

BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A)	RESOLUTION NO. 14-4517
CONTRACT SPECIFIC SPECIAL)	
PROCUREMENT OF PAYROLL SERVICES FOR)	Introduced by Tim Collier, Director Of
STAGEHANDS WORKING AT PORTLAND'S)	Finance and Regulatory Services
CENTERS FOR THE ARTS)	
)	

WHEREAS, pursuant to Metro Code Section 2.04.024, the Metro Council delegated certain contract authority to the Metropolitan Exposition Recreation Commission (MERC) and the Metro Council is designated as the Contract Review Board for MERC; and

WHEREAS, Section 6 of MERC's Contracting and Purchasing Rules require that any specific contract designated as a special procurement must be approved by the Metro Council;

WHEREAS, Metro Code Section 2.04.053 authorizes the Metro Council in its capacity as the Contract Review Board to approve procurements of specific contracts not described in the Metro Code as special procurements, subject to the requirements of ORS 279B.085; and

WHEREAS, MERC intends to contract with Oregon Stagehands Inc. (OSI) for payroll services for the stagehands that work at the Portland's Centers for the Arts; and

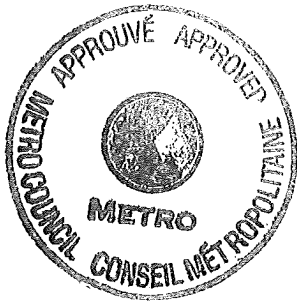
WHEREAS, MERC desires to negotiate directly with OSI for payroll services for the stagehands at Portland's Centers for the Arts because MERC must use a mutually agreed upon payroll company under the terms of the collective bargaining agreement between MERC and IATSE, Local 28 and OSI is IATSE, Local 28's approved payroll company; and

WHEREAS, pursuant to ORS 279B.085(2), MERC has submitted the written request attached as Exhibit A that describes the contracting procedure, the services that are the subject of the special procurement and the circumstances that justify the use of a special procurement under the standards set forth ORS 279B.085(4); and

WHEREAS, pursuant to Metro Code 2.04.053(c) and ORS 279B.085, the Metro Contract Review Board finds that for the reasons set forth in the findings in Exhibit B, the use of a special procurement as described in Exhibit A will be unlikely to encourage favoritism in the awarding of public contracts, and will otherwise substantially promote the public interest in a manner that could not practically be realized by complying with the requirements that are applicable under ORS 279B.055, ORS 279B.060, ORS 279B.065, and ORS 279B.070; therefore

BE IT RESOLVED that the Metro Council, acting as the Metro Contract Review Board, approves a special procurement for the purpose of MERC entering a contract with Oregon Stagehands, Inc. for the provision of payroll services.

ADOPTED by the Metro Council, acting as the Contract Review Board for MERC, this 1 day of May, 2014.



Tom Hughes
Tom Hughes, Council President

Attest:

Troy Rayburn
Troy Rayburn, Recorder

Approved as to Form:

AS
for Alison R. Kean, Metro Attorney

Exhibit A

Request by the Metropolitan Exposition Recreation Commission (MERC) in Support of a Contract Specific Special Procurement for Payroll Services with Oregon Stagehand Inc. (OSI)

Pursuant to ORS 279B.085, Metro Code Section 2.04.053 and Section 6 of MERC's Contracting and Purchasing Rules, MERC hereby requests approval by the Metro Contract Review Board of a contract specific special procurement for payroll services to allow MERC to directly negotiate with OSI. Under ORS 279B.085(2), contract specific special procurements require a written request to the local contract review board that describes the contracting procedure, the goods or services that are the subject of the special procurement and the circumstances that justify the special procurement in accordance with the standards set forth in ORS 279B.085(4).

Portland's Centers for the Arts (Portland's) intends to directly negotiate with OSI for the use of its payroll services. In accordance with Section 6B of MERC's Contracting and Purchasing Rules, this is the procedure chosen by the Chief Operating Officer as an appropriate method tailored to fit and in light of the demands, circumstances and market realities associated with obtaining stagehand payroll services.

Portland's employs fifteen department head stagehands to work in our five venues under the terms and conditions of a collective bargaining agreement between MERC and the International Alliance Theatrical Stage Employees (I.A.T.S.E.) Local 28. As part of their benefits, these stagehands are able to accrue vacation time and/or request time off from work. While Portland's strives to employ one of the other fifteen stagehands to cover shows in these circumstances, it is not always possible. Under the terms and conditions of the collective bargaining agreement, Portland's hires relief heads that must be able to perform all the typical duties of a department head through IATSE 28.

