

BEFORE THE METRO COUNCIL

AN ORDINANCE RELATING TO )  
ADMINISTRATION, AMENDING THE )  
METRO CODE, AND DECLARING AN )  
EMERGENCY )

ORDINANCE NO. 95-602A  
Introduced by Mike Burton,  
Executive Officer

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. The following sections of Metro Code Chapter 2.02 Personnel Rules are amended as follows:

(a) Section 2.02.030 is amended to read:

2.02.030 Definitions of Personnel Terms

- (1) "Auditor" means the elected Auditor of Metro or his/her designee.
- (2) "Council" means the elected governing body of Metro.
- ~~(3)~~ "Chief financial officer" means the person responsible for managing the financial affairs and budget of Metro.
- ~~(3)~~(4) "Department" means a major functional unit of Metro.
- ~~(4)~~(5) "Department director" means a person responsible for the administration of a department or his/her designee.
- ~~(5)~~(6) "Division" means a major functional unit of a department.
- ~~(6)~~(7) "Employee" means an individual who is salaried or who receives wages for employment with Metro.
- ~~(7)~~(8) "Executive Officer" means the elected Executive Officer of Metro or his/her designee.
- ~~(8)~~(9) "Exempt position" means a position exempt from mandatory overtime compensation.
- ~~(9)~~(10) "Fiscal year" means a twelve (12) month period beginning July 1 and ending June 30.

- (10)(11) "Flexible work schedule" means an alternative work schedule other than the established normal work schedule, but which includes the same number of total hours per pay period as other full-time positions.
- (11)(12) "Full-time" means a position in which the scheduled hours of work are forty (40) hours per week and which is provided for in the adopted budget.
- (12)(13) "Hourly rate" means the rate of compensation for each hour of work performed.
- (13)(14) "Immediate family" means the husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, grandparents or any relative living in the employee's household.
- (14)(15) "Layoff" means a separation from employment because of organizational changes, lack of work, lack of funds, or for other reasons not reflecting discredit upon the employee.
- (15)(16) "Non-exempt" position means a position that is eligible for overtime compensation.
- (16)(17) "Non-represented employee" means an employee who is not in a recognized or certified bargaining unit.
- (17)(18) "Part-time" means a position in which the scheduled hours of work are less than forty (40) hours per week but at least twenty (20) hours or more per week and which is provided for in the adopted budget.
- (18)(19) "Permanent employee" means an employee who is appointed to fill a budgeted position and who is not temporary or seasonal. However, the term permanent does not confer any form of tenure or other expectation of continued employment.
- (19)(20) "Permanent position" means a budgeted position which is not temporary or seasonal. However, the term permanent does not confer any form of tenure or other expectation of continued employment.
- (20)(21) "Personnel action" means the written record of any action taken affecting the employee or the status of his/her employment.

- (21)(22) "Personnel director" means the employee appointed by the Executive Officer to administer the provisions of this chapter regardless of whether the person is also a department director.
- (22)(23) "Personnel file" means an employee's official personnel file which is kept in the office of personnel.
- (23)(24) "Personnel Procedures Manual" means a manual developed by the office of personnel and approved by the Executive Officer to implement the policies and provisions of this chapter.
- (24)(25) "Probationary period" means a continuation of the screening process during which an employee is required to demonstrate fitness for the position to which the employee is appointed or promoted. Successful completion of any probationary period is for Metro's internal screening process only and does not confer any form of tenure or other expectation of continued employment.
- (25)(26) "Probationary employee" means an employee serving any period of probation.
- (26)(27) "Promotion" means the change of an employee from a position in one classification to a position in another classification having a higher maximum salary rate.
- (27)(28) "Reclassification" means a change in classification of a position by raising it to a class with a higher rate of pay, reducing it to a class with a lower rate of pay, or changing it to another class at the same rate of pay, based upon the duties currently assigned to an existing position or to be assigned for a vacant position. If the position is filled, the incumbent employee is reclassified along with the position.
- (28)(29) "Regular employee" means an employee who has successfully completed the required initial probationary period occupying a permanent position.
- (29)(30) "Reinstatement" means the return of an employee to a position following a separation of employment.
- (30)(31) "Represented employee" means an employee who is in a recognized or certified bargaining unit.

- (31)(32) "Resignation" means voluntary separation from employment.
- (32)(33) "Seasonal employee" means an employee who is employed during peak seasons of the year and who may be scheduled as needed during the remainder of the year.
- (33)(34) "Separation" is the cessation of employment with Metro not reflecting discredit upon the employee.
- (34)(35) "Status" refers to the standing of an employee.
- (35)(36) "Temporary employee" means a nonstatus employee appointed for the purpose of meeting emergency, nonrecurring or short-term workload needs, or to replace an employee during an approved leave period, for a period not to exceed 1,044 hours within a fiscal year, excluding interns, work-study students, and CETA employees, or similar federal and state employment programs.
- (36)(37) "Termination" means the cessation of employment with Metro.
- (37)(38) "Volunteer" means an individual serving in a non-paid voluntary status.
- (38)(39) "Work schedule" means the assignment of hours of work by a supervisor.

(b) Section 2.02.080 is amended to read:

**2.02.080 Recruitment and Appointment**

(a) All promotions and appointments to vacancies shall be based on the requirements of the position and organizational and operational needs.

(b) Recruitment efforts will be coordinated by the office of personnel in cooperation with the hiring department. Recruiting publicity will be distributed through appropriate media and/or other organizations to meet affirmative action guidelines. Such publicity will indicate that Metro is an affirmative action, equal opportunity employer and will be designed to attract a sufficient number of qualified applicants.

(c) **Internal Recruitments.** A regular employee who has successfully completed his/her initial probationary period may apply for vacant positions and will be considered as an internal applicant. Temporary employees must have completed a competitive recruitment and selection process through the office of personnel to be considered as an internal

applicant. All applications will be considered without prejudice to their present positions. Regular, regular part-time and temporary employees who apply will be given first consideration in filling a vacant position. Notice of internal recruitment shall be posted not less than five (5) working days to allow for receipt of applications.

(d) General Recruitment. If the vacancy is not filled as a result of internal recruitment, recruitment outside the agency will commence. The period of general recruitment shall be not less than ten (10) working days to allow for receipt of applications.

(e) ~~Pursuant to the terms and intent of ORS 268.180(5), ORS 268.210 and ORS 268.215, a~~ All appointments of employees shall be the sole responsibility of the Executive Officer subject to the provisions of this chapter. However, the appointment of all department directors, the chief financial officer and the general counsel, ~~or other positions who report to both the Council and the Executive Officer,~~ must be confirmed by a majority of the Council prior to the effective date of each such appointment or promotion.

(f) All appointments of employees to the office of the Executive Officer shall be the sole responsibility of the Executive Officer.

(g) All appointments of employees to the Council department shall be the sole responsibility of the Presiding Officer of the Council.

(h) All appointments of employees to the office of Auditor shall be the sole responsibility of the Auditor.

(i) ~~Direct a~~ Appointments of staff ~~in the office of the Executive Officer, department directors, the chief financial officer, the personnel director, the general counsel, staff in the office of the Executive Officer,~~ staff in the office of the Auditor, and staff in the Council office may be made without going through the normal recruitment and selection process. ~~All appointed staff in the office of the Executive Officer and appointed department directors~~ The personnel director, the chief financial officer, all department directors, and all appointed staff in the office of the Executive Officer shall serve at the pleasure of the Executive Officer. ~~All appointed s~~ Staff in the office of Auditor shall serve at the pleasure of the Auditor. ~~All appointed s~~ Staff in the Council department office shall serve at the pleasure of the Council.

(c) Section 2.02.325 is amended to read:

2.02.325 Definitions of Personnel Terms

- (1) "Council" means the elected governing body of Metro.
- (2) "Department" means a major functional unit of Metro.

- (3) "Department director" means a person responsible for the administration of a department or his/her designee.
- (4) "Dismissal" means the termination of employment for cause (see Termination).
- (5) "Division" means a major functional unit of a department.
- (6) "Employee" means an individual who is salaried or who receives wages for employment with Metro.
- (7) "Executive Officer" means the elected Executive Officer of Metro or his/her designee.
- (8) "Exempt position" means a position exempt from mandatory overtime compensation.
- (9) "Fiscal year" means a twelve (12) month period beginning July 1, and ending June 30.
- (10) "Full-time" means a position in which the scheduled hours of work are forty (40) hours per week and which is provided for in the adopted budget.
- (11) "Non-exempt" position means a position that is eligible for overtime compensation.
- (12) "Part-time" means a position in which the scheduled hours of work are less than forty (40) hours per week but at least twenty (20) hours or more per week and which is provided for in the adopted budget.
- (13) "Permanent employee" means an employee who is appointed to fill a budgeted position and who is not temporary or seasonal. However, the term permanent does not confer any form of tenure or other expectation of continued employment.
- (14) "Permanent position" means a budgeted position which is not temporary or seasonal. However, the term permanent does not confer any form of tenure or other expectation of continued employment.
- (15) "Personnel Action" means the written record of any action taken affecting the employee or the status of his/her employment.

