

METROPOLITAN EXPOSITION RECREATION COMMISSION
Resolution No. 18-03 A

For the purpose of delegating authority to the General Manager of Visitor Venues to approve contracts on behalf of the Metropolitan Exposition Recreation Commission (MERC) and revoking MERC's Contracting and Purchasing Rules.

WHEREAS, MERC currently approves contracts over the amount of \$150,000 for the Oregon Convention Center, the Portland's 5 Centers for the Arts and the Portland Expo Center; and

WHEREAS, Metro approved new Metro Code language in Metro Code Section 2.04 and adopted Procurement Administrative Rules that replace MERC's Contracting and Purchasing Rules; and

WHEREAS, Metro Code Section 2.04.040 delegates authority to MERC to approve contracts for the facilities it manages and allows MERC to require that it approve certain contracts; and

WHEREAS, the Metro Council has delegated authority to the Metro COO to approve all contracts for Metro except in very limited circumstances relating to the transfer of an interest in real property or the transfer of any essential function of Metro to another government; and

WHEREAS, to provide for business efficiencies and consistency with agency-wide practice, MERC believes that it is in the best interest for MERC to delegate its authority to approve contracts to the General Manager of Visitor Venues.


BE IT THEREFORE RESOLVED, that the Metropolitan Exposition Recreation Commission:

1. Delegates its authority to approve contracts to the General Manager of Visitor Venues such that MERC will no longer require approval of contracts unless required by the Metro Code.
2. Revokes MERC's Contracting and Purchasing Rules and hereby adopts Metro's Procurement Administrative Procedures.
3. The Commission will revisit this decision in six months.

Passed by the Commission on March 7, 2018.


Approved as to form:

Alison R. Kean, Metro Attorney



Chair

By: _____


Nathan A. Schwartz, Sykes, Deputy Metro Attorney



Secretary/Treasurer

MERC Staff Report

Agenda Item/Issue: For the purpose of delegating authority to the General Manager of Visitor Venues to approve contracts on behalf of the Metropolitan Exposition Recreation Commission (MERC) and revoking MERC's Contracting and Purchasing Rules.

Resolution No.: 18-03

Presented By: Scott Cruickshank

Date: March 7, 2018

Background and Analysis: MERC has been a part of Metro since it was formed in 1987 as part of an agreement with the City of Portland for Metro to establish a commission for the planning development, promotion, operation and management of the region's convention, trade and spectator facilities. MERC currently oversees the Oregon Convention Center, Portland's Centers for the Arts and the Expo Center. As part of its management of the venues, MERC has the power to enter into contracts on behalf of MERC. MERC required approval of contracts over a certain dollar amount in accordance with MERC's Contracting and Purchasing Rules that were first approved in 1988. Metro does not require Metro Council approval for Metro contracts except in very limited circumstances related to the purchase or sale of real estate or an Intergovernmental agreement that transfers a government function.

In 2017, the Metro Council revised Metro Code Section 2.04, Metro Contract and Procurement Policies and issued Procurement Administrative Rules that apply to both Metro and MERC. The newly adopted Code language and rules supercede MERC's Contracting and Purchasing Rules so MERC no longer requires its own rules. Under the new Code Provision, MERC may require approval of certain contracts or delegate that authority such as Metro has done to the Chief Operating Officer (COO). MERC and Metro staff both believe that delegation of contract authority to the General Manager of Visitor Venues is in the best interest of MERC to facilitate ease of contracting, comply with the Metro Code and the Metro Procurement Administrative Rules and provide consistency with Metro contracting practices.

Although MERC will no longer approve contracts related to the venues, they will continue to meet regularly to review venue business and offer advice and guidance on pursuing equitable outcomes in our community as large contract opportunities become available at the venues.

Fiscal Impact: None

Recommendation: Staff recommends that the Metropolitan Exposition Recreation Commission adopt Resolution 18-03, for the purpose of delegating authority to the General Manager of Visitor Venues to approve contracts on behalf of the MERC and revoking MERC's Contracting and Purchasing Rules.