grants under the Program shall be advised that failure to carry out the requirements set forth in 49 CFR 23.43(a) shall constitute a breach of contract and, after notification by Metro, may result in termination of the agreement or contract by Metro or such remedy as Metro deems appropriate. (Ordinance No. 83-165, Sec. 4)

2.04.120 Liaison Officer:

(a) The Executive Officer shall by executive order, designate a Disadvantaged Business Liaison Officer and, if necessary, other staff adequate to administer the Program. The Liaison Officer shall report directly to the Executive Officer on matters pertaining to the Program. (Ordinance No. 83-165, Sec. 5)

(b) The Liaison Officer shall be responsible for developing, managing and implementing the program, and for disseminating information on available business opportunities so that disadvantaged businesses are provided an equitable opportunity to bid on Metro contracts. In addition to the responsibilities of the Liaison Officer, all department heads and program managers shall have responsibility to assure implementation of the Program.

2.04.125 Directory:

A directory of certified disadvantaged businesses and certified women-owned businesses shall be maintained by the Liaison Officer to facilitate identifying disadvantaged and women-owned businesses with capabilities relevant to general contracting requirements and particular solicitations. The directory shall be available to contract bidders and proposers in their efforts to meet Program requirements. (Ordinance No. 83-165, Sec. 6)

2.04.130 Minority-Owned Banks: Metro will seek to identify minority-owned banks within the policies adopted by the Metro Council and make the greatest feasible use of their services. In addition, Metro will encourage prime contractors, subcontractors and consultants to utilize such services by sending them brochures and service information on certified DBE/WBE banks. (Ordinance No. 83-165, Sec. 7; amended by Ordinance No. 84-181, Sec. 3)

2.04.135 Affirmative Action and Equal Opportunity Procedures:

Metro shall use affirmative action techniques to facilitate disadvantaged and women-owned business participation in contracting activities. These techniques include:

(a) Arranging solicitations, time for the presentation of bids, quantities specifications, and delivery schedules so as to facilitate the participation of disadvantaged and women-owned businesses.

(b) The Metropolitan Service District will refer businesses in need of management assistance to established agencies that provide direct management assistance to business.

(c) Carrying out information and communications programs on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual where appropriate.

(d) Distribution of copies of the program to organizations and individuals concerned with DBE/WBE programs.

(e) Periodic reviews with department heads in order to insure that they are aware of the program goals and desired activities on their part to facilitate reaching the goals.

(f) Monitor and insure that Disadvantaged and Women Business Enterprise planning centers and likely DBE/WBE contractors are receiving requests for bids, proposals and quotes. Notify DBE/WBE planning centers of awards to all contractors.

(g) Study the feasibility of certain contracts and procurements being set aside for DBE/WBE participation. (Ordinance No. 83-165, Sec. 8, amended by Ordinance No. 84-181, Sec. 4 and Ordinance No. 86-197, Sec. 1)

(h) Distribution of lists to potential vendors of the types of goods and services which Metro regularly purchases.

(i) Advising potential vendors that Metro does not certify DBE/WBEs, and directing them to acceptable certifying agencies.

(j) Specifying purchases by generic title rather than specific brand name whenever feasible. (Ordinance No. 83-165, Sec. 8; amended by Ordinance No. 84-181, Sec. 8, and Ordinance No. 86-197, Sec. 1)

2.04.140 Certification of Disadvantaged Business Eligibility:

(a) To participate in the Program as a disadvantaged or women-owned business, contractors, subcontractors and joint ventures must have been certified pursuant to 49 CFR §23.51 through §23.55.

(b) Metro will not perform certification or recertification of businesses or consider challenges to socially and economically disadvantaged status. Rather, pursuant to 49 CFR §23.45(f) and 49 CFR §23.51(c)(2) and (3), Metro will rely upon the certification and recertification processes of the City of Portland, Oregon, the State of Oregon (ODOT), the metropolitan area transit district (Tri-Met), and the Small Business Administration (SBA) and will utilize the certification lists of said agencies in determining whether a prospective contractor or subcontractor is certified as a disadvantaged business. A prospective contractor or subcontractor must be certified as a disadvantaged or women-owned business by any one of the above agencies, and appear on the respective certification list of said agency, prior to the award of a contract in order to be considered by Metro to be an eligible disadvantaged or women-owned business and be counted toward meeting goals. Metro will adhere to the Recertification Rulings resulting from 105(f).