- (16) "Personnel director" means the employee appointed by the Executive Officer to administer the provisions of this chapter regardless of whether the person is also a department director.
- (17) "Personnel file" means an employee's official personnel file which is kept in the office of personnel.
- (18) "Probationary period" means a continuation of the screening process during which an employee is required to demonstrate fitness for the position to which the employee is appointed or promoted. Successful completion of any probationary period is for Metro's internal screening process only and does not confer any form of tenure or other expectation of continued employment.
- (19) "Reclassification" means a change in classification of a position by raising it to a class with a higher rate of pay, reducing it to a class with a lower rate of pay, or changing it to another class at the same rate of pay, based upon the duties currently assigned to an existing position or to be assigned for a vacant position. If the position is filled, the incumbent employee is reclassified along with the position.
- (20) "Regular employee" means an employee who has successfully completed the required initial probationary period occupying a permanent position.
- (21) "Represented employee" means an employee who is in a recognized or certified bargaining unit.
- (22) "Resignation" means voluntary separation from employment.
- (23) "Status" refers to the standing of an employee.
- (24) "Termination" means the cessation of employment with Metro, whether or not for cause.

Section 2. The following sections of Metro Code Chapter 2.04 Metro Contract Procedures are amended as follows:

- (a) Section 2.04.010 is amended to read:

2.04.010 Definitions

- (a) "Auditor" means the Metro auditor provided for in Section 18 of the 1992 Metro Charter. In carrying out the duties of the office of Auditor, the Auditor

may directly execute contracts and contract amendments without the approval of the Executive Officer but otherwise subject to the requirements of this Code.

(a)(b) "Competitive bids or bids" means a competitive offer in which price and conformance to specification will be the award criteria.

(b)(c) "Contract Review Board or Board" means the Council is the Contract Review Board for the ~~Metropolitan Service District~~ Metro with the powers described in ORS chapter 279 and section 2.04.020 of this chapter.

(d) "Council Presiding Officer" means the Council Presiding Officer provided for in Section 16 of the 1992 Metro Charter. In carrying out the duties of the office of Council Presiding Officer, as defined by the Council, the Presiding Officer may directly execute contracts and contract amendments without the approval of the Executive Officer but otherwise subject to the requirements of this Code.

(e)(e) "Emergency" means an emergency for the purpose of this chapter means the occurrence of a specific event or events that could not have been reasonably foreseen and prevented, and which require the taking of prompt action to remedy the condition and thereby avoid further physical damage or harm to individuals or the occurrence of avoidable costs.

(f)(f) "Emergency contracts" means a contract may be exempt from the competitive bidding process if an emergency requires prompt execution of a contract, but only if the contract is limited to remedying the emergency situation.

(g) "Executive Officer" means the Metro Executive Officer. For the purpose of this chapter Executive Officer also means those persons to whom the Executive Officer has delegated authority to execute contracts and contract amendments.

(h)(h) "Exemptions from competitive bidding" means exemptions include any exemption or exception from the regular competitive bidding process for Public Contracts as defined in ORS 279.011 to 279.061, this chapter, and any exemption made by the Board pursuant to section 2.04.041 of the Code.

(i)(i) "Intergovernmental Agreement" means a written agreement with any other unit or units of federal, state or local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform. "Unit of local government" includes a county, city, district or other public corporation, commission, authority or entity organized and existing under statute or city or county charter. (ORS 190.003 Definitions for ORS 190.003 to 190.110.) As outlined in ORS 190.010, the agreement may provide for the performance of a function or activity:



- (1) By a consolidated department;
- (2) By jointly providing for administrative officers;
- (3) By means of facilities or equipment jointly constructed, owned, leased or operated;
- (4) By one of the parties for any other party; or
- (5) By a combination of the methods described in numbers (1) through (4) above.

~~(e)~~<sup>(f)</sup> "Notice of Award" means written communication to a responsive, responsible bidder or proposer stating that their bid or proposal has been conditionally determined to be the lowest, responsive, responsible bid or most responsive proposal and that the district intends to enter into a contract upon completion by the bidder/proposer of all required conditions.

~~(h)~~<sup>(i)</sup> "Personal Services Contract" means:

- (1) The following are personal services contracts:
  - (A) Contracts for services performed as an independent contractor in a professional capacity, including but not limited to the services of an accountant, attorney, architectural or land use planning consultant, physician or dentist, registered professional engineer, appraiser or surveyor, passenger aircraft pilot, aerial photographer, timber cruiser, data processing consultant or broadcaster.
  - (B) Contracts for services as an artist in the performing or fine arts, including but not limited to persons identified as photographer, film-maker, painter, weaver or sculptor.
  - (C) Contracts for services of a specialized, creative and research-oriented, noncommercial nature, including, but not limited to, contracts funded by specially designated Metro revenue sources such as the "One Percent Well Spent" program to fund innovative recycling projects.
  - (D) Contracts for services as consultant.
  - (E) Contracts for educational and human custodial care services.

(2) The following are not personal services contracts:

- (A) Contracts, even though in a professional capacity, if predominantly for a product, e.g., a contract with a landscape architect to design a garden is for personal services, but a contract to design a garden and supply all the shrubs and trees is predominantly for a tangible product.
- (B) A service contract to supply labor which is of a type that can generally be done by any competent worker, e.g., janitorial, security guard, crop spraying, laundry and landscape maintenance service contracts.
- (C) Contracts for trade-related activities considered to be labor and materials contracts.
- (D) Contracts for services of a trade-related activity, even though a specific license is required to engage in the activity. Examples are repair and/or maintenance of all types of equipment or structures.

(l) "Procurement officer" means the person designated by the Executive Officer to carry out the functions required of such person by this chapter.

(m) "Public agency" means any agency of the federal government, state of Oregon, or any political subdivision thereof, authorized by law to enter into public contracts and any public body created by intergovernmental agreement.

(n) "Public contract" means any purchase, lease or sale by Metro of personal property, public improvement or services, including those transacted by purchase order, other than agreements which are for personal services. Public contracts may be obtained by purchase order as determined by the Executive Officer.

(o) "Public improvement" means projects for construction, reconstruction or major renovation on real property by or for a public agency. "Public improvement" does not include emergency work, minor alteration, ordinary repair or maintenance in order to preserve a public improvement.

(p) "Purchase Order" means a public contract for purchase of goods in any amount, or for goods and services \$500 or less, or for services \$500 or less.

(q) "Request for Proposals or RFP" means a request for proposals is the process described in section 2.04.050, "Personal Services Contracts." This process may be used for public contracts only when the Board has granted an exemption for that type of contract or

for a particular contract as set out in section 2.04.041, "Requirement of Competitive Bidding, Exemptions." The Board may adopt a particular RFP process for a particular contract by setting forth the amendments in the exemption approval.

~~(n)~~**(r)** "Sole Source Contracts" means contracts for which it can be documented there is only one qualified provider of the required service or material.

(b) Section 2.04.030 is amended to read:

2.04.030 Rules and Procedures Governing All Personal Services and Public Contracts

(a) Applicability. All personal services contracts and public contracts are subject to the applicable selection, review and approval procedures of this chapter.

~~(b) Initiating a Contract. When a department initiates a contract not in the form of a purchase order, it must first notify the Contracts Division of the Department of General Services of its intention and request the issuance of a contract number which shall appear on all copies of the contract. The department must complete a contract summary form indicating the specifics of the contract. This form must be forwarded to the Contracts Division of the Department of General Services either with a fully executed contract (one copy) if the amount is estimated to be \$2,500 or under, or with an unexecuted contract (three copies) for review, approval and signature if the amount is over \$2,500.~~

~~(c) Documentation Required for Contract Files. The Contracts Division of the Department of General Services will maintain central files for all contracts. An original copy should be given to each contractor. All correspondence relating to a contract which alters conditions or amounts must be included in the central files as should all papers which document the process of obtaining competitive bids, quotes or proposals. In any case where a low bid, quote or proposal is not accepted, a detailed justification must be included with the contract file. Other documentation, if applicable, that should be included in the file includes:~~

- ~~(1) Mailing Lists~~
- ~~(2) Affidavits of Publication~~
- ~~(3) Insurance Endorsements and Certificates~~
- ~~(4) Amendments~~
- ~~(5) Extensions~~
- ~~(6) Related Correspondence~~

~~(7) Quotes, Proposals and Bids~~

~~(8) Bonds~~

~~(9) DBE/WBE Information~~

~~(10) Contract Closure Form~~

~~(11) Personal Services Evaluation Form~~

~~(d)~~**(b)** Contract Review. Prior to approval by the appropriate person or body, contracts shall be reviewed as follows:

- (1) Any contract which deviates from a standard contract form, exceeds \$25,000 for a personal services contract or a public contract, or is with another public agency must be reviewed by the general counsel.
- (2) Contracts involving federal or state grant funds must be reviewed by the ~~Deputy Executive Officer~~ **chief financial officer**.

~~(e)~~**(c)** Disadvantaged Business Program. All contracting and purchasing is subject to the Metro Disadvantaged Business Enterprise Program. Metro will take affirmative action to do business with Disadvantaged Business Enterprises. The ~~Contracts Division of the Department of General Services~~ **liaison officer** will maintain a directory of disadvantaged businesses which shall be consulted and used in all contracting and purchasing of goods and services. If a disadvantaged business is included in the directory that appears capable of providing needed goods or services, that business should be contacted and given an opportunity to compete for Metro business. Contracts awarded subject to the program may be exempted from the competitive bidding process by resolution of the Contracting Review Board.ooooo

~~(f)~~**(d)** Monthly Contract Report. The Executive Officer will provide a monthly report to the Council, pursuant to section 2.04.032, of all contracts, including extensions and amendments, which have been executed during the preceding month; provided, however, that such monthly report need not include purchase orders under \$500.