As is the nature of stagehand work, relief heads frequent our venues on an inconsistent basis. There are more than two dozen potential workers in our pool of relief heads. Per the terms and conditions of the collective bargaining agreement, Portland's must use a mutually agreed upon company to perform payroll functions for these relief heads.

Local 28 dispatches stage workers throughout the Portland Metropolitan region. Besides some employers who handle their payroll functions directly, Oregon Stagehands Inc (OSI) is the payroll services company that Local 28 agrees to use. For these reasons, MERC requests that the Metro Council as the local contract review board for MERC approve the OSI stagehand payroll procurement as a contract specific special procurement and allow direct negotiations with OSI.

Exhibit B

Findings in Support of Contract Specific Procurement

Pursuant to ORS 279B.085, Metro Code Section 2.04.24 and Section 6 of the Metropolitan Exposition Recreation Commission (MERC) Contracting and Purchasing Rules, the Metro Contract Review Board, acting as the local contract review board for MERC, makes the following findings in support of MERC's request for a contract specific special procurement for payroll services with Oregon Stagehands Inc. (OSI):

1. The use of a contract specific special procurement is unlikely to encourage favoritism or substantially diminish competition.

The Metro Contract Review Board finds that the approval of a contract specific special procurement for payroll services and the use of direct negotiations with OSI is "unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts." The collective bargaining agreement between MERC and IATSE, Local 28 requires a mutually agreed upon payroll company for the use of Relief Department Heads at the Portland's theaters. OSI is the mutually agreed upon payroll company under collective bargaining agreement. OSI was created specifically to handle the unique payroll requirements for union stagehands. MERC is not aware of any other payroll company that the union will agree to under the CBA and that has the capacity to perform the services required. In this regard, MERC is not encouraging favoritism or diminishing competition. MERC is complying with the terms of the collective bargaining agreement.

2. The use of a contract specific special procurement otherwise promotes the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.070 or under rules adopted thereunder.

The Metro Contract Review Board finds that the approval of this contract specific special procurement promotes the public interest. Since there is only one approved payroll company under the collective bargaining agreement, the use of another procurement process would serve no purpose. Undertaking procurement process under ORS 279B.055, 279B.060, or 279B.070 would only waste time and resources since the ultimate decision on the payroll company is addressed in the collective bargaining agreement. Further, OSI already provides these services for the IATSE, Local 28 stagehands for the Portland metropolitan area for both clients of the Portland's and other venues. The public interest is best served by approving the request by MERC for a contract specific special procurement for payroll services with OSI and to allow direct negotiations with the mutually agreed upon payroll company under the collective bargaining agreement.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4517, FOR THE PURPOSE OF APPROVING A CONTRACT SPECIFIC SPECIAL PROCUREMENT OF PAYROLL SERVICES FOR STAGEHANDS WORKING AT PORTLAND'S CENTERS FOR THE ARTS

Date: 5/1/2014

Prepared by: Tim Collier X1913
Jason Blackwell 503-274-6576

BACKGROUND

The purpose of this resolution is to allow the Metropolitan Exposition and Recreation Commission (MERC) to be able to enter into direct negotiations with Oregon Stagehands, Inc. (OSI) to provide payroll services for union stagehands. The collective bargaining agreement between MERC and IATSE, Local 28 requires a mutually agreed upon payroll company for the use of Relief Department Heads at the Portland's theaters. OSI is the mutually agreed upon payroll company under the collective bargaining agreement (CBA). OSI was created specifically to handle the unique payroll requirements for union stagehands. MERC is not aware of any other payroll company that the union will agree to under the CBA and that has the capacity to perform the services required. In this regard, MERC is not encouraging favoritism or diminishing competition. MERC is complying with the terms of the collective bargaining agreement.

Additional information and the findings for this item can be found in Exhibits A and B attached to the resolution.

ANALYSIS/INFORMATION

1. **Known Opposition** None Known
2. **Legal Antecedents** Metro Code Section 2.04.053 authorizes the Metro Council in its capacity as the Contract Review Board to approve procurements of specific contracts not described in the Metro Code as special procurements, subject to the requirements of ORS 279B.085.
3. **Anticipated Effects** Adoption of this resolution will allow MERC to directly negotiate with Oregon Stagehands, Inc. to enter into a contract to provide payroll services for union stagehands.
4. **Budget Impacts** Eventual contract negotiation will lead to a cost for the service. However, this is included in the Portland's ongoing budget.

RECOMMENDED ACTION

Staff recommends adoption of Resolution 14-4517