(c) Prospective contractors or subcontractors which have been denied certification by one of the above agencies may appeal such denial to the certifying agency pursuant to 49 CFR §23.55 and applicable agency regulations or they may file appeals directly to the U. S. Department of Transportation. However, such appeal shall not cause a delay in any contract award by Metro. Decertification procedures will comply with the requirements of Appendix A "Section by Section Analysis" of the July 21, 1983, Federal Register, Vol. 45, No. 130, p. 45287, and will be administered by the agency which granted certification.

(d) Challenges to certification or to any presumption of social or economic disadvantage, as provided for in 49 CFR 23.69, shall conform to and be processed under the procedures prescribed by each agency indicated in paragraph (b) of this section. That challenge procedure provides that:

"(1) Any third party may challenge the socially and economically disadvantaged status of any individual (except an individual who has a current 8(a) certification from the Small Business Administration) presumed to be socially and economically disadvantaged if that individual is an owner of a firm certified by or seeking certification from the recipient as a disadvantaged business. The challenge shall be made in writing to the recipient.

"(2) With its letter, the challenging party shall include all information available to it relevant to a determination of whether the challenged party is in fact socially and economically disadvantaged.

"(3) The recipient shall determine, on the basis of the information provided by the challenging party, whether there is reason to believe that the challenged party is in fact not socially and economically disadvantaged.

" (i) If the recipient determines that there is not reason to believe that the challenged party is not socially and economically disadvantaged, the recipient shall so inform the challenging party in writing. This terminates the proceeding.

"(ii) If the recipient determines that there is reason to believe that the challenged party is not socially and economically disadvantaged, the recipient shall begin a proceeding as provided in paragraphs (b), (4), (5) and (6) of this paragraph.

"(4) The recipient shall notify the challenged party in writing that his or her status as a socially and economically disadvantaged individual has been challenged. The notice shall identify the challenging party and summarize the grounds for the challenge. The notice shall also require the challenged party to

provide to the recipient, within a reasonable time, information sufficient to permit the recipient to evaluate his or her status as a socially and economically disadvantaged individual.

"(5) The recipient shall evaluate the information available to it and make a proposed determination of the social and economic disadvantage of the challenged party. The recipient shall notify both parties of this proposed determination in writing, setting forth the reasons for its proposal. The recipient shall provide an opportunity to the parties for an informal hearing, at which they can respond to this proposed determination in writing and in person.

"(6) Following the informal hearing, the recipient shall make a final determination. The recipient shall inform the parties in writing of the final determination, setting forth the reasons for its decision.

"(7) In making the determinations called for in paragraphs (b)(3)(5) and (6) of this paragraph, the recipient shall use the standards set forth in Appendix C of this subpart.

"(8) During the pendency of a challenge under this section, the presumption that the challenged party is a socially and economically disadvantaged individual shall remain in effect." 49 CFR 23.69. (Ordinance No. 83-165, Sec. 9; amended by Ordinance No. 84-181, Sec. 5 and Ordinance No. 86-197, Sec. 1)

2.04.145 Annual Disadvantaged Business Goals:

(a) The Metro Council shall, by resolution each September, establish annual disadvantaged business goals, and separate WBE goals, for the ensuing fiscal year. Such annual goals shall be established separately for construction contracts, labor and materials contracts, personal services contracts, procurement contracts, and DOT assisted contracts regardless of type.

(b) Annual goals will be established taking into consideration the following factors:

- (1) projection of the number and types of contracts to be awarded by Metro;
- (2) projection of the number, expertise and types of disadvantaged businesses likely to be available to compete for the contracts;
- (3) past results of Metro's efforts under the Program; and
- (4) existing goals of other local DOT recipients and their experience in meeting these goals.

(c) Annual goals must be approved by the United States Department of Transportation. 49 CFR §23.45(g)(3).

(d) Metro will publish notice that the overall goals are available for inspection when they are submitted to DOT or other federal agencies. They will be made available for 30 days following publication of notice. Public comment will be accepted for 45 days following publication of the notice. (Ordinance No. 83-165, Sec. 10; amended by Ordinance No. 86-197, Sec. 1)

2.04.150 Contract Goals:

(a) The annual goals established for construction contracts shall apply as individual contract goals for construction contracts over \$50,000 and shall be met pursuant to Section 2.04.210(b) of this chapter.

