

**Metropolitan Exposition-Recreation Commission  
Resolution No. 02-15**

**For the Purpose of Revising and Streamlining MERC's Purchasing Policies**

WHEREAS, MERC's Purchasing Policies were last comprehensively revised in 1997; and

WHEREAS, the Commission has, through experience since that time, identified provisions in its purchasing policies which are inefficient and require revision; and

WHEREAS, the Commission desires to have efficient and reasonable purchasing policies which comply with all applicable provisions of state law and the Metro Code; and

WHEREAS, the proposed revisions of the purchasing policy attached as Exhibit A have been reviewed by Metro's Office of General Counsel.

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

1. Approves and adopts the new Purchasing Policies attached as Exhibit A.
2. Repeals MERC Resolution 97-37.

Passed by the Commission on June 24, 2002.

  
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Chair

  
\_\_\_\_\_  
Secretary-Treasurer

Approved as to Form:  
Daniel B. Cooper, General Counsel

By:   
\_\_\_\_\_  
Lisa Umscheid, Sr. Assistant Counsel

## Merc Staff Report

**Agenda Item/Issue:** Revising MERC purchasing policy.

**Resolution Number:** 02-15

**Presented By:** Mark B. Williams

**Background and Analysis:** MERC's purchasing policy was last revised in 1997. Under the Metro Code, MERC is authorized to adopt its own purchasing policies so long as such policies comply with both state law and applicable Metro Code sections. Additionally, the Metro Council serves as MERC's Public Contract Review Board under state law. This means that only the Council can grant MERC contracts exemptions from public bidding requirements that would otherwise apply. The Council does this in two ways, by general rules applicable to entire classes of contracts, and by specific case-by-case actions.

Over the five years since the purchasing policy was last reviewed, staff have identified a number of problems that need fixing. These include areas in which our own policies imposed inefficient requirements that were not mandated by state law or the Metro Code. Additionally, in some cases, practices followed by Metro's contracting policy were found to be preferable to those MERC had adopted and this revised policy attempts to adopt those practices.

MERC staff worked with Metro's Office of General Counsel to produce the new policy and it has been thoroughly reviewed by legal staff, as well as by Metro's contracting and purchasing staff.

Commissioners will see a clean copy of the new policy attached to the resolution adopting it.

**METROPOLITAN EXPOSITION-RECREATION COMMISSION**

**PURCHASING POLICY**

**APPROVED JULY 24, 2002**

**Exhibit A to MERC Resolution No. 02-15, Approved on July 24, 2002  
Repeals MERC Resolution No. 97-37**

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## **PREAMBLE**

This document contains the purchasing policy and guidelines adopted by the Metropolitan Exposition-Recreation Commission. As applicable, provisions of Chapter 6.01 of the Code of Metro and applicable provisions of ORS Chapter 279 are incorporated herein. The intent of these purchasing policies and guidelines is to provide for MERC the most flexible and efficient contracting procedures available under applicable state law and the Metro Code.

A MERC administrative procedures manual with instructions to implement this policy and guideline will be developed under the direction of the General Manager. Administrative procedures do not require Commission approval and may be revised as deemed necessary by the General Manager.

## DEFINITIONS

**Administrative Procedures** – Procedures for implementation of MERC Purchasing Policy & Guidelines

**Alternative Program Source** – A qualified minority- and/or woman-owned and/or emerging small business in the Target Area identified pursuant to MERC's Target Area Contracting Opportunity Pilot Project during the period of July 1, 1998 through June 30, 1999

**Certified Target Area Source** – A State-certified WBE, MBE, or ESB contained in the Target Area Directory

**Commission** – See Metropolitan Exposition-Recreation Commission

**Contract Review Board** – Metro Council

**Emergency Purchase** – Purchase that is essential to prevent: 1) a delay in work or extra expense to the Commission; 2) immediate damage to Commission property; 3) immediate danger to citizens or employees. This determination is made by the General Manager.