~~(g)~~**(e)** Federal/State Agency Approval. When required by federal or state law or regulations, review and approval of Metro contracts shall include prior concurrence or approval by appropriate federal or state agencies.

~~(h)~~**(f)** No contract or contract amendment may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) Section 2.04.040 is amended to read:

2.04.040 Public Contracts, General Provisions

(a) Competitive Bidding. Metro may enter into an intergovernmental agreement with the State of Oregon to make purchases from State Price Agreement established by the State of Oregon by competitive bids. Metro may purchase directly from these price agreements that are based on the state's competitive bids. Unless exempt from public bidding, all other public contracts shall be awarded to the lowest, responsive, responsible bidder responding to competitive bids by Metro.

(b) Oregon Preference. In all public contracts, the district shall prefer goods or services that have been manufactured or produced in Oregon if price, fitness, availability and quality are otherwise equal. Where a contract in excess of \$10,000 is awarded to a contractor not domiciled or registered to do business in Oregon, the initiating department shall assure compliance with the provisions of ORS 279.021.

(c) Rejection of Bids. The Executive Officer ~~or the Deputy Executive Officer~~ may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may, for good cause, reject any or all bids upon a finding that it is in the public interest to do so, for example, when all bids exceed the budget or estimate for that project.

(d) Bonds. Unless the Board shall otherwise provide, bonds and bid security requirements are as follows:

- (1) Bid security not exceeding ten percent (10%) of the amount bid for the contract is required unless the contract is for \$25,000 or less.
- (2) For public improvements, a labor and materials bond in an amount equal to one hundred percent (100%) of the contract price is required for contracts over \$15,000.
- (3) For public improvements, a performance bond in an amount equal to one hundred percent (100%) of the contract price is required for contracts over \$10,000. If the contract is under \$50,000, the performance bond and labor and material bond may be one bond; if the contract is \$50,000 or more, there shall be two (2) bonds.
- (4) Bid security, labor and material bond and performance bond may be required even though the contract is of a class not identified above, if the Executive Officer determines it is in the public interest.

- (5) Bid security and labor and performance bonds will not be required for food products procured pursuant to section 2.04.090.
- (6) Bid security and bonds may be provided in the form of a surety bond, cash, cashier's check or certified check.

(d) Section 2.04.043 is amended to read:

2.04.043 Public Contracts Between \$2,500 and \$25,000

(a) Selection Process. Unless completely exempt from competitive bidding under section 2.04.041, when the amount of the contract is \$2,500 or more, but not more than \$25,000, the district must obtain a minimum of three (3) competitive quotes. The district shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. "Prior to selecting any contractor for a public contract greater than \$10,000, but not more than \$25,000", the contracting department shall notify the ~~Department of General Services procurement officer~~ of the nature of the proposed contract, the estimated cost of the contract, and the name of the contact person. The ~~Department of General Services procurement officer~~ shall publish notice of the intent to solicit competitive quotes, including a summary of the information supplied by the contracting department. No contract selection may be made until at least five (5) days after such publication and after consideration of all quotes received.

~~(b) Review Process. After selection and prior to approval, the contract must be reviewed by the Contracts Division of the Department of General Services.~~

~~(e)~~(b) Approval Process

- (1) ~~For e~~Contracts of \$2,500 or more, ~~either shall be signed by the Executive Officer or Deputy Executive Officer must sign; however, the director or assistant director of the Zoo may sign purchase orders of \$10,000 or less. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the director of General Services may sign contracts.~~ No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

~~(d)~~(c) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(e) Section 2.04.044 is amended to read:

2.04.044 Public Contracts Over \$25,000

(a) Selection Process. Unless exempt from competitive bidding by section 2.04.041, the following competitive bidding procedures shall apply to all contracts ~~over~~ \$25,000.

- ~~(1) The initiating department staff will prepare bid specifications and compile a list of potential bidders.~~
- ~~(2) The bid document will be reviewed by the Contracts Division of the Department of General Services and by the general counsel before bids are solicited or advertised, and shall include the contract form to be used.~~
- ~~(3)~~ (1) A request for bids will be advertised in the manner required by law and in a local minority newspaper, and in any appropriate trade magazine. Additional advertisement may be appropriate depending upon the nature of the contract.
- ~~(4) The initiating department will receive and open sealed bids at the time and place designated in the request for bids.~~
- ~~(5) The opened bids will be reviewed by the requesting department and a recommendation and contract will be submitted to the Contracts Division of the Department of General Services.~~
- ~~(6) After selection and prior to approval, the contract must be reviewed by the Contracts Division of the Department of General Services.~~
- ~~(7) The initiating department will notify all bidders in writing of the contract award and obtain any necessary bonds and insurance certificates.~~
- ~~(8)~~ (2) The district shall reserve the right to reject any or all quotes or bids received.

(b) Approval Process. All initial contracts with a contract price of more than \$25,000 shall be approved and executed by the Executive Officer or Deputy Executive Officer. ~~When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the director of General Services may approve and execute contracts of \$25,000.~~ No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) Within thirty (30) days of award of a construction contract, the ~~Contracts Division of the Department of General Services~~ **procurement officer** shall provide the notice required by ORS 279.363.

(d) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(e) Prior to the award of a contract to any bidder other than the apparent low bidder the Executive Officer shall obtain the prior approval of the Contract Review Board.

(f) Section 2.04.051 is amended to read:

2.04.051 Personal Services Contracts Under \$2,500

(a) Selection Process. For personal services contracts of less than \$2,500, the department director shall state in writing the need for the contract. This statement shall include a description of the contractor's capabilities in performing the work. Multiple proposals need not be obtained. ~~This statement will be kept in the Department of Finance and Administration contract file.~~

(b) Approval Process. For personal services contracts of less than \$2,500, the director of the initiating department, or a designee of the director approved by the Executive Officer, may sign contracts if the following conditions are met:

- (1) A standard contract form is used.
- (2) Any deviations to the contract form are approved by the general counsel.
- (3) The expenditure is authorized in the budget.
- (4) The contract does not further obligate district beyond \$2,500.
- (5) The appropriate scope of work is attached to the contract.
- (6) The Contract is for an entire project or purchase; not a portion of a project or purchase which, when complete, will amount to a cost of \$2,500 or more.
- (7) No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."



(g) Section 2.04.052 is amended to read:

2.04.052 Personal Services Contracts Between \$2,500 and \$25,000

(a) Selection Process. For personal services contracts \$2,500 or more but not more than \$25,000, the department director shall use the following process:

- (1) Proposals shall be solicited from at least three (3) potential contractors who, in the judgment of the department director, are capable and qualified to perform the requested work. Prior to selecting any contractor for a personal services contract greater than \$10,000 but not more than \$25,000, the contracting department shall notify the ~~Department of General Services~~ procurement officer of the nature of the proposed contract, the estimated cost of the contract, and the name of a contact person. The ~~Department of General Services~~ procurement officer shall publish notice of the intent to solicit competitive proposals, including a summary of the information supplied by the contracting department. No contract selection may be made until at least five (5) days after such publication and after consideration of all proposals received.
- (2) The initiating department shall document the fact that at least three (3) proposals have been solicited. Preferably, the proposals should be written, but this is not required. The district reserves the right to reject any or all proposals for any reason.
- (3) Evaluation, as determined by the department director, may require oral presentations and shall include use of a contractor evaluation form. The objective is the highest quality of work for the most reasonable price. The quality of the proposal may be more important than cost.
- (4) Personal Services Evaluation Form. The personal services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.
- (5) Notification of selection or rejection shall be made in writing after final review by the initiating department.

(b) Review Process. After selection and prior to approval, the contract must be reviewed by the ~~Contracts Division of the Department of General Services~~ procurement officer.

(c) Approval Process. ~~For e~~Contracts of \$2,500 or more, ~~either shall be signed by the Executive Officer or Deputy Executive Officer must sign. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the director of general services may sign contracts.~~ No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(d) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(h) Section 2.04.053 is amended to read:

2.04.053 Personal Services Contracts of More than \$25,000

(a) Selection Process. For personal services contracts of \$25,000 or more an evaluation of proposals from potential contractors shall be performed as follows:

- (1) A request for proposals shall be prepared by the initiating department and shall be reviewed by the general counsel and the procurement officer. Where appropriate, notice of the request shall be published in a newspaper of general circulation or in trade magazines. In addition, Metro shall notify in writing at least three (3) potential contractors, who, in the judgment of the department director, are capable and qualified to perform the requested work. The initiating department will be responsible for maintaining the file and making the appropriate notification.
- (2) All requests for proposals shall at a minimum contain a description of the project and a brief summary of the project history, contain a detailed proposed scope of work or other specifications setting forth expected performance by the contractor, include a description of the criteria that will be utilized to evaluate proposals and the estimated budget for the project.
- (3) Evaluations of proposals shall include use of a contract evaluation form. The use of an oral interview or an evaluation team is recommended.
- (4) Personal Services Evaluation Form. The personal services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.

- (5) After evaluation is complete, the department director will recommend final selection through the ~~Contracts Division of the Department of General Services.~~
- (6) Notifications of selection and rejection shall be made in writing by the initiating department.
- (7) Personal services contracts with the scope of work must be approved by the department head and then forwarded to the ~~Contracts Division of the Department of General Services~~ procurement officer for internal review and execution. General counsel review is required.