(b) Contract goals for construction contracts over \$50,000 may be complied with by prime contractors only by subcontracting a percentage of the contract work, equal to or exceeding the contract goal, to one or more disadvantaged business subcontractors or by showing of good faith efforts to comply pursuant to Section 2.04.230 of this chapter.

(c) The Liaison Officer may set a contract goal for any contract other than construction contracts over \$50,000. The setting of such contract goal shall be made in writing prior to the solicitation of bids for such contract. Contract goals for contracts other than construction contracts over \$50,000 shall be set at the discretion of the Liaison Officer and shall not be tied to the annual goal for such contract type. Contract goals for such contracts may be complied with pursuant to Section 2.04.260(a)(2) or Section 2.04.230 of this chapter. (Ordinance No. 83-165, Sec. 11)

2.04.155 Contract Award Criteria:

(a) Efforts will be made to assure that prime contracts are awarded to competitors that meet applicable disadvantaged and women-owned business goals. In order to be eligible for award of contracts containing a DBE/WBE goal, prime contractors must either meet or exceed the specific goal for disadvantaged and women-owned businesses, or prove that they have made good faith efforts to meet the goal.

(b) All solicitations on contracts for which goals have been established shall require all bidders/proposers to submit with their bids and proposals a statement indicating that they will comply with the contract goal. To document the intent to meet the goals, all bidders shall complete and endorse a Disadvantaged Business Utilization form and include said form with bid documents. The form shall be provided by Metro with bid solicitations.

(c) Agreements between a bidder/proposer and a DBE/WBE in which the DBE/WBE promises not to provide subcontracting quotations to other bidders/proposers are prohibited.

(d) Apparent low bidders who indicate compliance with the goal shall, within five (5) working days of bid opening (or bid submission date when no public opening is had), submit to Metro signed Letters of Agreement between the bidder and DBE/WBE subcontractors and suppliers to be utilized in performance of the contract. A form Letter of Agreement will be provided by Metro.

(e) An apparent low bidder who states in its bid that the goal will be met but who fails to meet the goal or fails to provide Letters of Agreement with DBE/WBE firms in a timely manner, may, in lieu thereof, submit evidence of good faith efforts to meet the goal as provided in paragraph (f) of this section.

(f) Apparent low bidders who will not meet the goal but who state in their bid that they have made good faith efforts to meet the goal shall within five (5) working days of bid opening (or bid submission date when no public opening is had) submit to Metro evidence of such good faith efforts. Evidence of good faith efforts, and Metro's determination of the sufficiency of such efforts, shall be in accordance with Section 2.04.230 of this chapter.

(g) In very limited situations the Liaison Officer may in writing, at his/her discretion, extend the five (5) working day deadline noted in paragraphs (d) and (f) above to allow for additional positive efforts to utilize certified disadvantaged or women-owned businesses prior to contract award. Such extensions shall not exceed a total of ten (10) additional working days.

(h) Except as provided in paragraph (i) of this section, apparent low bidders who state in their bids that they will meet the goals or will show good faith efforts to meet the goals, but who fail to comply with paragraph (d) or (f) of this section, shall have their bids rejected and shall forfeit any required bid security or bid bond. In that event, the next lowest bidder shall, within five days of notice of such ineligibility of the low bidder, submit evidence of goal compliance or good faith effort as provided above. This process shall be repeated until a bidder is determined to meet the provisions of this section or until Metro determines that the remaining bids are not acceptable because of amount of bid or otherwise.

(i) The Liaison Officer, at his or her discretion, may waive minor irregularities in a bidder's compliance with the requirements of this section. (Ordinance No. 83-165, Sec. 12; amended by Ordinance No. 86-197, Sec. 1)

2.04.160 Determination of Good Faith Efforts:

(a) Pursuant to Section 2.04.220 of this chapter, bidders on contracts to which DBE/WBE goals apply must, to be eligible for contract award, comply with the applicable contract goal or show that good faith efforts have been made to comply with the goal. Good faith efforts should include at least the following standards established in the amendment to 49 CFR §23.45(h), Appendix A, dated Monday, April 27, 1981.

