

BEFORE THE METROPOLITAN SERVICE DISTRICT
CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AMENDING METRO.) ORDINANCE NO. 87-233
CODE SECTION 2.04.041 CREATING)
AN EXEMPTION FOR AGREEMENTS FOR)
THE LEASE OR USE OF THE OREGON)
CONVENTION CENTER FROM PUBLIC)
BIDDING REQUIREMENTS)

THE METROPOLITAN SERVICE DISTRICT CONTRACT REVIEW BOARD ORDAINS
AS FOLLOWS:

Section 1. The Metropolitan Service District Contract Review Board finds that the operation of the Oregon Convention Center and other facilities to be operated by the Metropolitan Exposition-Recreation Commission requires that contracts for lease or use of such facilities be exempted from any competitive bidding requirements because such facilities are operated in competition with similar facilities located elsewhere and that exempting such agreements from competitive bidding requirements will not encourage favoritism or diminish competition and is in the public interest because exempting such agreements will make it possible to realize greater revenues.

Section 2. Section 2.04.041 of the Code of the Metropolitan Service District is amended to read as follows:

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.
- (10) Contracts for the lease or use of the Oregon Convention Center or other facilities operated by the Metropolitan Exposition-Recreation Commission.

(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.

ADOPTED by the Council of the Metropolitan Service District
this 12th day of November, 1987.



Richard Waker, Presiding Officer

ATTEST:



Clerk of the Council

DBC/gl
8364C/517
11/16/87

STAFF REPORT

Agenda Item No. 983, 984

Meeting Date Nov. 12, 1987

CONSIDERATION OF ORDINANCE NOS. 87-232 and 87-233
RELATING TO CONTRACTING AND PERSONNEL RULES FOR
THE METROPOLITAN EXPOSITION-RECREATION COMMISSION
IN CREATING AN EXEMPTION FOR AGREEMENTS FOR THE
LEASE OR USE OF THE OREGON CONVENTION CENTER FROM
PUBLIC BIDDING REQUIREMENTS.

Date: October 19, 1987

Presented by: Donald E. Carlson
Daniel B. Cooper

FACTUAL BACKGROUND AND ANALYSIS

The Council is considering Ordinance No. 87-225 creating the Metropolitan Exposition-Recreation Commission. The Council Task Force on the Convention Center Commission has recommended to the Council that ordinances be prepared to amend the relevant provisions of the Metro Code to clearly provide that the new Metropolitan Exposition-Recreation Commission would be empowered to hire personnel and enter into contract agreements subject to the policies and procedures set forth in the Metro Code. The Task Force recommends that the Commission be able to operate independently from the Metro Executive or the Metro Council in carrying out these functions. In addition, the Council Task Force has recommended that the Metro Council provide that any agreements for the lease or use of the Oregon Convention Center be exempt from any applicable Oregon Public Contract Law/Public Bidding Requirements.

Ordinance No. 87-232 amends Section 2.02.010 of the Metro Code to provide that the new Metropolitan Exposition-Recreation Commission shall have authority to hire and fire employees subject to the personnel rules established in the Metro Code.

Ordinance No. 87-232 also creates a new Code Section 2.04.035 to provide that the Commission shall have the authority to enter into contracts without the prior approval of either the Executive Officer, the Council Management Committee, or the Council.

Ordinance No. 87-233 is an ordinance to be considered by the Council sitting in its capacity as the Metropolitan Service District Contract Review Board. This ordinance creates an additional exemption from competitive bidding requirements for "contracts for the lease or use of the Oregon Convention Center or other facilities operated by the Metropolitan Exposition-Recreation Commission."

DBC/gl
8377C/517
10/19/87

Motion: The motion to adopt the ordinance was made by Councilors Kirkpatrick and Ragsdale at the first reading on October 22, 1987.

There was no discussion on the ordinance.

Vote: A roll call vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried and Ordinance No. 87-232 was adopted.

9.4 Consideration of Ordinance No. 87-233, for the Purpose of Amending Metro Code Section 2.04.041 Creating an Exemption for Agreements for the Lease or Use of the Oregon Convention Center from Public Bidding Requirements (Second Reading)

The Clerk read the ordinance a second time by title only. Presiding Officer Waker announced the Council would consider the ordinance in its capacity as the Metro Contract Review Board and that the ordinance was not subject to the Executive Officer's veto.

Motion: The motion to adopt the ordinance was made by Councilors Kirkpatrick and Ragsdale at the first reading on October 22, 1987.

There was no discussion on the ordinance.

Vote: A roll call vote on the motion resulted in all eleven Councilors present voting aye. Councilor Kirkpatrick was absent.

The motion carried and Ordinance No. 87-232 was adopted.

9.5 Consideration of Ordinance No. 87-234, for the Purpose of Adopting a Final Order and Amending the Metro UGB in Contested Case No. 87-1 for the Chicken Creek, Harborton and Bull Mountain Sites (First Reading); and

10.1 Consideration of Resolution No. 87-822, for the Purpose of Initiating Annexation to Metro and Expressing Council Intent to Amend the Urban Growth Boundary in Contested Case No. 87-1 for the Edy Road, Highway 99W, Middleton and Substation Sites

The Clerk read the ordinance a first time by title only. Presiding Officer Waker announced that the Council would consider this matter in its capacity as a quasi-judicial board and as such, the ordinance was not subject to the Executive Officer's veto. He also announced that a public hearing had previously been conducted on the matter

7. ORDINANCES

Presiding Officer Waker announced that Ordinance Nos. 87-232 and 87-233 would be necessary for the interim operation of the convention center. When the new commission adopted their own contracting and personnel rules, the Ordinances would become obsolete.