**Emerging Small Business (ESB)** – State of Oregon certified small business firms

**First Opportunity Target Area** – Economically distressed area located in the immediate vicinity of the Oregon Convention Center as authorized by Section 2, Chapter 909 Oregon Laws, 1989

**Foreign Contractor** – Contractor not domiciled or registered to do business in the State of Oregon

**Formal Purchase** – Purchase of goods or Non-Personal Services in the amount of \$81,150 (for fiscal year 2001/2002) or more, which amount shall be adjusted each year by the General Manager to reflect any changes in the Portland Metropolitan Area CPI

**General Manager** – The individual appointed by the Commission who is responsible for managing the Metropolitan Exposition-Recreation Commission staff

**Good Faith Effort** – Efforts to maximize MBE/WBE/ESB business participation on MERC contracting activities as defined in Metro Code 2.04.250 & 2.04.260

**Informal Purchase** – Purchases of goods, Non-Personal Services, or Personal Services less than \$81,150 (for fiscal year 2001/2002), which amount shall be adjusted each year by the General Manager to reflect any changes in the Portland Metropolitan Area CPI

**Lowest Responsive and Responsible Bidder** – The lowest bidder who has substantially complied with all prescribed public bidding procedures and requirements, who has not been disqualified under ORS 279.037, and who is the lowest responsible bidder under ORS 279.029 (6)(a)(B)

**MERC Facilities** – Portland Center for the Performing Arts (PCPA), Oregon Convention Center (OCC) and the Portland Metropolitan Exposition Center (Expo), and any other facilities that are added to MERC's management responsibilities from time to time

**Metropolitan Exposition-Recreation Commission (MERC)** – The appointed seven-member Commission charged with overseeing the businesses of the MERC facilities

**Minority Business Enterprise (MBE)** – State of Oregon certified minority-owned business

**Notification of Award** – Written communication to the lowest responsible and responsive bidder or proposer that the Commission has conditionally determined to award the contract to that bidder

**Personal Services Contract** – The purchase of professional, technical, or expert services (i.e. personal in nature) requiring special knowledge or training. A contract for "Personal Services" is a contract that calls for specialized skills, knowledge and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment. Qualifications and performance history, expertise, knowledge and creativity, and the ability to exercise sound professional judgment are typically the primary considerations when selecting a Personal Services Contractor, with price being secondary. Personal services contracts do not include contracts, even though in a professional capacity, if primarily for equipment, supplies or materials; e.g., a contract to supply all hardware and standard software is not a Personal Services Contract, but a contract with a technology consultant to design or develop a new computer system is a Personal Services Contract.

**Proposal** – A competitive offer for personal services where specification and price will not necessarily be the predominant award criteria

**Public Contract** – Any purchase, lease or sale by MERC of personal property, public improvements or services other than agreements which are for personal service, as defined by ORS 279.011. For purposes of these policies, a “public contract” includes only those contracts which are “public contracts” under applicable state law.

**Public Improvement Contract** – Contract for the construction, reconstruction or major renovation on real property. Does not include emergency work, minor alteration or ordinary repair or maintenance.

**Quote** – Price and delivery information from potential suppliers for goods or services as required by MERC Facilities. Can be either written or verbal.

**Request for Bid (RFB)** – Formal solicitation for bids in which price, responsiveness and responsibility will be the award criteria

**Request for Proposal (RFP)** – Formal solicitation for proposals in which price will not necessarily be the award criteria. Award criteria are predetermined and will be included in the RFP Documents.

**Request for Qualifications (RFQ)** – Formal solicitation for a description of qualifications, which describes MERC’s circumstances and the type of service(s) desired; setting forth all significant evaluation factors and their relative importance and, if appropriate, price; and soliciting competitive written qualifications. An RFQ does not result in a contract but is intended to establish a list of qualified contractors from which to seek specific proposals and select a contractor.