(b) A showing of good faith efforts must include written evidence of at least the following:

- (1) Advertisement in a trade association newsletter or general circulation newspaper and through a minority-owned newspaper or minority-owned trade publication at least 10 days before bids or proposals are due.
- (2) Written notification to no less than three (3) DBE/WBE firms that their interest in the contract is solicited. Such efforts should include the segmenting of work to be subcontracted to the extent consistent with the size and capability of DBE/WBE firms in order to provide reasonable subcontracting opportunities. Each bidder should send solicitation letters inviting quotes or proposals from DBE/WBE firms, segmenting portions of the work and specifically describing, as accurately as possible, the portions of the work for which quotes or proposals are solicited from DBE/WBE firms and encouraging inquiries for further details. Letters that are general and do not describe specifically the portions of work for which quotes or proposals are desired are discouraged, as such letters generally do not bring responses. It is expected that such letters will be sent in a timely manner so as to allow DBE/WBE sufficient opportunity to develop quotes or proposals for the work described.
- (3) Evidence of follow-up to initial solicitations of interest, including the following:
 - A. the names, addresses, telephone numbers of all DBE/WBE contacted;
 - B. a description of the information provided to DBE/WBE firms regarding the plans and specifications for portions of the work to be performed; and
 - C. a statement of the reasons for non-utilization of DBE/WBE firms, if needed to meet the goal.

(Ordinance No. 83-165, Sec. 13; amended by Ordinance No. 84-181, Sec. 6, and Ordinance No. 86-197, Sec. 1)

2.04.165 Replacement of Disadvantaged Business Subcontractors:

Prime contractors shall not replace a DBE/WBE subcontractor with another subcontractor, either before contract award or during contract performance, without prior Metro approval. Prime contractors who replace a disadvantaged business subcontractor shall replace such DBE/WBE subcontractor with another certified DBE/WBE subcontractor or make good faith efforts to do so. (Ordinance No. 83-165, Sec. 14; amended by Ordinance No. 86-197, Sec. 1)

2.04.170 Records and Reports:

(a) Metro shall develop and maintain a recordkeeping system to identify and assess disadvantaged and women-owned business contract awards, prime contractors' progress in achieving goals and affirmative action efforts. Specifically, the following records will be maintained:

- (1) Awards to disadvantaged or women-owned businesses by number, percentage and dollar amount. Specifically the percentage of dollar value of all contracts awarded to D/WBE and total dollar value of all contracts D/WBE.
- (2) A description of the types of contracts awarded.
- (3) The extent to which goals were exceeded or not met and reasons therefor.

(b) All disadvantaged and women-owned business records will be separately maintained. Required disadvantaged and women-owned business information will be provided to federal agencies and administrators on request.

(c) The Liaison Officer shall prepare semiannual reports on disadvantaged and women-owned business participation to include the following:

- (1) the number of contracts awarded;
- (2) categories of contracts awarded;
- (3) dollar value of contracts awarded;
- (4) percentage of the dollar value of all contracts awarded to DBE/WBE firms in the reporting period; and
- (5) the extent to which goals have been met or exceeded.

(Ordinance No. 83-165, Sec. 15; amended by Ordinance No. 84-181, Sec. 7, and Ordinance No. 86-197, Sec. 1)

2.04.175 Counting Disadvantaged Business Participation Toward Meeting Goals:

(a) DBE/WBE participation shall be counted toward meeting the goals on each contract as follows:

- (1) Subject to the limitations indicated in paragraphs (2) through (8) below, the total dollar value of a contract to be performed by disadvantaged and women-owned businesses is counted toward the applicable goal for contract award purposes as well as annual goal compliance purposes.
- (2) The total dollar value of a contract to a disadvantaged business owned and controlled by both disadvantaged males and non-disadvantaged females is counted toward the goals for disadvantaged businesses and women, respectively, in proportion to the percentage of ownership and control of each group in the business.

The total dollar value of a contract with a disadvantaged business owned and controlled by disadvantaged women is counted toward either the disadvantaged business goal or the goal for women, but not to both. Metro shall choose the goal to which the contract value is applied.

- (3) Metro shall count toward its goals a portion of the total dollar value of a contract with an eligible joint venture equal to the percentage of the ownership and control of the disadvantaged or female business partner in the joint venture.
- (4) Metro shall count toward its goals only expenditures to disadvantaged businesses and women-owned that perform a commercially useful function in the work of a contract. A disadvantaged and women-owned business is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing and supervising the work involved. To determine whether a disadvantaged and women-owned business is performing a commercially useful function, Metro shall evaluate the amount of work subcontracted, industry practices and other relevant factors.
- (5) Consistent with normal industry practices, a disadvantaged and women-owned business may enter into subcontracts. If a disadvantaged business contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the

basis of normal industry practices, the disadvantaged business shall be presumed not to be performing a commercially useful function. The disadvantaged and women-owned business may present evidence to Metro to rebut this presumption. Metro's decision on the rebuttal of this presumption is subject to review by DOT for DOT-assisted contracts.