7.1 Consideration of Ordinance No. 87-232, for the Purpose of Amending Metro Code Section 2.02.010 and Adding a Code Section 2.04.035 Relating to Personnel and Contracting Rules for the Metropolitan Exposition-Recreation Commission (First Reading and Public Hearing)

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

Dan Cooper, General Counsel, reviewed staff's written report. There was no discussion.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Ragsdale, to adopt Ordinance No. 87-232.

Presiding Officer Waker opened the public hearing. There was no testimony and the hearing was closed. He announced the second reading of the ordinance was scheduled for November 12, 1987.

7.2 Consideration of Ordinance No. 87-233, for the Purpose of Amending Metro Code Section 2.04.041 Creating an Exemption for Agreements for the Lease or Use of the Oregon Convention Center from Public Bidding Requirements (First Reading and Public Hearing)

The Clerk read the ordinance a first time by title only. The Presiding Officer announced the Council would be considering this ordinance in their capacity as the Metro Contract Review Board.

Dan Cooper, General Counsel, reviewed staff's written report, explaining the exemption would be necessary for the convention center to operate as a competitive business.

Councilor Van Bergen, referring to the Council's recent adoption of Ordinance No. 87-225, asked Mr. Cooper to comment on the Executive Officer's letter of October 15, 1987, to Councilor Kirkpatrick in which she had announced her veto of Ordinance No. 87-225. He asked that action be clarified.

Executive Officer Cusma said it was clear the letter related to the ordinance as adopted on October 8. She said she would clarify her views in another letter to Councilors.

Councilor Collier pointed out new Council procedures were needed that took into account the Executive Officer's veto. The Presiding Officer asked Mr. Cooper to recommend changes to the Council's procedures for future consideration. Councilor Ragsdale further suggested parliamentary procedures other than Roberts Rules of Order be adopted for Council use.

There were no questions of Councilors concerning Ordinance No. 87-233.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Ragsdale, to adopt Ordinance No. 87-232.

Presiding Officer Waker opened the public hearing. There was no testimony and the hearing was closed. He announced the second reading of the ordinance was scheduled for November 12, 1987.

7.3 Consideration of Ordinance No. 87-229, for the Purpose of Amending Metro Code Chapter 3.02, Amending the Regional Waste Treatment Management Plan, and Submitting it for Recertification (Second Reading)

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

Presiding Officer Waker announced that a first reading and public hearing had been conducted on October 8 and at that meeting, Councilor DeJardin and Kirkpatrick had moved for adoption of the ordinance.

There was no discussion.

Vote: A roll call vote on the motion to adopt the ordinance (made by Councilors DeJardin and Kirkpatrick on October 8, 1987) resulted in all twelve Councilors voting aye.

The motion carried and Ordinance No. 87-229 was unanimously adopted.

7.4 Consideration of Ordinance No. 87-230, for the Purpose of Amending Metro Code Chapter 2.04 Relating to Contract Procedures and Creating an Exemption for Computer Software Purchases (First Reading and Public Hearing)

The Clerk read the ordinance a first time by title only. Presiding Officer Waker announced the ordinance would be considered by the Council in their capacity as the Metro Contract Review Board.

Ray Phelps, Finance & Administration Manager, reported Metro's Code already granted exemptions for computer hardware. By adoption of



METRO

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

November 20, 1987

Mr. John Kauffman
County Clerk
Clackamas County Courthouse
8th and Main
Oregon City, OR 97045

Dear Mr. Kauffman:

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

Ordinance No. 87-230 for the Purpose of Amending Metro Code Chapter 2.04 Relating to Contract Procedures and Creating an Exemption for Computer Software Purchases.

Ordinance No. 87-231 for the Purpose of Amending Metro Code Chapter 2.04 Relating to the Disadvantaged Business Program.

Ordinance No. 87-232 for the Purpose of Amending Section 2.02.010 and Adding a New Section 2.04.035 to the Code of Metropolitan Service District Relating to Personnel and Contracting Rules for the Metropolitan Exposition-Recreation Commission.

Ordinance No. 87-233 for the Purpose of Amending Metro Code Section 2.04.041 Creating an Exemption for Agreements for the Lease or Use of the Oregon Convention Center from Public Bidding Requirements.

Sincerely,

A. Marie Nelson
Clerk of the Council

AMN:pea

Enclosures

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

November 20, 1987

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

Dear Mr. Cameron:

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

Ordinance No. 87-230 for the Purpose of Amending Metro Code Chapter 2.04 Relating to Contract Procedures and Creating an Exemption for Computer Software Purchases.

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Ordinance No. 87-233 for the Purpose of Amending Metro Code Section 2.04.041 Creating an Exemption for Agreements for the Lease or Use of the Oregon Convention Center from Public Bidding Requirements.

Sincerely,

A. Marie Nelson
Clerk of the Council

AMN:pea

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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

November 20, 1987

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

Dear Jane:

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

Ordinance No. 87-230 for the Purpose of Amending Metro Code Chapter 2.04 Relating to Contract Procedures and Creating an Exemption for Computer Software Purchases.

Ordinance No. 87-231 for the Purpose of Amending Metro Code Chapter 2.04 Relating to the Disadvantaged Business Program.

Ordinance No. 87-232 for the Purpose of Amending Section 2.02.010 and Adding a New Section 2.04.035 to the Code of Metropolitan Service District Relating to Personnel and Contracting Rules for the Metropolitan Exposition-Recreation Commission.

Ordinance No. 87-233 for the Purpose of Amending Metro Code Section 2.04.041 Creating an Exemption for Agreements for the Lease or Use of the Oregon Convention Center from Public Bidding Requirements.

Sincerely,

A. Marie Nelson
Clerk of the Council

AMN:pea

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