(b) Approval Process. All initial contracts with a contract price of greater than \$25,000 shall be ~~approved and executed by the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of General Services may approve and execute contracts of more than \$25,000.~~ No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(i) Section 2.04.054 is amended to read:

2.04.054 Personal Services Contract Extensions and Amendments

(a) Selection Process

- (1) A personal services contract may be renewed without receiving competitive proposals if the contractor is performing a continuing activity for the agency. This applies, but is not limited to contracts for construction observation, public relations consulting, outside legal counsel and annual auditing. Except as provided in subsection (2) below, competitive proposals must be solicited for these services at least once every three (3) years and annually if the contractor proposes a price or rate increase of more than ten percent (10%) over the previous year.
- (2) Personal services contracts may be renewed, extended or renegotiated without soliciting competitive proposals if, at the time of renewal, extension or renegotiation, there are fewer than three (3) potential contractors qualified to provide the quality and type of services required and the initiating department makes detailed findings that the

quality and type of services required make it unnecessary or impractical to solicit proposals.

- (3) In addition to the requirements of this subsection, any contract amendment or extension exceeding \$10,000 shall not be approved unless the Contract Review Board shall have specifically exempted the contract amendment or extension from the competitive procurement procedures of section 2.04.053.

(b) Approval Process

- ~~(1) Less than \$2,500. All contract amendments and extensions which are less than \$2,500 if the contract was originally for \$2,500 or more or which result in a total contract price of less than \$2,500 may be approved by the director of the initiating department or by a designee of the director approved by the Executive Officer if the following conditions are met:~~

~~(A) A standard contract form is used.~~

~~(B) Any deviations to the contract form are approved by the general counsel.~~

~~(C) The expenditure is authorized in the budget.~~

~~(D) The contract does not further obligate Metro beyond \$2,500.~~

~~(E) The appropriate scope of work is attached to the contract.~~

~~(F) No contract amendment or extension may be approved in an amount in excess of the amount authorized in the budget.~~

- ~~(2) \$2,500 and Over. All personal services contract amendments and extensions which are for \$2,500 or more or which result in a total contract price of more than \$2,500 shall be approved~~executed~~ by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the director of Regional Facilities may sign contract amendments and extensions. No contract amendment or extension may be approved for an amount in excess of the amount provided for in the budget.~~

(c) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(j) Section 2.04.090 is amended to read:

**2.04.090 Food Items and Food Service Contracts**

(a) **Selection Process**

- (1) All food items and food service contracts will be procured through competitive bidding, except as provided in sections (2) through (5) below.
- (2) Competitive bids or quotes are not required when food items other than those routinely stocked by a Metro department are needed for requested catering services.
- (3) Competitive bids or quotes are not required for fully or partially prepared food items which require:
  - (A) The use of a specific recipe provided and/or developed in conjunction with a Metro department; or
  - (B) The use of a proprietary recipe or formula which is the property of a vendor.

In the event a procurement is made pursuant to the exception listed in this section (3), the initiating department must document that the food product is within the criteria set out in (3)(A) or (3)(B).

- (4) (A) Purchases of the following food products may be limited to vendors who have been prequalified according to the procedures set out at section (4)(B) below:
  - (i) Groceries, i.e., food items that are purchased in a pre-served state (e.g., canned or frozen);
  - (ii) Meat and poultry;
  - (iii) Produce.
- (B) Upon a determination by the Executive Officer that it is in the best interest of Metro to purchase the food products listed in (4)(A) from pre-qualified vendors, the agency may develop a pre-qualified suppliers list. The initiating department shall make reasonable efforts to inform known companies which provide the required food products that a pre-qualification process will be

conducted. At a minimum, the initiating department's efforts shall include the publication of an invitation to pre-qualify in at least one (1) newspaper of general circulation, a local minority newspaper and any appropriate trade publications in the area. The invitation to pre-qualify shall specify the deadline for submission of pre-qualification applications; minimum standards which must be met to pre-qualify as a potential supplier; and shall provide an estimate of the quantity of the product which may be required during a designated time period. All vendors who submit the documentation required in the invitation to pre-qualify shall be listed as pre-qualified suppliers of the food products covered by the solicitation unless the agency disqualifies the prospective vendor upon a finding that:

- (i) The vendor does not have sufficient financial ability to perform the contract;
- (ii) The vendor does not have the equipment available to perform the contract;
- (iii) The vendor does not have key personnel available of sufficient experience to perform the contract; or
- (iv) The vendor has repeatedly breached contractual obligations to public and private contract agencies.

In the event a prospective is disqualified, the agency shall notify the vendor in writing. The notice shall specify the reasons for the disqualifications and shall inform the vendor of its rights to a hearing under ORS 279.043 and 279.045.

Vendors who fail to meet the above criteria during the period covered by the prequalified vendor list may be disqualified from the pre-qualified vendor list.

- (C) Monthly firm price quotes shall be required of all pre-qualified suppliers. Once a pre-qualified vendor list has been created, all food products listed in section (4)(A)(i) through (iii) shall be ordered from the pre-qualified supplier whose products meet the minimum product specification and who submits the lowest price quote for the period covered by the required monthly price quote. In the event the supplier that submits the lowest price quote is unable to provide the ordered products, the food products may be ordered from the supplier whose quote is the next

lowest and whose products meet the minimum product specifications.

- (D) A pre-qualified supplier may be removed from the pre-qualified suppliers list for any of the reasons listed in section (4)(B) above.
- (E) Pre-qualification lists shall be opened annually for prospective suppliers to submit the documentation required for placement on the pre-qualified suppliers list. Placement on the pre-qualified suppliers list will be for a period of three years, unless a supplier is removed for one of the reasons listed in section (4)(B) above.

- (5) Competitive bids or quotes are not required for food items which the Executive Officer authorize for a market test. A market test is used to determine whether a food item should be added to the district's menu or to develop the specifications for a particular food item. The test should clearly define the period of time for the market study, not to exceed one (1) year, and the statistical method used to determine the value of the food item as part of the regular menu. A written report shall be made and a copy placed in the district's central contract files. If a market test food item is accepted for regular sales, it will be subject to the appropriate competitive purchase procedures described under section 2.04.090. If a food product identified during a market test fits within one of the product categories identified in subsection (3) above, the food product may be procured without competitive bids or quotes.

(b) Review Process. After selection and prior to approval, the contract must be reviewed by the director of Finance and Administration.

(c) Approval Process

- (1) \$2,500 and Under. All contracts and amendments and extensions which are \$2,500 or less or which result in a total contract price of \$2,500 or less may be approved by the director of the initiating department or by a designee of the director approved by the Executive Officer if the following conditions are met:
  - (A) A standard contract form is used.
  - (B) Any deviations to the contract form are approved by the general counsel.

- (C) The expenditure is authorized in the budget.
- (D) The contract does not further obligate the district beyond \$2,500.
- (E) The appropriate scope of work is attached to the contract.
- (F) The contract is for an entire project or purchase; not a portion of a project which, when complete, will amount to a cost not greater than \$2,500.

(2) Over \$2,500. All contracts and amendments and extensions which exceed \$2,500 ~~may shall be approved by either executed by~~ the Executive Officer ~~or Deputy Executive Officer.~~ ~~When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the director of Regional Facilities may sign contracts and amendments and extensions.~~

(3) Exceptions. Emergency contract extensions and amendments may be approved by the Executive Officer or his/her designee.

(d) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

Section 3. Metro Code Section 9.01.070 Emergency Succession is amended to read:

9.01.070 Emergency Succession: In the event of the death of the Executive Officer or the declaration of a vacancy in that office, the ~~Presiding Officer of the Metro Council shall assume the duties of the Executive Officer until such time as the Council fills the vacancy pursuant to Section 9.01.060. Deputy Executive Officer shall immediately take the oath of office and become the Executive Officer until such time as the Council shall fill the vacancy by appointment or a successor shall be elected and qualified. If the Deputy Executive Officer shall not be qualified or if a vacancy exists in that position, then the Director of Finance and Information shall so serve while continuing to hold the position of Director of Finance and Information. If that position shall also be vacant or the person shall not qualify, then the Council shall in emergency session designate a qualified person to so serve.~~

Section 4. Emergency Clause

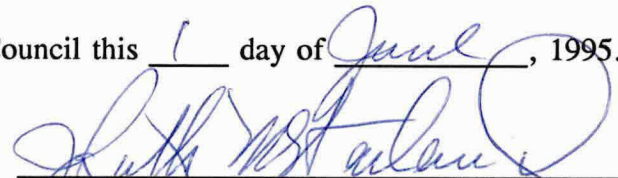
This ordinance being necessary for the health safety or welfare of the Metro area, for the reason that the administrative reorganization effected by this ordinance will save

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substantial resources an emergency is declared to exist and this ordinance shall be effective upon adoption by the Council.

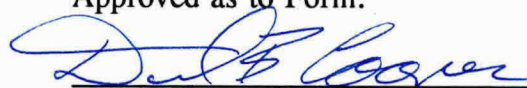
ADOPTED by the Metro Council this 1 day of June, 1995.