- (6) A disadvantaged and women-owned business which provides both labor and materials may count toward its disadvantaged business goals expenditures for materials and supplies obtained from other disadvantaged and women-owned business suppliers and manufacturers, provided that the disadvantaged and women-owned business contractor assumes the actual and contractual responsibility for the provision of the materials and supplies.
- (7) Metro shall count its entire expenditure to a disadvantaged and women-owned business manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters them before resale).
- (8) Metro shall count against the goals 20 percent of its expenditures to disadvantaged and women-owned business suppliers that are not manufacturers, provided that the disadvantaged and women-owned business supplier performs a commercially useful function in the supply process.

(9) When funds are passed-through by Metro to other agencies, any contracts made with those funds and any disadvantaged or women-owned business participation in those contracts shall only be counted toward Metro's goals. Likewise, any funds passed-through to Metro from other agencies and then used for contracting shall count only toward that agency's goals. Project managers responsible for administration of pass-through agreements shall include the following language in those agreements:

- "(a) Policy. It is the policy of the Department of Transportation that minority business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this agreement.
- "(b) MBE Obligation. The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds

provided under this agreement. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of DOT-assisted contracts."

(b) Disadvantaged or women-owned business participation shall be counted toward meeting annual goals as follows:

- (1) Except as otherwise provided below, the total dollar value of any contract which is to be performed by disadvantaged or women-owned businesses is counted toward meeting annual goals.
- (2) The provisions of paragraphs (a)(2) through (a)(8) of this section, pertaining to contract goals, shall apply equally to annual goals.

(Ordinance No. 83-165, Sec. 16; amended by Ordinance No. 84-181, Sec. 8; and Ordinance No. 86-197, Sec. 1)

2.04.180 Compliance and Enforcement:

(a) Metro shall reserve the right, at all times during the period of any contract, to monitor compliance with the terms of this chapter and the contract and with any representation made by a contractor prior to contract award pertaining to disadvantaged business participation in the contract.

(b) The Liaison Officer may require, at any stage of contract completion, documented proof from the contractor of actual disadvantaged business participation. (Ordinance No. 83-165, Sec. 17)

ADOPTED by the Council of the Metropolitan Service District

this 8th day of January, 1987.


Richard Waker, Presiding Officer

ATTEST:


Clerk of the Council

CONSIDERATION OF ADOPTING CONTRACT PROCEDURES AND
REPEALING CHAPTER 2.04.001 TO 2.04.270

Date: December 11, 1986

Presented by: Eleanore S. Baxendale
Ed Stuhr

FACTUAL BACKGROUND AND ANALYSIS

This is a redraft of the existing contract code. The major change is format, rather than substance. The intent is to enable the code to be used as a cookbook: open to the applicable section, and follow the directions.

For each contract the user need only check Section 2.04.010, Definitions, to determine whether the contract is for Personal Services or whether it is a Public Contract. Then turn to 2.04.030 Rules and Procedures governing Personal Services and Public Contracts for some general rules. Then go to Section 2.04.040 to .045 for Public Contracts or Section 2.04.050 to .054 for Personal Services Contracts. Within each type there is a section by dollar amount that tells the user how to solicit vendors, what kind of review is required and who can approve the contract for that dollar range. For each contract type there is a special section on extensions and amendments. Finally, there are sections 2.04.060, Sole Source Contracts, 2.04.070, Sale of Metro Services, 2.04.080, Sale of Surplus Property, and 2.04.090, Food Items and Food Services.

These are the following substantive changes:

- Definitions (new 2.04.010): entirely new.
 - Competitive Bid: explains you are looking at price on set specifications.
 - RFP: explains you are looking at comparative quality as well as price.
 - Public Contract: goods, goods and services, services that are not personal services (old 2.04.010(a)).
 - Personal Services Contracts: the definition is the detailed one given by the state. We think the examples will be useful.
 - Exemptions: only from competitive bidding, not review or approval; only apply to Public Contracts.

Contract Review Board (new 2.04.020; old 2.04.001, .002, .003, .005, .025)

No substantive changes.

