

Attachment 1 to Staff Report

Proposed Amended and Restated City Public Contracting Code

2.308. Short Title

WC 2.308 through 2.312 may be cited as the City of Wilsonville's "City Public Contracting Code."

2.309. Definitions

- (1) "City" or "Wilsonville" means the City of Wilsonville, Oregon.
- (2) "City Council" means the Council of the City of Wilsonville, Oregon.
- (3) "City Manager" means the City of Wilsonville City Manager or designee.
- (4) "Oregon Public Contracting Code" means Oregon Revised Statutes chapters 279A, 279B, and 279C. Unless specifically defined below, terms used in the City Public Contracting Code shall have the meaning set forth in the Oregon Public Contracting Code.
- (5) "Model Rules" means the rules of procedure prepared and maintained by the Oregon Attorney General pursuant to ORS 279A.065, which are currently numbered Divisions 47 through 49 of Chapter 137 of the Oregon Administrative Rules, as may be amended or renumbered from time to time.

Commented [SD1]: New language

2.310. Local Contract Review Board.

- (1) Designation. The Wilsonville City Council is designated as the Local Contract Review Board under the Oregon Public Contracting Code.
- (2) Authority.
 - a. In its capacity as the Local Contract Review Board, the Wilsonville City Council shall have all the powers and authority granted under the Oregon Public Contracting Code, including, but not limited to the power to:
 - i. Require any notice publication beyond what is required under the Oregon Public Procurement Code or Model Rules;
 - ii. Require pre-qualification for persons desiring to bid for public improvement contracts;
 - iii. Grant exemptions from the bid security and performance bond required on contracts for public improvements; or
 - iv. Make alternate arrangements for retainage pursuant to the Oregon Public Contracting Code.
 - b. In its capacity as the Local Contract Review Board, the Wilsonville City Council, from time to time, may delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Model Rules, or the Wilsonville Public Contracting Code.
 - c. In its capacity as the Local Contract Review Board, the Wilsonville City Council is authorized to adopt rules necessary to carry out the City of Wilsonville's Public Contracting Code.
- (3) Rules of Procedure.
 - a. WC 2.003 will govern proceedings of the Local Contract Review Board, *except that*: (i) the Mayor will serve as the chair of the Local Contract Review Board, and (ii) the chair of the Local Contract Review Board will preside over meetings of the Local Contract Review Board, and in

Commented [SD2]: Moved and slightly reworded. Currently in WC 2.318(3).

Commented [SD3]: New language inspired by what other similar jurisdictions have in their code.

the absence of the chair, the line of succession will be the same as the line of succession that applies to City Council.

- b. A violation of the rules of procedure in WC 2.003 may not be considered a basis for challenging the validity of any decision by the Local Contract Review Board.
- c. Routine business of the Local Contract Review Board may be conducted on the consent agenda of a regularly schedule City Council Meeting.

2.311. Application of State Law.

- (1) The City's Procurement Activities must be conducted in accordance with the rules of procedure set forth in the Oregon Public Contracting Code, Model Rules, the City Public Contracting Code, and all City policies and rules.
- (2) In the event of a conflict between any provision of the Model Rules and the City Public Contracting Code, the provisions of the City Public Contracting Code shall control.

2.312. Administrative Authority.

- (1) City Manager. The City Manager is authorized to engage in the following Procurement activity without City Council's prior approval:
 - a. Approve any Public Contracting activity so long as: (i) the aggregate contract price does not exceed [\$250,000]; and, (ii) the expenditure is within an approved budget;
 - b. Approve any Procurement activity that is not a Public Contract so long as: (1) the aggregate consideration to be paid by any party under the contract or agreement does not exceed [\$100,000]; and (ii) any expenditure to be incurred by the City is within an approved budget;
 - c. Execute one or more change orders or contract amendments that: (i) are reasonably related to the scope of work under the original contract, (ii) together have an aggregate value not exceeding [25] percent of the original contract value, and (iii) is within the approved project budget;
 - d. Extend or renew a contract so long as the total contract value, after the renewal term, does not exceed the amount stated in Sections 2.312(1)(a) or 2.312(1)(b), or, if amended, the amount stated in Section 2.312(1)(c);
 - e. Adopt forms, procedures, and administrative policies applicable to City Procurement or Public Contracting activities; or,
 - f. The City Manager may delegate the City Manager's powers and responsibilities consistent with the Oregon Public Contracting Code, the Model Rules, or the Wilsonville Public Contracting Code.
- (2) Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, and Land Surveying Services. Procurement of architectural, engineering, photogrammetric mapping, transportation planning, and land surveying services, and related services requires the following approval:
 - a. A contract with a value of less than or equal to [\$150,000] requires the prior approval of the Community Development Director, and
 - b. A contract with a value of between [\$150,000.01 and \$250,000] requires the prior approval of the City Manager.

Commented [SD4]: Currently WC 2.319. Provision has been adjusted. Current language references the Oregon Public Contracting Code and says that in the event of conflict, our code will control; we cannot supersede the Oregon Public Contracting Code.

Commented [SD5]: Content currently in WC 2.312(2), and 2.313(1).

Commented [SD6]: Proposed number for City Council to confirm.

Commented [SD7]: New provision for City Council to consider.

Commented [SD8]: Proposed number for City Council to confirm.

Commented [SD9]: Important clarification to term "contract price" – this term is ambiguous and could mean the aggregate price, including all amendments, or original contract value.

Commented [SD10]: Proposed number for City Council to confirm. Corresponds to signing authority revisions being considered by the City Manager.

Commented [SD11]: Proposed number for City Council to confirm. Corresponds to signing authority revisions being considered by the City Manager.

Commented [SD12]: Currently in WC 2.312(7).