  
\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Recording Clerk

Approved as to Form:

  
\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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1229

BEFORE THE METRO COUNCIL

AN ORDINANCE RELATING TO )  
ADMINISTRATION, AMENDING THE )  
METRO CODE, AND DECLARING AN )  
EMERGENCY )

ORDINANCE NO. 95-602  
Introduced by Mike Burton,  
Executive Officer

Section 1. The following sections of Metro Code Chapter 2.02 Personnel Rules are amended as follows:

(a) Section 2.02.030 is amended to read:

2.02.030 Definitions of Personnel Terms

- (1) "Auditor" means the elected Auditor of Metro or his/her designee.
- (2) "Council" means the elected governing body of Metro.
- ~~(3)~~ "Chief financial officer" means the person responsible for managing the financial affairs and budget of Metro.
- ~~(3)~~(4) "Department" means a major functional unit of Metro.
- ~~(4)~~(5) "Department director" means a person responsible for the administration of a department or his/her designee.
- ~~(5)~~(6) "Division" means a major functional unit of a department.
- ~~(6)~~(7) "Employee" means an individual who is salaried or who receives wages for employment with Metro.
- ~~(7)~~(8) "Executive Officer" means the elected Executive Officer of Metro or his/her designee.
- ~~(8)~~(9) "Exempt position" means a position exempt from mandatory overtime compensation.
- ~~(9)~~(10) "Fiscal year" means a twelve (12) month period beginning July 1 and ending June 30.
- ~~(10)~~(11) "Flexible work schedule" means an alternative work schedule other than the established normal work schedule, but which

includes the same number of total hours per pay period as other full-time positions.

- (11)(12) "Full-time" means a position in which the scheduled hours of work are forty (40) hours per week and which is provided for in the adopted budget.
- (12)(13) "Hourly rate" means the rate of compensation for each hour of work performed.
- (13)(14) "Immediate family" means the husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, grandparents or any relative living in the employee's household.
- (14)(15) "Layoff" means a separation from employment because of organizational changes, lack of work, lack of funds, or for other reasons not reflecting discredit upon the employee.
- (15)(16) "Non-exempt" position means a position that is eligible for overtime compensation.
- (16)(17) "Non-represented employee" means an employee who is not in a recognized or certified bargaining unit.
- (17)(18) "Part-time" means a position in which the scheduled hours of work are less than forty (40) hours per week but at least twenty (20) hours or more per week and which is provided for in the adopted budget.
- (18)(19) "Permanent employee" means an employee who is appointed to fill a budgeted position and who is not temporary or seasonal. However, the term permanent does not confer any form of tenure or other expectation of continued employment.
- (19)(20) "Permanent position" means a budgeted position which is not temporary or seasonal. However, the term permanent does not confer any form of tenure or other expectation of continued employment.
- (20)(21) "Personnel action" means the written record of any action taken affecting the employee or the status of his/her employment.

- (21)(22) "Personnel director" means the employee appointed by the Executive Officer to administer the provisions of this chapter regardless of whether the person is also a department director.
- (22)(23) "Personnel file" means an employee's official personnel file which is kept in the office of personnel.
- (23)(24) "Personnel Procedures Manual" means a manual developed by the office of personnel and approved by the Executive Officer to implement the policies and provisions of this chapter.
- (24)(25) "Probationary period" means a continuation of the screening process during which an employee is required to demonstrate fitness for the position to which the employee is appointed or promoted. Successful completion of any probationary period is for Metro's internal screening process only and does not confer any form of tenure or other expectation of continued employment.
- (25)(26) "Probationary employee" means an employee serving any period of probation.
- (26)(27) "Promotion" means the change of an employee from a position in one classification to a position in another classification having a higher maximum salary rate.
- (27)(28) "Reclassification" means a change in classification of a position by raising it to a class with a higher rate of pay, reducing it to a class with a lower rate of pay, or changing it to another class at the same rate of pay, based upon the duties currently assigned to an existing position or to be assigned for a vacant position. If the position is filled, the incumbent employee is reclassified along with the position.
- (28)(29) "Regular employee" means an employee who has successfully completed the required initial probationary period occupying a permanent position.
- (29)(30) "Reinstatement" means the return of an employee to a position following a separation of employment.
- (30)(31) "Represented employee" means an employee who is in a recognized or certified bargaining unit.

- (31)(32) "Resignation" means voluntary separation from employment.
- (32)(33) "Seasonal employee" means an employee who is employed during peak seasons of the year and who may be scheduled as needed during the remainder of the year.
- (33)(34) "Separation" is the cessation of employment with Metro not reflecting discredit upon the employee.
- (34)(35) "Status" refers to the standing of an employee.
- (35)(36) "Temporary employee" means a nonstatus employee appointed for the purpose of meeting emergency, nonrecurring or short-term workload needs, or to replace an employee during an approved leave period, for a period not to exceed 1,044 hours within a fiscal year, excluding interns, work-study students, and CETA employees, or similar federal and state employment programs.
- (36)(37) "Termination" means the cessation of employment with Metro.
- (37)(38) "Volunteer" means an individual serving in a non-paid voluntary status.
- (38)(39) "Work schedule" means the assignment of hours of work by a supervisor.

(b) Section 2.02.080 is amended to read:

2.02.080 Recruitment and Appointment

(a) All promotions and appointments to vacancies shall be based on the requirements of the position and organizational and operational needs.

(b) Recruitment efforts will be coordinated by the office of personnel in cooperation with the hiring department. Recruiting publicity will be distributed through appropriate media and/or other organizations to meet affirmative action guidelines. Such publicity will indicate that Metro is an affirmative action, equal opportunity employer and will be designed to attract a sufficient number of qualified applicants.

(c) Internal Recruitments. A regular employee who has successfully completed his/her initial probationary period may apply for vacant positions and will be considered as an internal applicant. Temporary employees must have completed a competitive recruitment and selection process through the office of personnel to be considered as an internal

applicant. All applications will be considered without prejudice to their present positions. Regular, regular part-time and temporary employees who apply will be given first consideration in filling a vacant position. Notice of internal recruitment shall be posted not less than five (5) working days to allow for receipt of applications.

(d) General Recruitment. If the vacancy is not filled as a result of internal recruitment, recruitment outside the agency will commence. The period of general recruitment shall be not less than ten (10) working days to allow for receipt of applications.

(e) Pursuant to the terms and intent of ~~ORS 268.180(5), ORS 268.210 and ORS 268.215,~~ All appointments of employees shall be the sole responsibility of the Executive Officer subject to the provisions of this chapter. However, the appointment of all department directors, the chief financial officer and the general counsel, ~~or other positions who report to both the Council and the Executive Officer,~~ must be confirmed by a majority of the Council prior to the effective date of each such appointment or promotion.

(f) All appointments of employees to the office of the Executive Officer shall be the sole responsibility of the Executive Officer.

(g) All appointments of employees to the Council department shall be the sole responsibility of the Presiding Officer of the Council.

(h) All appointments of employees to the office of Auditor shall be the sole responsibility of the Auditor.

(i) ~~Direct~~ Appointments of staff in the office of the Executive Officer, department directors, the chief financial officer, the personnel director, the general counsel, staff in the office of the Executive Officer, staff in the office of the Auditor, and staff in the Council office may be made without going through the normal recruitment and selection process. ~~All appointed staff in the office of the Executive Officer and appointed department directors~~ The personnel director, the chief financial officer, all department directors, and all appointed staff in the office of the Executive Officer shall serve at the pleasure of the Executive Officer. ~~All appointed~~ Staff in the office of Auditor shall serve at the pleasure of the Auditor. ~~All appointed~~ Staff in the Council department office shall serve at the pleasure of the Council.

(c) Section 2.02.325 is amended to read:

2.02.325 Definitions of Personnel Terms

- (1) "Council" means the elected governing body of Metro.
- (2) "Department" means a major functional unit of Metro.

- (3) "Department director" means a person responsible for the administration of a department or his/her designee.
- (4) "Dismissal" means the termination of employment for cause (see Termination).
- (5) "Division" means a major functional unit of a department.
- (6) "Employee" means an individual who is salaried or who receives wages for employment with Metro.
- (7) "Executive Officer" means the elected Executive Officer of Metro or his/her designee.
- (8) "Exempt position" means a position exempt from mandatory overtime compensation.
- (9) "Fiscal year" means a twelve (12) month period beginning July 1, and ending June 30.
- (10) "Full-time" means a position in which the scheduled hours of work are forty (40) hours per week and which is provided for in the adopted budget.
- (11) "Non-exempt" position means a position that is eligible for overtime compensation.
- (12) "Part-time" means a position in which the scheduled hours of work are less than forty (40) hours per week but at least twenty (20) hours or more per week and which is provided for in the adopted budget.
- (13) "Permanent employee" means an employee who is appointed to fill a budgeted position and who is not temporary or seasonal. However, the term permanent does not confer any form of tenure or other expectation of continued employment.
- (14) "Permanent position" means a budgeted position which is not temporary or seasonal. However, the term permanent does not confer any form of tenure or other expectation of continued employment.
- (15) "Personnel Action" means the written record of any action taken affecting the employee or the status of his/her employment.

- (16) "Personnel director" means the employee appointed by the Executive Officer to administer the provisions of this chapter regardless of whether the person is also a department director.
- (17) "Personnel file" means an employee's official personnel file which is kept in the office of personnel.
- (18) "Probationary period" means a continuation of the screening process during which an employee is required to demonstrate fitness for the position to which the employee is appointed or promoted. Successful completion of any probationary period is for Metro's internal screening process only and does not confer any form of tenure or other expectation of continued employment.
- (19) "Reclassification" means a change in classification of a position by raising it to a class with a higher rate of pay, reducing it to a class with a lower rate of pay, or changing it to another class at the same rate of pay, based upon the duties currently assigned to an existing position or to be assigned for a vacant position. If the position is filled, the incumbent employee is reclassified along with the position.
- (20) "Regular employee" means an employee who has successfully completed the required initial probationary period occupying a permanent position.
- (21) "Represented employee" means an employee who is in a recognized or certified bargaining unit.
- (22) "Resignation" means voluntary separation from employment.
- (23) "Status" refers to the standing of an employee.
- (24) "Termination" means the cessation of employment with Metro, whether or not for cause.