**Responsible Bidder** – A bidder whose reputation, past performance, and business and financial capabilities satisfy the needs for a specific contract, and who meets the standards of responsibility established in ORS 279.029 (See ORS 270.029 and 279.037)

**Revenue Contract** – A contract which provides revenue to the Commission wherein the Commission does not purchase a good or a service



**RFP Documents** – Instructions and information to vendors concerning proposal submission requirements

**Target Area Directory** – List of State of Oregon Certified Minority, Women-Owned, and Emerging Small Business Enterprises located in the designated First Opportunity Target Area

**Woman Owned Business Enterprises (WBE)** — State of Oregon Certified Women-Owned Businesses

# **METROPOLITAN EXPOSITION-RECREATION COMMISSION**

## **PURCHASING POLICY AND GUIDELINES**

### **1.0 DUTIES AND POWERS**

In accordance with § 6.01.040 (J) of the Metro Code, the Metropolitan Exposition-Recreation Commission (referred to as the Commission) is empowered to enter into contracts as the Commission deems necessary under contracting rules adopted by the Commission. Specifically, the Commission has the authority to enter into contracts of such types and in such amounts, including intergovernmental agreements, as the Commission may deem necessary, appropriate, or convenient for the renovation, equipping, maintenance, repair, operation, and marketing of the use of buildings and facilities for which it is responsible, and for professional and other services.

### **1.1 AUTHORIZATIONS**

Pursuant to Metro Code § 6.01.040, the Commission is impliedly empowered to amend and terminate contracts to which the Commission is a party, as the Commission may deem necessary, appropriate or convenient.

### **1.2 CONTRACT APPROVAL**

Commission approval of all formal contracts and amendments, extensions or renewals thereof is required, whenever these policies so provide. The Commission hereby delegates authority to its General Manager to enter into all contracts, agreements, extensions, or renewals thereof except where these policies, other applicable Commission resolutions, applicable state law, or applicable sections of the Metro Code require Commission approval. The General Manager may sub-delegate his or her contracting authority by giving written authorization to Commission employees.

### **1.3 CONTRACT AMENDMENTS**

The General Manager shall have authority to enter into amendments to duly authorized contracts except where these policies, other applicable Commission resolutions, applicable state law, or applicable sections of the Metro Code require formal Commission approval.

### **1.3.1**

The General Manager is authorized to enter into amendments to all contracts and agreements to which MERC is a party, subject to the following: Any amendment to a public contract for additional work, including change orders, extra work, field work orders, other changes in the original contract scope, which increases the original contract price may be made without Commission approval provided that budgeted funds are available, and the aggregate cost increase resulting from all amendments does not exceed twenty percent (20%) of the initial contract amount, or the threshold dollar amount triggering formal purchasing requirements (\$81,150 (for fiscal year 2001/2002) whichever is greater.

### **1.3.2**

The General Manager is authorized to enter into amendments to all contracts and agreements to which MERC is a party, including formal personal services contracts, subject to the following: Any formal personal service contract amendment for additional services beyond the scope of the initial contract may be made without Commission approval provided that budgeted funds are available, and the aggregate cost increase resulting from all amendments does not exceed twenty percent (20%) of the initial contract amount, or the threshold dollar amount triggering formal purchasing requirements (\$81,150 for fiscal year 2001/2002), whichever is greater.

## **1.4 EXCEPTION TO PURCHASING POLICY AND GUIDELINES**

These policies do not apply to: (1) employment contracts for Commission personnel, (2) contracts for the lease or use of MERC Facilities, (3) contracts for food or beverage, parking, or operation of other concession type services at MERC, (4) donations and grants, (5) revenue contracts, to the extent permitted by the Metro Code and state law, (6) MERC may exempt other contracts from the requirements of these policies on a case by case basis provided that such action does not violate state law or Metro Code.

## **1.5 OREGON ATTORNEY GENERAL'S MODEL RULES INAPPLICABLE**

The model contracting rules adopted by the Oregon Attorney General shall not apply to the Commission.

