



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: April 1, 2024		Subject: Public Contracting Code Update	
		Staff Member: Stephanie Davidson, Assistant City Attorney	
		Department: Legal	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments:	
Staff Recommendation: Council provide direction regarding information desired in quarterly reports of certain contracting activity.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

An informational session to request direction regarding information desired in quarterly reports of certain contracting activity.

EXECUTIVE SUMMARY:

The Legal Department is currently working to update the City’s public contracting program, and related portions of City Code. The Legal Department has presented to City Council during work sessions on February 22 and March 18 of this year.

As a result of feedback received from City Council during these work sessions, the Legal Department has drafted proposed revisions to City Code and proposed administrative rules that would have the following effect.

1. The City Manager could engage in the following contracting activity without City Council’s approval, all of which currently require City Council approval:
 - a. Contracting activity that has a value of between \$100,000 and \$250,000;
 - b. Procurement activity that is not a Public Contract (e.g., grants and Intergovernmental Agreements) involving consideration of less than \$100,000; and,
 - c. Contract amendments that would result in an increase in the contract’s aggregate value of between 15% and 25%.
2. The City Manager would provide a report to City Council providing a list and brief description of the contracts described above at least once per quarter.

The Legal Department seeks direction from City Council regarding the desired content and level of detail of this report. Attachment 1 to this staff report shows excerpts of the data that the Legal Department currently tracks with respect to contracts that it works on.

EXPECTED RESULTS:

The Legal Department will incorporate City Council’s preferences into the proposed draft administrative rules to ensure that it receives the information it seeks in these reports.

TIMELINE:

These are the deadlines applicable to this project:

- May 6, 2024: Public hearing and first reading of an updated Public Contracting Code, and first reading of the proposed administrative rules.
- May 20, 2024: Second reading of an updated Public Contracting Code.

CURRENT YEAR BUDGET IMPACTS:

N/A

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Incorporating the requested feedback into the proposed administrative rules will ensure that City Council stays informed regarding the contracting activity that the City Manager will soon be empowered to engage in without City Council’s prior review and approval.

ALTERNATIVES:

Include a relatively vague reporting standard in the proposed administrative rules.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Excerpt of the Legal Department's contract activity tracking spreadsheet.

**Attachment 1 to Staff Report
Excerpt of the Legal Department’s Contract Activity Tracking Spreadsheet**

File #	Contract Type	Project Name	CIP #	Contractor/ Consultant
241780	GSK	Building Department Scanning	0	Modus Technology Incorporated, a Washington corporation
241790	CK	Willow Creek Median Landscape Improvement	0	Trademark Landscapes, Inc., an Oregon corporation

Process Date	Project Manager	Department	Atty	Effective Date	End Date	Pricing Type	Contract Amount	COI Expires	Expires	Contract Subtotals
8/15/23	Dan Carlson	Building	AG	9/1/23	6/30/24	tm, nte	\$19,000.00	9/18/23	4/24/24	
8/17/23	Daniel Pauly	Planning	AG	8/28/23	12/31/23	tm, nte	\$7,735.00	7/1/24	3/25/25	

Brief explanation of column headings:

- **File #:** This column reflects the file number the Legal Department uses to track each contract.
- **Contract Type:** This column represents the type of contract or document, such as Goods and Services Contract, Professional Services Agreement, Construction Contract, Small Purchases Contract, Cooperative Procurement Contract, Contract Amendment, or Request for Proposals.
- **Project Name:** This is the name of the project, as provided by requesting City staff.
- **CIP #:** Related Capital Improvement Project number, if applicable.
- **Contractor/Consultant:** Name of entity contract is awarded to.
- **Process Date:** Date the Legal Department begins processing the contract request.
- **Project Manager:** Name of the City’s project manager.
- **Department:** Title of the City department requesting the contract.
- **Atty:** Initials of the attorney who reviews the contract and later signs the contract Reviewed as to Form.
- **Effective Date:** Effective date of the contract.
- **End Date:** Completion date of the contract.
- **Pricing Type:** Pricing type for the contract, such as fixed price, unit price, or time and materials, not to exceed.
- **Contract Amount:** Total contract price.
- **COI Expires:** Insurance expiration date shown on received Certificate of Insurance.
- **Expires:** Additional expiration date shown on Certificate of Insurance, if applicable. For example, workers compensation coverage may have a different expiration date than the general liability policy.
- **Contract Subtotals:** This column is used to indicate the contract total when an amendment changes the original contract sum.