Section 2. The following sections of Metro Code Chapter 2.04 Metro Contract Procedures are amended as follows:

- (a) Section 2.04.010 is amended to read:

2.04.010 Definitions

- (a) "Competitive bids or bids" means a competitive offer in which price and conformance to specification will be the award criteria.



(b) "Contract Review Board or Board" means the Council is the Contract Review Board for the Metropolitan Service District Metro with the powers described in ORS chapter 279 and section 2.04.020 of this chapter.

(c) "Emergency" means an emergency for the purpose of this chapter means the occurrence of a specific event or events that could not have been reasonably foreseen and prevented, and which require the taking of prompt action to remedy the condition and thereby avoid further physical damage or harm to individuals or the occurrence of avoidable costs.

(d) "Emergency contracts" means a contract may be exempt from the competitive bidding process if an emergency requires prompt execution of a contract, but only if the contract is limited to remedying the emergency situation.

(e) "Executive Officer" means the Metro Executive Officer. For the purpose of this chapter Executive Officer also means those persons to whom the Executive Officer has delegated authority to execute contracts and contract amendments.

(f) "Exemptions from competitive bidding" means exemptions include any exemption or exception from the regular competitive bidding process for Public Contracts as defined in ORS 279.011 to 279.061, this chapter, and any exemption made by the Board pursuant to section 2.04.041 of the Code.

(g) "Intergovernmental Agreement" means a written agreement with any other unit or units of federal, state or local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform. "Unit of local government" includes a county, city, district or other public corporation, commission, authority or entity organized and existing under statute or city or county charter. (ORS 190.003 Definitions for ORS 190.003 to 190.110.) As outlined in ORS 190.010, the agreement may provide for the performance of a function or activity:

- (1) By a consolidated department;
- (2) By jointly providing for administrative officers;
- (3) By means of facilities or equipment jointly constructed, owned, leased or operated;
- (4) By one of the parties for any other party; or
- (5) By a combination of the methods described in numbers (1) through (4) above.

~~(g)~~(h) "Notice of Award" means written communication to a responsive, responsible bidder or proposer stating that their bid or proposal has been conditionally determined to be the lowest, responsive, responsible bid or most responsive proposal and that the district intends to enter into a contract upon completion by the bidder/proposer of all required conditions.

~~(h)~~(i) "Personal Services Contract" means:

- (1) The following are personal services contracts:
  - (A) Contracts for services performed as an independent contractor in a professional capacity, including but not limited to the services of an accountant, attorney, architectural or land use planning consultant, physician or dentist, registered professional engineer, appraiser or surveyor, passenger aircraft pilot, aerial photographer, timber cruiser, data processing consultant or broadcaster.
  - (B) Contracts for services as an artist in the performing or fine arts, including but not limited to persons identified as photographer, film-maker, painter, weaver or sculptor.
  - (C) Contracts for services of a specialized, creative and research-oriented, noncommercial nature, including, but not limited to, contracts funded by specially designated Metro revenue sources such as the "One Percent Well Spent" program to fund innovative recycling projects.
  - (D) Contracts for services as consultant.
  - (E) Contracts for educational and human custodial care services.
- (2) The following are not personal services contracts:
  - (A) Contracts, even though in a professional capacity, if predominantly for a product, e.g., a contract with a landscape architect to design a garden is for personal services, but a contract to design a garden and supply all the shrubs and trees is predominantly for a tangible product.
  - (B) A service contract to supply labor which is of a type that can generally be done by any competent worker, e.g., janitorial, security guard, crop spraying, laundry and landscape maintenance service contracts.

- (C) Contracts for trade-related activities considered to be labor and materials contracts.
- (D) Contracts for services of a trade-related activity, even though a specific license is required to engage in the activity. Examples are repair and/or maintenance of all types of equipment or structures.

~~(j)~~ "Procurement officer" means the person designated by the Executive Officer to carry out the functions required of such person by this chapter.

~~(k)~~(K) "Public agency" means any agency of the federal government, state of Oregon, or any political subdivision thereof, authorized by law to enter into public contracts and any public body created by intergovernmental agreement.

~~(l)~~(L) "Public contract" means any purchase, lease or sale by Metro of personal property, public improvement or services, including those transacted by purchase order, other than agreements which are for personal services. Public contracts may be obtained by purchase order as determined by the Executive Officer.

~~(m)~~(M) "Public improvement" means projects for construction, reconstruction or major renovation on real property by or for a public agency. "Public improvement" does not include emergency work, minor alteration, ordinary repair or maintenance in order to preserve a public improvement.

~~(n)~~(N) "Purchase Order" means a public contract for purchase of goods in any amount, or for goods and services \$500 or less, or for services \$500 or less.

~~(o)~~(O) "Request for Proposals or RFP" means a request for proposals is the process described in section 2.04.050, "Personal Services Contracts." This process may be used for public contracts only when the Board has granted an exemption for that type of contract or for a particular contract as set out in section 2.04.041, "Requirement of Competitive Bidding, Exemptions." The Board may adopt a particular RFP process for a particular contract by setting forth the amendments in the exemption approval.

~~(p)~~(P) "Sole Source Contracts" means contracts for which it can be documented there is only one qualified provider of the required service or material.

(b) Section 2.04.030 is amended to read:

2.04.030 Rules and Procedures Governing All Personal Services and Public Contracts

(a) Applicability. All personal services contracts and public contracts are subject to the applicable selection, review and approval procedures of this chapter.

~~(b) — Initiating a Contract. When a department initiates a contract not in the form of a purchase order, it must first notify the Contracts Division of the Department of General Services of its intention and request the issuance of a contract number which shall appear on all copies of the contract. The department must complete a contract summary form indicating the specifics of the contract. This form must be forwarded to the Contracts Division of the Department of General Services either with a fully executed contract (one copy) if the amount is estimated to be \$2,500 or under, or with an unexecuted contract (three copies) for review, approval and signature if the amount is over \$2,500.~~

~~(c) — Documentation Required for Contract Files. The Contracts Division of the Department of General Services will maintain central files for all contracts. An original copy should be given to each contractor. All correspondence relating to a contract which alters conditions or amounts must be included in the central files as should all papers which document the process of obtaining competitive bids, quotes or proposals. In any case where a low bid, quote or proposal is not accepted, a detailed justification must be included with the contract file. Other documentation, if applicable, that should be included in the file includes:~~

- ~~(1) — Mailing Lists~~
- ~~(2) — Affidavits of Publication~~
- ~~(3) — Insurance Endorsements and Certificates~~
- ~~(4) — Amendments~~
- ~~(5) — Extensions~~
- ~~(6) — Related Correspondence~~
- ~~(7) — Quotes, Proposals and Bids~~
- ~~(8) — Bonds~~
- ~~(9) — DBE/WBE Information~~
- ~~(10) — Contract Closure Form~~
- ~~(11) — Personal Services Evaluation Form~~

~~(d)(b) Contract Review. Prior to approval by the appropriate person or body, contracts shall be reviewed as follows:~~

- (1) Any contract which deviates from a standard contract form, exceeds \$25,000 for a personal services contract or a public contract, or is with another public agency must be reviewed by the general counsel.
- (2) Contracts involving federal or state grant funds must be reviewed by the ~~Deputy Executive Officer~~ chief financial officer.

~~(e)(c)~~ Disadvantaged Business Program. All contracting and purchasing is subject to the Metro Disadvantaged Business Enterprise Program. Metro will take affirmative action to do business with Disadvantaged Business Enterprises. The ~~Contracts Division of the Department of General Services~~ liaison officer will maintain a directory of disadvantaged businesses which shall be consulted and used in all contracting and purchasing of goods and services. If a disadvantaged business is included in the directory that appears capable of providing needed goods or services, that business should be contacted and given an opportunity to compete for Metro business. Contracts awarded subject to the program may be exempted from the competitive bidding process by resolution of the Contracting Review Board.ooooo

~~(f)(d)~~ Monthly Contract Report. The Executive Officer will provide a monthly report to the Council, pursuant to section 2.04.032, of all contracts, including extensions and amendments, which have been executed during the preceding month; provided, however, that such monthly report need not include purchase orders under \$500.

~~(g)(e)~~ Federal/State Agency Approval. When required by federal or state law or regulations, review and approval of Metro contracts shall include prior concurrence or approval by appropriate federal or state agencies.

~~(h)(f)~~ No contract or contract amendment may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) Section 2.04.040 is amended to read:

2.04.040 Public Contracts, General Provisions

(a) Competitive Bidding. Metro may enter into an intergovernmental agreement with the State of Oregon to make purchases from State Price Agreement established by the State of Oregon by competitive bids. Metro may purchase directly from these price agreements that are based on the state's competitive bids. Unless exempt from public bidding, all other public contracts shall be awarded to the lowest, responsive, responsible bidder responding to competitive bids by Metro.

(b) Oregon Preference. In all public contracts, the district shall prefer goods or services that have been manufactured or produced in Oregon if price, fitness, availability and quality are otherwise equal. Where a contract in excess of \$10,000 is awarded to a contrac-

tor not domiciled or registered to do business in Oregon, the initiating department shall assure compliance with the provisions of ORS 279.021.