## **2.0 TARGET AREA FIRST OPPORTUNITY POLICY**

The Commission shall support the advancement of Oregon State certified Minority Business Enterprises, Women-Owned Business Enterprises, and Emerging Small Businesses (as defined by Oregon law) located in the First Opportunity Target Area. MERC may from time to time change the boundaries of the First Opportunity Target Area, and/or create additional First Opportunity Target Areas. Sections 5.1, 5.2 & 5.3 and 6.1, 6.2 & 6.3 of this Purchasing Policy are intended to implement the provisions of this Section. A Target Area Directory listing all state certified businesses located in the target area will be maintained and distributed as necessary by the MERC Staff.

### **3.0 ADOPTION OF METRO GOOD FAITH EFFORTS REQUIREMENT FOR CONSTRUCTION PROJECTS**

For Construction contracts over \$81,150 (for fiscal year 2001/2002, which amount shall be adjusted each year pursuant to the Metro Code to reflect any changes in the Portland Metropolitan Area CPI), the Commission hereby adopts in principle, policy, and content the "Good Faith Effort" program established by Metro Code § 2.04.100 through § 2.04.280 (Metro Minority Business Enterprise, Women Owned Business, and Emerging Small Business Program) as they apply to contracts of the Commission. This adoption includes any and all ordinances subsequently adopted by the Metro Council relating to Metro's Minority Business Enterprise, Women Owned Business, and Emerging Small Business Program.

The General Manager shall designate MERC staff to perform the functions of the Liaison Officer to carry out the MBE / WBE / ESB program as it relates to Commission contracting activities.

#### **3.1 CONTRACTS LIST**

The MERC Staff shall maintain a "current and pending contracts list" showing items to be purchased and, if applicable, due dates and times bids will be opened.

#### 4.0 GENERAL PURCHASING POLICY

The Commission shall comply with the rules and procedures contained in this policy and any additional applicable requirements of ORS Chapter 279.

#### 4.2 EXEMPTIONS FROM COMPETITIVE BIDDING PROCESS

Pursuant to Chapter 2.04 of the Metro Code, and in addition to all exemptions from competitive bidding authorized by state law, Commission contracts are exempt from competitive bidding if they are included within one of the classes of public contracts exempted from the competitive bidding process by the Metro Council. A current list of the provisions of the Metro Code exempting certain classes of public contracts from competitive bidding is contained in Attachment A.

#### 4.3 PROTEST OF CONTRACT AWARD

Any aggrieved bidder who wishes to protest a contract award must notify the MERC General Manager or Designee in writing within five (5) working days of the postmark date on the notice of award or the date of the alleged violation. The protest must describe the specific rule, regulation, statute, or procedure upon which the appeal is based and the specific alleged conduct which violates such authority. **Disagreement with the judgment exercised by evaluators in scoring a proposal is not a basis of appeal.**

The General Manager or designee shall respond to protestor within ten (10) working days of receipt of notice of appeal. The response shall reject the protest if the General Manager or designee finds that the protest is lacking in merit or uphold the appeal. Acceptance of the protest by the General Manager or designee may cause the rejection of all bids or proposals or the award of the contract to a different bidder at the General Manager's discretion.

If the protestor wishes to appeal the decision of the General Manager or designee, the protestor must submit a written appeal to the General Manager within five (5) working days of the postmark date on the

General Manager's or designee's decision. This appeal shall be presented to the Commission at its next meeting by the General Manager or designee. The Commission may convene a special meeting to consider the appeal. The Commission shall, by resolution, reject the protest due to lack of merit or uphold the protest. Acceptance of the protest by the Commission may cause the rejection of all bids or proposals or may require the contract be awarded to a different bidder at the discretion of the Commission. If the proposer wishes to appeal the decision of the Commission, the protestor shall appeal to the Contract Review Board in writing within five (5) working days of the Commission's decision on the protest.