Rules and Procedures Governing Personal Services and Public Contracts (new 2.04.030; old 2.04.060)

No substantive change; approval of contracts moved to each contract section by dollar amount.

Public Contracts General Provisions (new 2.04.040; old 2.04.010(b) in part)

Rejection of bids is new; it follows state law. Bonds is new; it follows state law; dollar amounts should be carefully reviewed -- they can be changed if you think different amounts are better.

Public Contracts Exemptions (new 2.04.041; old 2.04.010(b) and (c))

No substantive change; new food service exemptions are added in another section.

Public Contracts Under \$2,500 (new 2.04.042; old 2.04.010, 2.04.030)

No substantive change.

Public Contracts Between \$2,501 and \$15,000 (new 2.04.043; old 2.04.010(b) and (d), and 2.04.030)

The dollar ceiling for competitive quotes was increased from \$10,000 to \$15,000, consistent with new state administrative rules; otherwise, no substantive change. The slight increase will not substantially diminish competition and will achieve cost savings through simpler administration.

Public Contracts Over \$15,000 (new 2.04.044; old 2.04.010(b) and (d), and 2.04.030)

No substantive change.

Public Contract Extensions and Amendments (new 2.04.045; old 2.04.030)

The current code has no procedure for determining when work can be added to existing contract without competitive bids; therefore, all amendments must be competitively bid. Obviously, this is inefficient. This section follows the state administrative rules, with some greater financial flexibility for large contracts.

Approval is unchanged except that when the aggregate of changes under \$10,000 reaches a certain percentage of the contract amount, the amendment must go to Council Management. Currently, if the initial contract is for \$10,000, the contract can grow to \$49,999, or an initial contract for \$50,000 can grow ad infinitum without any Council Management review, if the changes are small. This new provision puts certain limits on that growth.

Personal Service Contracts General (new 2.04.050; old 2.04.030 and .035)

No substantive change.

Personal Service Contracts Under \$2,500 (new 2.04.051; old 2.04.030 and .035)

No substantive change.

Personal Service Contracts Between \$2,501 and \$10,000 (new 2.04.052; old 2.04.030 and .035)

No substantive change.

Personal Service Contracts Over \$10,000 (new 2.04.053; old 2.04.030 and .035)

No substantive change.

Personal Service Contract Extensions (new 2.04.054; old 2.04.030 and .035)

No change, except in approval of small amounts which aggregate into large contracts, as explained for Public Contracts.

Sole Source Contracts (new 2.04.060; old 2.04.030 and .035)

The provisions for Personal Service Contracts have been expanded to include Public Contracts. This is similar to state administrative procedures.

Sale of Metro Goods and Services (2.04.070)

New section clarifying contract approval procedures -- the same as purchase.

Sale of Surplus Property (new 2.04.080; old 2.04.010)

No substantive change.

Food Items and Food Service (new 2.04.090)

This year the Zoo has undertaken a food service study to examine the special needs of this unique activity. Although routine items can be purchased under the standard contract procedures, especially since sole source now includes goods as well as services, the Zoo has special marketing needs for catered items, market test items and "signature items."

Catered items are those requested by the customer by name. There is no injury to competition if the customer makes this selection; furthermore, if more than one supplier carries the item, competitive quotes will be obtained.

Market test items are those items used to determine whether the Zoo will add a food item to its regular menu and/or the specifications for that item. The market test is for a limited time period and must be undertaken subject to specific statistical evaluation methods. Although the initial selection of the item to be test marketed is left to the discretion of the Director or Assistant Director of the Zoo (undoubtedly in reliance on the Visitor Services Manager's professional advice), the injury to competition is small because the time period is short and the results of the market study will be used for future competitive bidding.

Signature items are unique sales items that are not sole source, like premium ice creams or high end clam chowder. The selection process is a hybrid of competitive bid and personal services to accommodate the quality and consumer attractiveness variables which cannot be described in specifications. The state has a similar process for food service contracts, not just food items alone. Competition is not substantially diminished nor favoritism encouraged because distinctions on the basis of quality and market response are difficult to quantify, solicitation is open, and price is still the key factor.

ESB/srs
6638C/485-2
12/11/86

After discussion about the correct title of the Convention Center Project Director, Mr. Boose said when the position was first created, the title was "Convention, Trade & Spectator Facility (CTS) Director." However, the more descriptive working title had become "Convention Center Project Director." Councilor Ragsdale requested staff work with the Project Director to ensure all Metro documents reflected the correct position title. Mr. Boose said he would bring back an amendment for Council consideration which reflected the correct title.