(c) Rejection of Bids. The Executive Officer ~~or the Deputy Executive Officer~~ may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may, for good cause, reject any or all bids upon a finding that it is in the public interest to do so, for example, when all bids exceed the budget or estimate for that project.

(d) Bonds. Unless the Board shall otherwise provide, bonds and bid security requirements are as follows:

- (1) Bid security not exceeding ten percent (10%) of the amount bid for the contract is required unless the contract is for \$25,000 or less.
- (2) For public improvements, a labor and materials bond in an amount equal to one hundred percent (100%) of the contract price is required for contracts over \$15,000.
- (3) For public improvements, a performance bond in an amount equal to one hundred percent (100%) of the contract price is required for contracts over \$10,000. If the contract is under \$50,000, the performance bond and labor and material bond may be one bond; if the contract is \$50,000 or more, there shall be two (2) bonds.
- (4) Bid security, labor and material bond and performance bond may be required even though the contract is of a class not identified above, if the Executive Officer determines it is in the public interest.
- (5) Bid security and labor and performance bonds will not be required for food products procured pursuant to section 2.04.090.
- (6) Bid security and bonds may be provided in the form of a surety bond, cash, cashier's check or certified check.

(d) Section 2.04.043 is amended to read:

2.04.043 Public Contracts Between \$2,500 and \$25,000

(a) Selection Process. Unless completely exempt from competitive bidding under section 2.04.041, when the amount of the contract is \$2,500 or more, but not more than \$25,000, the district must obtain a minimum of three (3) competitive quotes. The district shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made

of the effort to obtain the quotes. "Prior to selecting any contractor for a public contract greater than \$10,000, but not more than \$25,000", the contracting department shall notify the ~~Department of General Services procurement officer~~ of the nature of the proposed contract, the estimated cost of the contract, and the name of the contact person. The ~~Department of General Services procurement officer~~ shall publish notice of the intent to solicit competitive quotes, including a summary of the information supplied by the contracting department. No contract selection may be made until at least five (5) days after such publication and after consideration of all quotes received.

~~(b) Review Process. After selection and prior to approval, the contract must be reviewed by the Contracts Division of the Department of General Services.~~

~~(e)~~ (b) Approval Process

- (1) ~~For e~~Contracts of \$2,500 or more, ~~either shall be signed by the Executive Officer or Deputy Executive Officer must sign; however, the director or assistant director of the Zoo may sign purchase orders of \$10,000 or less. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the director of General Services may sign contracts.~~ No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

~~(d)~~ (c) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(e) Section 2.04.044 is amended to read:

2.04.044 Public Contracts Over \$25,000

(a) Selection Process. Unless exempt from competitive bidding by section 2.04.041, the following competitive bidding procedures shall apply to all contracts ~~over \$25,000.~~

- ~~(1) The initiating department staff will prepare bid specifications and compile a list of potential bidders.~~
- ~~(2) The bid document will be reviewed by the Contracts Division of the Department of General Services and by the general counsel before bids are solicited or advertised, and shall include the contract form to be used.~~
- ~~(3)~~ (1) A request for bids will be advertised in the manner required by law and in a local minority newspaper, and in any appropriate trade magazine.

Additional advertisement may be appropriate depending upon the nature of the contract.

- ~~(4) The initiating department will receive and open sealed bids at the time and place designated in the request for bids.~~
- ~~(5) The opened bids will be reviewed by the requesting department and a recommendation and contract will be submitted to the Contracts Division of the Department of General Services.~~
- ~~(6) After selection and prior to approval, the contract must be reviewed by the Contracts Division of the Department of General Services.~~
- ~~(7) The initiating department will notify all bidders in writing of the contract award and obtain any necessary bonds and insurance certificates.~~
- ~~(8)~~ (2) The district shall reserve the right to reject any or all quotes or bids received.

(b) Approval Process. All initial contracts with a contract price of more than \$25,000 shall be approved and executed by the Executive Officer or Deputy Executive Officer. ~~When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the director of General Services may approve and execute contracts of \$25,000.~~ No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) Within thirty (30) days of award of a construction contract, the ~~Contracts Division of the Department of General Services~~ procurement officer shall provide the notice required by ORS 279.363.

(d) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(e) Prior to the award of a contract to any bidder other than the apparent low bidder the Executive Officer shall obtain the prior approval of the Contract Review Board.

(f) Section 2.04.051 is amended to read:

2.04.051 Personal Services Contracts Under \$2,500

(a) Selection Process. For personal services contracts of less than \$2,500, the department director shall state in writing the need for the contract. This statement shall include a description of the contractor's capabilities in performing the work. Multiple



proposals need not be obtained. ~~This statement will be kept in the Department of Finance and Administration contract file.~~

(b) Approval Process. For personal services contracts of less than \$2,500, the director of the initiating department, or a designee of the director approved by the Executive Officer, may sign contracts if the following conditions are met:

- (1) A standard contract form is used.
- (2) Any deviations to the contract form are approved by the general counsel.
- (3) The expenditure is authorized in the budget.
- (4) The contract does not further obligate district beyond \$2,500.
- (5) The appropriate scope of work is attached to the contract.
- (6) The Contract is for an entire project or purchase; not a portion of a project or purchase which, when complete, will amount to a cost of \$2,500 or more.
- (7) No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(g) Section 2.04.052 is amended to read:

2.04.052 Personal Services Contracts Between \$2,500 and \$25,000

(a) Selection Process. For personal services contracts \$2,500 or more but not more than \$25,000, the department director shall use the following process:

- (1) Proposals shall be solicited from at least three (3) potential contractors who, in the judgment of the department director, are capable and qualified to perform the requested work. Prior to selecting any contractor for a personal services contract greater than \$10,000 but not more than \$25,000, the contracting department shall notify the ~~Department of General Services procurement officer~~ of the nature of the proposed contract, the estimated cost of the contract, and the name of a contact person. The ~~Department of General Services procurement officer~~ shall publish notice of the intent to solicit competitive proposals,

including a summary of the information supplied by the contracting department. No contract selection may be made until at least five (5) days after such publication and after consideration of all proposals received.

- (2) The initiating department shall document the fact that at least three (3) proposals have been solicited. Preferably, the proposals should be written, but this is not required. The district reserves the right to reject any or all proposals for any reason.
- (3) Evaluation, as determined by the department director, may require oral presentations and shall include use of a contractor evaluation form. The objective is the highest quality of work for the most reasonable price. The quality of the proposal may be more important than cost.
- (4) Personal Services Evaluation Form. The personal services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.
- (5) Notification of selection or rejection shall be made in writing after final review by the initiating department.

(b) Review Process. After selection and prior to approval, the contract must be reviewed by the ~~Contracts Division of the Department of General Services~~ procurement officer.

(c) Approval Process. ~~For contracts of \$2,500 or more, either shall be signed by the Executive Officer or Deputy Executive Officer must sign. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the director of general services may sign contracts.~~ No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(d) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(h) Section 2.04.053 is amended to read:

2.04.053 Personal Services Contracts of More than \$25,000

(a) Selection Process. For personal services contracts of \$25,000 or more an evaluation of proposals from potential contractors shall be performed as follows:

- (1) A request for proposals shall be prepared by the initiating department and shall be reviewed by the general counsel and the procurement officer. Where appropriate, notice of the request shall be published in a newspaper of general circulation or in trade magazines. In addition, Metro shall notify in writing at least three (3) potential contractors, who, in the judgment of the department director, are capable and qualified to perform the requested work. The initiating department will be responsible for maintaining the file and making the appropriate notification.
- (2) All requests for proposals shall at a minimum contain a description of the project and a brief summary of the project history, contain a detailed proposed scope of work or other specifications setting forth expected performance by the contractor, include a description of the criteria that will be utilized to evaluate proposals and the estimated budget for the project.
- (3) Evaluations of proposals shall include use of a contract evaluation form. The use of an oral interview or an evaluation team is recommended.
- (4) Personal Services Evaluation Form. The personal services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.
- (5) After evaluation is complete, the department director will recommend final selection ~~through the Contracts Division of the Department of General Services.~~
- (6) Notifications of selection and rejection shall be made in writing by the initiating department.
- (7) Personal services contracts with the scope of work must be approved by the department head and then forwarded to the ~~Contracts Division of the Department of General Services~~ procurement officer for internal review and execution. General counsel review is required.

(b) Approval Process. All initial contracts with a contract price of greater than \$25,000 shall be approved and executed by the Executive Officer ~~or Deputy Executive Officer.~~ When designated in writing to serve in the absence of the Executive Officer ~~or Deputy Executive Officer,~~ the Director of General Services may approve and execute

~~contracts of more than \$25,000.~~ No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(i) Section 2.04.054 is amended to read:

2.04.054 Personal Services Contract Extensions and Amendments

(a) Selection Process

- (1) A personal services contract may be renewed without receiving competitive proposals if the contractor is performing a continuing activity for the agency. This applies, but is not limited to contracts for construction observation, public relations consulting, outside legal counsel and annual auditing. Except as provided in subsection (2) below, competitive proposals must be solicited for these services at least once every three (3) years and annually if the contractor proposes a price or rate increase of more than ten percent (10%) over the previous year.
- (2) Personal services contracts may be renewed, extended or renegotiated without soliciting competitive proposals if, at the time of renewal, extension or renegotiation, there are fewer than three (3) potential contractors qualified to provide the quality and type of services required and the initiating department makes detailed findings that the quality and type of services required make it unnecessary or impractical to solicit proposals.
- (3) In addition to the requirements of this subsection, any contract amendment or extension exceeding \$10,000 shall not be approved unless the Contract Review Board shall have specifically exempted the contract amendment or extension from the competitive procurement procedures of section 2.04.053.