## **5.0 INFORMAL PURCHASING OF GOODS AND SERVICES**

Purchases or lease of supplies, materials, equipment, labor, services other than personal services, or construction which cost less than \$81,150 (for fiscal year 2001/2002), which amount shall be adjusted each year pursuant to the Metro Code to reflect any changes in the Portland Metropolitan Area CPI, may be made following the informal purchasing policy contained in this and the Administrative Procedures.

Informal purchasing procedures are methods which do not require advertisement for bid, resolution or a written contract but do require that an approved purchase order be issued. Purchases should be kept intact, that is, procurement should not be divided to avoid monetary approval levels as required in this policy and the Administrative Procedures.

### **5.1 PURCHASES LESS THAN \$10,000**

Purchases less than \$10,000 requires only one quote if a state certified MBE, WBE, or ESB or Alternative Program source located in the Target Area have been selected. If not available at a reasonably competitive price from such a firm, then any other sources that can provide the goods or services, regardless of location, may be selected. The file shall contain documentation justifying the non-selection of a target area firm.

### **5.2 PURCHASES BETWEEN \$10,000 - \$81,150 (for fiscal year 2001/2002)**

Purchases of at least \$10,000 but less than \$81,150 (for fiscal year 2001/2002, which amount shall be adjusted by the General Manager each year pursuant to the Metro Code to reflect any changes in the Portland Metropolitan Area CPI) require documentation of at least three written competitive quotes. At least one of the quotes shall be from a state certified MBE, WBE, or ESB or Alternative Program Target Area source. A second quote is required from any state certified MBE, WBE, or ESB business regardless of location. The third quote may be obtained from any other source that can provide the product or service. In the event that any required quotes cannot be obtained, written documentation is required as

evidence of a "Good Faith Effort" to utilize MBE, WBE, or ESB Businesses. Nothing shall prevent staff from obtaining more than three quotes at any time.

Additionally, the General Manager, at his or her sole discretion, shall have the authority to require additional quotes or direct that additional competitive procedures (such as an RFP or RFQ process) shall be used.

### **5.3 PURCHASES ABOVE \$81,150 (for fiscal year 2001/2002)**

Purchases or lease of supplies, material, equipment, labor, non-personal services and construction in the amount of \$81,150 or more (for fiscal year 2001/2002, which amount shall be adjusted by the General Manager each year pursuant to the Metro Code to reflect any changes in the Portland Metropolitan Area CPI) shall be made pursuant to the formal purchasing requirements contained in Section 6.0 and the related section(s) of the Administrative Procedures; provided, that in addition construction contracts subject to formal purchasing shall be subject to the Good Faith Efforts program incorporated into these Policies by Section 3.0.

Procedures utilized in advertising and awarding contracts which must be formally bid shall, at a minimum, comply with ORS Chapter 279, Metro's & MERC's MBE / WBE / ESB Programs.

## **6.0 FORMAL PURCHASES**

### **6.1 COMMISSION APPROVAL**

The Commission delegates authority to the General Manager to prepare and approve Request for Bids (RFB) documents and to solicit bids. Completion of Formal Purchasing requires Commission approval of contract award and approval of the written contract by resolution. Commission staff is responsible for determining the exact specifications for any proposed purchase requiring formal bid. The Commission then assesses the bids and selects the lowest responsible bidder. The Commission may reject any and all bids. The Commission may, however, by duly adopted resolution, waive the requirements for Commission approval of contract award subject to any conditions established by the Commission.

### **6.2 PUBLIC NOTICE**

A notice of availability of Bid Documents shall be mailed or otherwise furnished to at least three (3) bidders and all Certified Target Area Sources classified as MBEs, WBEs, and ESBs in the business of providing the service or items required. The notice of availability 1) shall indicate where, when, and how long the Bid Documents may be obtained; 2) shall generally describe the supply, service, or construction desired; and 3) may contain other appropriate information. The Commission may establish a fee or require a deposit for the Bid Documents.

### **6.3 ADVERTISING**

A formal solicitation of bids shall be published as required by state law.

