

MINUTES OF THE COUNCIL INTERNAL AFFAIRS COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

September 22, 1988

Committee members present: Councilors Mike Ragsdale (Chair), Elsa Coleman (V. Chair), Tanya Collier, Corky Kirkpatrick and David Knowles

Committee members absent: None

Chair Ragsdale called the meeting to order at 4:04 p.m.

1. Minutes of September 8, 1988

Motion: Councilor Collier moved approval of the minutes of September 8, 1988.

Vote: The four committee members present voted aye.
Councilor Knowles was absent.

The motion carried.

Consideration of Resolution No. 88-898, for the Purpose of Acknowledging the Week of October 3 as Metro's United Way Campaign Week

Jim Shoemake, Co-chair of the Metro United Way Campaign Committee, presented the staff report. Mr. Shoemake said three informational meetings had been planned for staff, and the Metro fund-raising campaign goal was \$16,063.

Motion: Councilor Kirkpatrick moved to recommend to the Council favorable consideration of Resolution No. 88-898.

Councilor Ragsdale indicated he would vote nay on the motion because of his personal dissatisfaction with the manner in which United Way administers the program. He said he felt the agency was arbitrary and capricious in setting policies relative to certain community fund-raising efforts.

Vote: Ayes: Councilors Kirkpatrick, Coleman and Collier
Nays: Councilor Ragsdale

Councilor Knowles was absent.

The motion carried.

3. Consideration of Ordinance No. 88-259, for the Purpose of Amending Metro Code Section 2.04.030 Relating to Rules and Procedures Governing All Personal Services and Public Contracts/Bids/Request for Proposal Projects (Adding Bid Protest Procedures)

Neil Saling, Construction Projects Manager, said the ordinance proposes an internal appeal process for protests from aggrieved bidders and proposers on contract awards above \$15,000 and bid/proposal awards above \$10,000. He said the proposed appeal process would be: 1) aggrieved party files written protest with Contracts Administrator within five working days of award, and Contracts Administrator forwards protest to department head involved; 2) within 10 working days of receipt of appeal: department head prepares response and forwards it to Contracts Administrator, Contracts Administrator forwards department head's response to Director of Finance and Administration with a recommendation, Director of Finance and Administration responds to aggrieved party; 3) if aggrieved party is not satisfied with response, party may file written appeal with Executive Officer within five working days of the postmarked date on response; 4) Executive Officer reviews appeal and responds to aggrieved party; 5) if aggrieved party is not satisfied with Executive Officer's response, party may file written protest with the Contracts Review Board (Council) within five days of postmarked date of Executive Officer's response. The Contract Review Board decision would be the final step in the internal appeal process, but would not preclude civil action.

Council Administrator Donald Carlson reviewed his September 22, 1988, memo to the Committee with recommendations regarding Ordinance No. 88-259. He said Ordinance No. 88-259 appeared to be related to Ordinance No. 88-249 which dealt with contract approval authority and was under discussion by the Finance Committee. Therefore, he recommended Ordinance No. 88-259 be referred to the Finance Committee. Mr. Carlson also recommended shortening the appeal process outlined in Ordinance No. 88-259 to a two-step process whereby protest to the Executive Officer would be the first step of the appeal; and the Contract Review Board would be the second step, if needed. Mr. Saling said he had no objection to Mr. Carlson's recommendations.

Motion: Councilor Collier moved to refer Ordinance No. 88-259 to the Finance Committee.

Vote: All five committee members voted aye.

The motion carried unanimously.

2. Consideration of Resolution No. 88-972, for the Purpose of Approving a Contract with Preston, Thorgrimson, Ellis & Holman (for Administrative/Legislative Coordination Services Relating to State Lottery Funds for the Oregon Convention Center)

Councilor Knowles reported the Convention Center Committee had considered Resolution No. 88-972 and voted unanimously to recommend Council approval based on the Committee's premise that addition of the

contractual services would provide a resource for the Government Relations Manager, and the services would be performed by Kim Duncan, who had previously successfully lobbied for Convention Center legislation. He noted Councilor Kelley had, at the Convention Center Committee meeting and since then, expressed concern that the services may not be necessary since the Governor's proposed budget already included a \$7.5 million lottery fund appropriation for the Convention Center. Councilor Knowles said other issues raised by the Convention Center Committee were: 1) whether or not the contract had been signed; and 2) timing -- should and could the contract be executed at the commencement of the legislative session? Councilor Knowles stated he strongly recommended Internal Affairs Committee approval of the contract.

Neil McFarlane, Convention Center staff, assured the Committee there was not an established signed contract in either the contractor's possession or Metro files. He said the copy of the signed contract included in the Committee agenda materials was in error in that it was an earlier proposed version of the contract prepared during negotiations with the contractor. In answer to questions from the Committee, Mr. McFarlane stated the contract proposed in Resolution No. 88-972 did not differ from the contract included in the Committee's agenda materials.

Councilor Collier said she had concerns regarding need, sole source provisions, contract procedures and partitioning Metro lobbying activities. She said she did not feel there was a need for the contract, nor that the contract met Metro Code sole source requirements. She questioned whether the contract had, indeed, been signed, and thereby, the Code violated, and strongly objected to partitioning Metro lobbying activities by designating a separate Convention Center lobbyist. Councilor Coleman asked if the issues Councilor Collier raised had been considered by the Convention Center Committee and if sole source award could be justified by efficiency and effectiveness factors. Councilor Knowles replied by reviewing Code sole source requirements and stated, in his judgement, the contract met those requirements. He said the Convention Center Committee had not discussed the merits of separating lobbying efforts; however, he said he felt the separation would not be harmful since Ms. Duncan had previously represented Metro and had experience, a track record and credibility with the Legislature. Government Relations Manager Greg McMurdo clarified the contractor's reporting relationship and said Ms. Duncan's efforts would be an adjunct to his, and she would report directly to him.

Councilor Kirkpatrick disagreed with separating Convention Center lobbying activities and said she was not convinced of the need for an additional lobbyist and, therefore, would not support the resolution.

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Councilors Ragsdale and Coleman supported the resolution based on the need for the services.

Council Administrator Donald Carlson said since Ordinance No. 88-262 (a budget action pending before the Finance Committee), if approved, would appropriate funds for this contract, the Committee may choose to consider Resolution No. 88-972 and Ordinance No. 88-262 concurrently. Councilor Kirkpatrick asked if funds had been expended on the contract; Mr. McFarlane replied no. She asked the effective date of the contract to which Mr. McFarlane replied August 3, 1988, and if the contract could be paid retroactively to which Mr. McFarlane replied affirmatively.

Motion: Councilor Kirkpatrick moved to refer Resolution No. 88-972 to the Council for concurrent consideration with Ordinance No. 88-262.

Councilor Knowles requested the record reflect that three of the five Internal Affairs Committee members supported adoption of Resolution No. 88-972.

Vote: A roll call vote was taken.

Ayes: Councilors Coleman, Collier and Kirkpatrick
Nays: Councilors Knowles and Ragsdale

The motion to refer to Council carried.

The committee requested General Counsel review the contract and sole source justification and provide Council with an opinion on whether the contract was in compliance with the Code.

There was no further business, and the meeting was adjourned at 4:55 p.m.

Respectfully submitted,

Gwen Ware-Barrett

Gwen Ware-Barrett
Council Committee Clerk

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