(b) Approval Process

- ~~(1) Less than \$2,500. All contract amendments and extensions which are less than \$2,500 if the contract was originally for \$2,500 or more or which result in a total contract price of less than \$2,500 may be approved by the director of the initiating department or by a designee of the director approved by the Executive Officer if the following conditions are met:~~

- ~~(A) A standard contract form is used.~~
- ~~(B) Any deviations to the contract form are approved by the general counsel.~~
- ~~(C) The expenditure is authorized in the budget.~~
- ~~(D) The contract does not further obligate Metro beyond \$2,500.~~
- ~~(E) The appropriate scope of work is attached to the contract.~~
- ~~(F) No contract amendment or extension may be approved in an amount in excess of the amount authorized in the budget.~~

~~(2) \$2,500 and Over. All personal services contract amendments and extensions which are for \$2,500 or more or which result in a total contract price of more than \$2,500 shall be approved and executed by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the director of Regional Facilities may sign contract amendments and extensions. No contract amendment or extension may be approved for an amount in excess of the amount provided for in the budget.~~

(c) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(j) Section 2.04.090 is amended to read:

2.04.090 Food Items and Food Service Contracts

(a) Selection Process

- (1) All food items and food service contracts will be procured through competitive bidding, except as provided in sections (2) through (5) below.
- (2) Competitive bids or quotes are not required when food items other than those routinely stocked by a Metro department are needed for requested catering services.
- (3) Competitive bids or quotes are not required for fully or partially prepared food items which require:

- (A) The use of a specific recipe provided and/or developed in conjunction with a Metro department; or
- (B) The use of a proprietary recipe or formula which is the property of a vendor.

In the event a procurement is made pursuant to the exception listed in this section (3), the initiating department must document that the food product is within the criteria set out in (3)(A) or (3)(B).

- (4) (A) Purchases of the following food products may be limited to vendors who have been prequalified according to the procedures set out at section (4)(B) below:
  - (i) Groceries, i.e., food items that are purchased in a preserved state (e.g., canned or frozen);
  - (ii) Meat and poultry;
  - (iii) Produce.
- (B) Upon a determination by the Executive Officer that it is in the best interest of Metro to purchase the food products listed in (4)(A) from pre-qualified vendors, the agency may develop a pre-qualified suppliers list. The initiating department shall make reasonable efforts to inform known companies which provide the required food products that a pre-qualification process will be conducted. At a minimum, the initiating department's efforts shall include the publication of an invitation to pre-qualify in at least one (1) newspaper of general circulation, a local minority newspaper and any appropriate trade publications in the area. The invitation to pre-qualify shall specify the deadline for submission of pre-qualification applications; minimum standards which must be met to pre-qualify as a potential supplier; and shall provide an estimate of the quantity of the product which may be required during a designated time period. All vendors who submit the documentation required in the invitation to pre-qualify shall be listed as pre-qualified suppliers of the food products covered by the solicitation unless the agency disqualifies the prospective vendor upon a finding that:
  - (i) The vendor does not have sufficient financial ability to perform the contract;

- (ii) The vendor does not have the equipment available to perform the contract;
- (iii) The vendor does not have key personnel available of sufficient experience to perform the contract; or
- (iv) The vendor has repeatedly breached contractual obligations to public and private contract agencies.

In the event a prospective is disqualified, the agency shall notify the vendor in writing. The notice shall specify the reasons for the disqualifications and shall inform the vendor of its rights to a hearing under ORS 279.043 and 279.045.

Vendors who fail to meet the above criteria during the period covered by the prequalified vendor list may be disqualified from the pre-qualified vendor list.

- (C) Monthly firm price quotes shall be required of all pre-qualified suppliers. Once a pre-qualified vendor list has been created, all food products listed in section (4)(A)(i) through (iii) shall be ordered from the pre-qualified supplier whose products meet the minimum product specification and who submits the lowest price quote for the period covered by the required monthly price quote. In the event the supplier that submits the lowest price quote is unable to provide the ordered products, the food products may be ordered from the supplier whose quote is the next lowest and whose products meet the minimum product specifications.
  - (D) A pre-qualified supplier may be removed from the pre-qualified suppliers list for any of the reasons listed in section (4)(B) above.
  - (E) Pre-qualification lists shall be opened annually for prospective suppliers to submit the documentation required for placement on the pre-qualified suppliers list. Placement on the pre-qualified suppliers list will be for a period of three years, unless a supplier is removed for one of the reasons listed in section (4)(B) above.
- (5) Competitive bids or quotes are not required for food items which the Executive Officer authorize for a market test. A market test is used to determine whether a food item should be added to the district's menu

or to develop the specifications for a particular food item. The test should clearly define the period of time for the market study, not to exceed one (1) year, and the statistical method used to determine the value of the food item as part of the regular menu. A written report shall be made and a copy placed in the district's central contract files. If a market test food item is accepted for regular sales, it will be subject to the appropriate competitive purchase procedures described under section 2.04.090. If a food product identified during a market test fits within one of the product categories identified in subsection (3) above, the food product may be procured without competitive bids or quotes.

(b) Review Process. After selection and prior to approval, the contract must be reviewed by the director of Finance and Administration.

(c) Approval Process

- (1) \$2,500 and Under. All contracts and amendments and extensions which are \$2,500 or less or which result in a total contract price of \$2,500 or less may be approved by the director of the initiating department or by a designee of the director approved by the Executive Officer if the following conditions are met:
  - (A) A standard contract form is used.
  - (B) Any deviations to the contract form are approved by the general counsel.
  - (C) The expenditure is authorized in the budget.
  - (D) The contract does not further obligate the district beyond \$2,500.
  - (E) The appropriate scope of work is attached to the contract.
  - (F) The contract is for an entire project or purchase; not a portion of a project which, when complete, will amount to a cost not greater than \$2,500.
- (2) Over \$2,500. All contracts and amendments and extensions which exceed \$2,500 ~~may shall be approved by either executed by the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive~~



~~Officer, the director of Regional Facilities may sign contracts and amendments and extensions.~~

- (3) Exceptions. Emergency contract extensions and amendments may be approved by the Executive Officer or his/her designee.

(d) All contracts are subject to the rules and procedures of section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

Section 3. Metro Code Section 9.01.070 Emergency Succession is amended to read:

9.01.070 Emergency Succession: In the event of the death of the Executive Officer or the declaration of a vacancy in that office, the ~~Deputy Executive Officer~~ director of the department of administrative services shall immediately take the oath of office and become the Executive Officer until such time as the Council shall fill the vacancy by appointment or a successor shall be elected and qualified. If the ~~Deputy Executive Officer~~ Director of the department of administrative services shall not be qualified or if a vacancy exists in that position, then the ~~Director of Finance and Information~~ chief financial officer shall so serve while continuing to hold the position of ~~Director of Finance and Information~~ chief financial officer. If that position shall also be vacant or the person shall not qualify, then the Council shall in emergency session designate a qualified person to so serve on a temporary basis.

Section 4. Emergency Clause

This ordinance being necessary for the health safety or welfare of the Metro area, for the reason that the administrative reorganization effected by this ordinance will save substantial resources an emergency is declared to exist and this ordinance shall be effective upon adoption by the Council.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

ATTEST:

\_\_\_\_\_  
Recording Secretary

gl  
1229

## STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 95-602 WHICH AMENDS THE METRO CODE TO REFLECT THE NEW ORGANIZATIONAL STRUCTURE CREATED BY THE EXECUTIVE OFFICER, AND DECLARES AN EMERGENCY.

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Date: May 12, 1995

Presented By: Mike Burton

### Background

Key provisions of Ordinance No. 95-602 are as follows:

- It creates the position of Chief Financial Officer, appointed by the Executive and confirmed by the Metro Council.
- It amends the definition of Personnel Director to reflect that the position need not be a department head.
- It restates and clarifies that department directors, the Chief Financial Officer, the Personnel Director and General Counsel are not subject to normal recruitment and application procedures required for other positions.
- It eliminates references to a Deputy Executive Officer and the Department of General Services in the Contract Procedures Code.
- It allows the Executive Officer to delegate the Executive's signature authority for execution of contracts and amendments. (This does not change any requirements for Council authorization of contracts or amendments.)
- It amends the Emergency Succession provisions of the Metro Code to substitute the Director of Administrative Services for the Deputy Executive Officer.

### Recommendation

The Executive Officer recommends Metro Council approval of Ordinance No. 95-602.

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 | FAX 503 797 1797



METRO

DATE: June 5, 1995  
TO: Mike Burton, Executive Officer  
FROM: Cathy Ross, Assistant to the Presiding Officer *CR*  
RE: Transmittal Of Legislation

\*\*\*\*\*

Attached for your consideration is a true copies of Ordinance 95-602A adopted by the Council of June 1, 1995..

Please acknowledge receipt by signing below and returning this memo to me.  
Thank you.

I, *Caryl Kelsey for Mike Burton*, received this memo and true copies of Ordinance No. ~~95-593~~ *602A* from the Assistant to the Presiding Officer June 5, 1995.