## **7.0 PURCHASING OF PERSONAL SERVICES**

This section establishes guidelines for the procurement of professional, technical or expert services requiring special knowledge or training in accordance with § 6.01.040(i) of the Metro Code. The objective in contracting for personal services is to obtain the highest quality of work for the most reasonable price. The quality of technical services may be more important than cost.

A Purchase Order or an agreement for personal services shall be used to authorize vendors to provide services and to encumber funds for contracts and services agreements costing less than \$81,150 (for fiscal year 2001/2002, which amount shall be adjusted by the General Manager each year pursuant to the Metro Code to reflect any changes in the Portland Metropolitan Area CPI). Procurement of these services shall not require Commission approval but shall be procured in accordance with the Administrative Procedures. Personal services should be kept intact, that is, procurement should not be divided to avoid Formal Purchasing of personal services.

### **7.1 PERSONAL SERVICES CONTRACTS LESS THAN \$10,000**

Purchases less than \$10,000 requires only one quote if a state certified MBE, WBE, or ESB or Alternative Program Source located in the Target Area has been selected. If not selected, any other sources that can provide the personal services, regardless of location, may be selected without further documentation.

### **7.2 PERSONAL SERVICES CONTRACTS BETWEEN \$10,000 – \$81,150 (for fiscal year 2001/2002)**

Purchases of personal services of at least \$10,000 but less than \$81,150 (for fiscal year 2001/2002, which amount shall be adjusted by the General Manager each year pursuant to the Metro Code to reflect any changes in the Portland Metropolitan Area CPI) require documentation of three written competitive quotes. At least one of the quotes shall be from a state certified MBE, WBE, or ESB or Alternative Program Target Area source. A second quote is required from any state certified MBE, WBE, or ESB

business regardless of location. The third quote may be obtained from any other source that can provide the services. In the event that any required quotes cannot be obtained, written documentation is required as evidence of a "Good Faith Effort" to utilize MBE, WBE, or ESB Target Area Businesses. Nothing shall prevent staff from obtaining more than three quotes at any time. Additionally, the General Manager shall have the authority to require, in his or her sole discretion, additional quotes or direct that additional competitive procedures (such as an RFP or RFQ process) shall be used. Whenever an RFP is not used, the documentation requirements of this section are to be followed at a minimum.

### **7.3 PERSONAL SERVICE CONTRACTS ABOVE \$81,150 (for fiscal year 2001/2002)**

This section applies to procurement of personal services estimated to cost more than \$81,150 (for fiscal year 2001/2002, which amount shall be adjusted by the General Manager each year pursuant to the Metro Code to reflect any changes in the Portland Metropolitan Area CPI). The Commission delegates authority to the General Manager to prepare and approve Request for Proposal (RFP) documents and to solicit proposals. Commission staff is responsible for determining the exact needs and assessment criteria for any proposed services requiring formal solicitation. The Commission then evaluates the proposals and selects the proposal which in the Commission's judgment will provide the highest quality of work for the most reasonable price. Completion of the procurement process requires Commission approval of contract award and approval of the written contract by resolution. The Commission may, however, by resolution, waive the requirements for Commission approval of contract award subject to any conditions established by the Commission. The Commission may reject any or all proposals. The General Manager is delegated authority to elect to utilize an RFQ process in addition to, or as a substitute for, the RFP process.

### **7.3.1 PUBLIC NOTICE**

A notice of availability of RFP Documents shall be mailed or otherwise furnished to at least three (3) bidders and all Certified Target Area Sources classified as in the business of providing the service required. The notice of availability 1) shall indicate where, when, and how long the RFP documents may be obtained; 2) shall generally describe the service desired; and 3) may contain other appropriate information. The Commission may establish a fee or require a deposit for the RFP documents.

### **7.3.2 ADVERTISING**

A formal solicitation of RFPs shall be published as required by state law.

