

ORDINANCE NO. 1497-24

AN ORDINANCE RELATING TO PUBLIC CONTRACTS; INCREASING CERTAIN PROCUREMENT THRESHOLDS AND CITY MANAGER AUTHORITY TO AWARD CITY CONTRACTS; AND AMENDING TMC CHAPTER 1-21.

WHEREAS, TMC 1-21 contains the City's Public Contracting Rules (the Rules);

WHEREAS, the Tualatin City Council serves as the City's contract review board and contracting agency under Oregon State law;

WHEREAS, the Rules contain the City's purchasing rules, which set out thresholds that specify when: i) the City can select any vendor (direct appointment); ii) the City must informally seek quotes from three vendors (intermediate procurement); or iii) the City must formally advertise a procurement in a trade newspaper (formal procurement);

WHEREAS, the Rules limit the City Manager's authority to award City contracts without first seeking Council authorization; and

WHEREAS, the Tualatin City Council finds that the proposed amendments to the Rules are in the best interest of the City, the business community and the public and work to streamline the procurement process, reduce administrative delays and enable the City to respond more efficiently to community needs.

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. TMC 1-21 is amended to read as follows:

TMC 1-21-070- Public Contracts- Authority of Purchasing Manager.

- (1) *General Authority.* The City Manager shall be the Purchasing Manager for the City and is authorized to issue all solicitations and to award all City contracts for which the contract price does not exceed ~~\$150,000.00~~ **\$250,000.00**. Subject to this chapter, the Purchasing Manager may adopt and amend all solicitation materials, contracts and forms required or permitted to be adopted by contracting agencies under the Oregon Public Contracting Code or otherwise convenient for the City's contracting needs. The Purchasing Manager shall hear all solicitation and award protests.

TMC 1-21-080- Public Contracts Definition.

Intermediate Procurement means a procurement of goods or services exceeding ~~\$5,000.00~~ **\$25,000.00** but not exceeding ~~\$150,000.00~~ **\$250,000.00**.

TMC 1-21-100 Contracts up to ~~\$5,000.00~~ **\$25,000.00.**

For contracts of any type for which the contract price does not exceed ~~\$5,000.00~~ **\$25,000.00**, the Solicitation Agent may use any method that the Solicitation Agent deems appropriate to the City's needs, including direct appointment or purchase, without a record of the method of award.

TMC 1-21-110- Solicitation Methods for Classes of Contracts.

- (3) *Personal Services Contracts.* Except as otherwise provided in these rules, personal services contracts may be awarded in the same manner as contracts for services under ORS 279B.050 and 279B.060 to 279B.085.

(b) Contracts for personal services for which the estimated contract price does not exceed ~~\$100,000.00~~ **\$250,000.00** may be awarded using an informal solicitation for proposals. When informal solicitation is used under this subsection for personal services, the Solicitation Agent shall consider, but not be limited to, the person's (or persons'):

- (i) Professional expertise;
- (ii) Experience related to the particular type of work for that contract;
- (iii) Experience in working with public entities;
- (iv) History of completing such tasks in a timely manner;
- (v) Ability to work with the employees and groups involved in the project; and
- (vi) Price of services.

(c) Contracts for personal services for which the estimated contract price does not exceed ~~\$150,000.00~~ **\$250,000.00** may be awarded by direct appointment without competition from a Qualified Pool.

(d) Contracts for which the Solicitation Agent estimates that payments will not exceed ~~\$20,000.00~~ **\$25,000.00** in any fiscal year may be awarded under any method deemed in the City's best interest by the Solicitation Agent, including by direct appointment.

(e) Personal Service Contracts of not more than ~~\$100,000.00~~ **\$250,000.00** for the continuation of work by a contractor who performed preliminary studies, analysis or planning for the work under a prior contract may be awarded without competition if the prior contract was awarded under a competitive process and the Purchasing Manager determines that use of the original contractor will significantly reduce the costs of, or risks associated with, the work.

(5) *Contracts for Goods and Services.*

(b) Intermediate Procurements up to ~~\$150,000.00~~ **\$250,000.00**. The procurement of goods or services, or goods and services, for which the estimated contract price does not exceed ~~\$150,000.00~~ **\$250,000.00**, may be made under an informal solicitation for either quotes or proposals. A procurement may not be artificially divided or fragmented so as to constitute an intermediate procurement under this section.

(6) The following classes of contracts may be awarded in any manner that the Solicitation Agent deems appropriate to the City's needs, including by direct appointment or purchase. Except where otherwise provided, the Solicitation Agent shall make a record of the method of award.

(d) Contracts of any type for which the contract price does not exceed ~~\$5,000.00~~ **\$25,000.00** without a record of the method of award.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 3. All other provisions and subsections of TMC 1-21 shall remain unchanged and in full force and effect.

Section 4. Effective Date. As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

INTRODUCED AND ADOPTED this 9th day of December, 2024.

CITY OF TUALATIN, Oregon

BY _____
Mayor

ATTEST:

BY: _____
City Recorder

APPROVED AS TO FORM:

BY: _____
City Attorney