The Presiding Officer announced the second reading of the Ordinance would occur on January 22, 1987.

7.3 Consideration of Ordinance No. 87-216, for the Purpose of Adopting Contract Procedures and Repealing Chapter 2.04.001 to 2.04.270 (Second Reading)

The Clerk read the Ordinance a second time by title only.

Main Motion: Councilors DeJardin and Van Bergen moved the Ordinance be adopted at the First Reading of the Ordinance on December 18, 1986.

Eleanore Baxendale, General Counsel, distributed a memo which requested the Council amend the Ordinance to reflect the new position of Finance & Administration Director and the existence of the Finance & Administration Department.

Motion to Amend: Councilor Kelley moved, seconded by Councilor Kirkpatrick, to amend the Ordinance as follows: 1) all occurrences of the "Director of Management Services" or "Manager of Accounting" be amended to read "Director of Finance and Administration;" 2) all occurrences of the "Management Services Division" or "Manager of Accounting" be amended to read "Department of Finance and Administration;" and all occurrences of a combined reference to "Director of Management Services and Manager of Accounting" be amended to read "Department of Finance and Administration."

Vote on Motion to Amend: A vote on the motion to amend resulted in all twelve Councilors voting aye.

The motion carried and the Ordinance was amended.

Vote on Main Motion: A roll call vote on the main motion, as amended, resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-216 was adopted as amended.

Councilor Gardner explained the Solid Waste Committee recommended the amendment because the \$16.70 figure was more in line with leveling future rate increases and it recognized the historical pattern of revenue projection linked with projected tonnages.

After discussion, it was acknowledged if the amendment were adopted, staff would revise all related figures and totals throughout the ordinance to reflect the lower rate.

Councilor Knowles asked if the recommended amended rate were based on actual calculations and whether the lower rate would endanger the present solid waste operating fund balance for its intended contingencies. Mr. McConaghy said a lower rate would not endanger the solid waste programs and staff would provide new rate and revenue projections as part of the FY 1987-88 budget process.

Vote on Second Motion to Amend: A vote resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-214 was amended.

Vote on the Main Motion as Amended: A vote resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-214 was adopted as amended.

7.2 Consideration of Ordinance No. 86-213, for the Purpose of Amending Metro Code Section 2.04.030 to Require Council Approval of Contracts with Another Government Agency (Second Reading)

The Clerk read the Ordinance a second time by title only. There was no discussion on the Ordinance.

Motion: The motion to adopt the Ordinance was made by Councilors Ragsdale and DeJardin at the meeting of December 11, 1986.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-213 was adopted.

7.3 Consideration of Ordinance No. 87-216, for the Purpose of Adopting Contract Procedures and Repealing Chapter 2.04.001 to 2.04.270 (First Reading and Public Hearing)

The Clerk read the Ordinance a first time by title only.

Eleanore Baxendale, General Counsel, explained the Ordinance would present Metro's contract procedures in a logical format and avoid confusion for those who used the procedures. She noted substantive changes in the Ordinance from previous procedures as listed in the written staff report.

Ms. Baxendale referred to an errata sheet distributed to Councilors. Several references in the Ordinance to contracts "under \$2,500" should be changed to read "\$2,500 and under", she said. Also, several references to contracts should also include amendments of the same amounts, she explained.

There was no discussion on the proposed Ordinance.

Motion: Councilor DeJardin moved the Ordinance be adopted and Councilor Van Bergen seconded the motion.

Presiding Officer Waker opened the public hearing on the Ordinance. There being no testimony, he closed the hearing and announced the second reading was scheduled for January 8, 1987.

7.4 Consideration of Ordinance No. 87-215, for the Purpose of Establishing a One Percent for Art Program for the New Construction or Major Alteration of Major District Facilities (First Reading and Public Hearing)

The Clerk read the Ordinance by title only a first time.

Phillip Fell, Government Relations Manager, reviewed staff's written report and the following undetermined policy issues regarding the art program: whether the Ordinance should apply to all Metro projects or whether it should exclude certain solid waste projects such as landfills and resource recovery facilities; whether the program should be limited to participation by Oregon artists; and whether the program should be restricted to the visual arts.

Councilor Knowles asked what role the Metropolitan Arts Commission would play in Metro's program. Mr. Fell said the proposed Ordinance should provide for one member of the Commission to advise Metro on each major project.