## **8.0 TRAVEL PURCHASES**

The General Manager has authority to approve travel and all related expenses for MERC employees. The General Manager is authorized to develop and implement policies and procedures for approving and purchasing travel and related expenditures. The General Manager may sub-delegate this authority in writing. In no case shall expenditures on such items exceed budgeted funds.



## 9.0 GENERAL PROVISIONS

These policies are intended to create the most flexible and efficient contracting procedures that are consistent with the applicable requirements of Oregon state law and the Metro Code. All contracting authority not reserved to the Commission by these policies or by other Commission resolutions, or required to be reserved to the Commission by Oregon law or the Metro Code, is hereby delegated to the General Manager. The General Manager has authority to sign all contracts and agreements on behalf of the Commission except where the Commission has, by specific resolution, required that any particular contract or agreement or class of contracts or agreements be signed by officers of the Commission. The General Manager may sub-delegate his/her authority granted by these policies to other Commission staff in writing. The General Manager may, at his/her discretion, utilize more formal procedures than those required by these policies for any particular contract/agreement; in such event, the procedures utilized shall be determined by the General Manager.

## Attachment A: Exemptions from Competitive Bidding Established by Metro Code

### 2.04.054 Competitive Bidding Exemptions

Subject to the policies and provisions of ORS 279.005 and 279.007, and the Metro Code, all Metro and Metropolitan Exposition-Recreation Commission public contracts shall be based upon competitive bids except:

(a) State Law. Classes of public contracts specifically exempted from competitive bidding requirements by state law.

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

- (1) All contracts estimated to be not more than \$50,000 provided that the procedures required by section 2.04.056 are followed.
- (2) Purchase and sale of zoo animals, zoo gift shop retail inventory and resale items, and any sales of food or concession items at Metro facilities.
- (3) Contracts for management and operation of food, parking or similar concession services at Metro facilities provided that procedures substantially similar to the procedures required for formal Request for Proposals used by Metro for personal services contracts are followed.
- (4) Emergency contracts provided that written findings are made that document the factual circumstances creating the emergency and establishing why the emergency contract will remedy the emergency. An emergency contract must be awarded within 60 days of the declaration of the emergency unless the board grants an extension.
- (5) Purchase of food items for resale at the zoo provided the provisions of section 2.04.060 are followed.
- (6) 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.
- (7) Contracts for computer hardware and software provided that procedures substantially similar to the procedures required for formal Request for Proposals used by Metro for personal services contracts are followed.
- (8) Contracts under which Metro is to receive revenue by providing a service.

- (9) Contracts for the lease or use of the convention, trade, and spectator buildings and facilities operated by the Metro Exposition-Recreation Commission.
- (10) Public contracts by the Metro Exposition-Recreation Commission in an amount less than \$75,000, which amount shall be adjusted each year to reflect any changes in the Portland SMSA CPI, provided that any rules adopted by the commission which provide for substitute selection procedures are followed.
- (11) Contracts for equipment repair or overhaul, but only when the service and/or parts required are unknown before the work begins and the cost cannot be determined without extensive preliminary dismantling or testing.
- (12) Contracts in the nature of grants to further a Metro purpose provided a competitive request for proposal process is followed.
- (13) The procurement of utilities, including telephone service, electric, natural gas, and sanitary services, provided that competition is available and a request for proposal process is followed.
- (14) The procurement of art and art related production and fabrication provided that a request for proposal process is followed.
- (15) Sponsorships which are identified and approved in the proposed budget and are not designated by Council as having a significant impact as outlined in 2.04.026 need not follow a competitive bidding or proposal process. In order to be eligible for this exemption the sponsorship shall provide Metro with event advertising and/or media releases.

(c) Board Resolution. Specific contracts, not within the classes exempted in subsections (a) and (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.

(Ordinance No. 96-635B, Sec. 3. Amended by Ordinance No. 97-677B, Sec. 2; Ordinance No. 98-768, Sec. 2; Ordinance No. 99-822, Sec. 7.)