In response to Councilor Frewing's question about which construction projects would apply, Eleanore Baxendale, General Counsel, explained that any new construction or renovation project included as an item in Metro's budget would be included under the proposed Ordinance.

Presiding Officer Waker proposed budgeting up to one percent rather than one percent for any particular project, explaining good art could not be measured by the amount of money expended.

After discussion about the correct title of the Convention Center Project Director, Mr. Boose said when the position was first created, the title was "Convention, Trade & Spectator Facility (CTS) Director." However, the more descriptive working title had become "Convention Center Project Director." Councilor Ragsdale requested staff work with the Project Director to ensure all Metro documents reflected the correct position title. Mr. Boose said he would bring back an amendment for Council consideration which reflected the correct title.

The Presiding Officer announced the second reading of the Ordinance would occur on January 22, 1987.

7.3 Consideration of Ordinance No. 87-216, for the Purpose of Adopting Contract Procedures and Repealing Chapter 2.04.001 to 2.04.270 (Second Reading)

The Clerk read the Ordinance a second time by title only.

Main Motion: Councilors DeJardin and Van Bergen moved the Ordinance be adopted at the First Reading of the Ordinance on December 18, 1986.

Eleanore Baxendale, General Counsel, distributed a memo which requested the Council amend the Ordinance to reflect the new position of Finance & Administration Director and the existence of the Finance & Administration Department.

Motion to Amend: Councilor Kelley moved, seconded by Councilor Kirkpatrick, to amend the Ordinance as follows: 1) all occurrences of the "Director of Management Services" or "Manager of Accounting" be amended to read "Director of Finance and Administration;" 2) all occurrences of the "Management Services Division" or "Manager of Accounting" be amended to read "Department of Finance and Administration;" and all occurrences of a combined reference to "Director of Management Services and Manager of Accounting" be amended to read "Department of Finance and Administration."

Vote on Motion to Amend: A vote on the motion to amend resulted in all twelve Councilors voting aye.

The motion carried and the Ordinance was amended.

Vote on Main Motion: A roll call vote on the main motion, as amended, resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 86-216 was adopted as amended.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

February 4, 1987

Mr. Charles D. Cameron
County Administrator
Washington County Courthouse
150 North First Avenue
Hillsboro, Oregon 97123

Dear Mr. Cameron:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro files maintained by your county.

Ordinance No. 86-213, Amending Metro Code Section 2.04.030 to Require Council Approval of Contracts with Another Government Agency

Ordinance No. 86-214, Relating to Solid Waste Disposal Charges, Regional Transfer Charges and User Fees; Amending Metro Code Sections 5.01.150, 5.02.020, 5.02.025, 5.02.045, 5.02.050, 5.02.065 and 5.02.070; and Establishing Metro Code Section 5.02.075 for Collection of a Certification Non-Compliance Fee

Ordinance No. 87-216, Adopting Contract Procedures and Repealing Code Chapter 2.04.001 to 2.04.270

Ordinance No. 87-217, Amending Code Section 5.01.030 (Regarding the Transfer of Solid Waste)

Ordinance No. 87-218, Amending Code Section 2.02.040 Regarding Personnel Rules for Appointments

Sincerely,

A. Marie Nelson
Clerk of the Council

Metro Council

Richard Waker
Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

Mike Ragsdale
District 1

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

Executive Officer
Rena Cusma



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

February 4, 1987

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

Dear Ms. Orr:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro files maintained by your county.

Metro Council

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Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

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Ordinance No. 87-218, Amending Code Section 2.02.040 Regarding Personnel Rules for Appointments

Sincerely,

A. Marie Nelson
Clerk of the Council



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

February 4, 1987

Ms. Jane McGarvin
Clerk of the Board
Multnomah County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

Dear Jane:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro files maintained by your county.

Ordinance No. 86-213, Amending Metro Code Section 2.04.030 to Require Council Approval of Contracts with Another Government Agency

Ordinance No. 86-214, Relating to Solid Waste Disposal Charges, Regional Transfer Charges and User Fees; Amending Metro Code Sections 5.01.150, 5.02.020, 5.02.025, 5.02.045, 5.02.050, 5.02.065 and 5.02.070; and Establishing Metro Code Section 5.02.075 for Collection of a Certification Non-Compliance Fee

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Sincerely,

A. Marie Nelson
Clerk of the Council

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