

RESOLUTION NO. 12-03

**RESOLUTION OF THE LOCAL CONTRACT REVIEW BOARD ADOPTING
PUBLIC CONTRACTING RULES**

WHEREAS, the City Council of the City of Scappoose (“City”) serves as the City’s Local Contract Review Board (“LCRB”), and

WHEREAS, amendments to Oregon’s Public Contracting Code taking effect January 1, 2012, require certain rules to be adopted by the City’s Local Contract Review Board in order to authorize adopting of required public contracting rules;

NOW, THEREFORE, BE IT RESOLVED, that the LCRB adopts the following rules:

1. **Electronic Advertising.** Pursuant to ORS 279C.360 and ORS 279B.055, electronic advertisement of public contracts in lieu of newspaper publication is authorized when it is cost-effective to do so. The City Manager or designee shall have the authority to determine when electronic publication is appropriate, and consistent with the City’s public contracting policies.

2. **Personal Services.** Pursuant to ORS 279C.100(5), “Personal Services” is defined as follows:

“‘Personal Services’ shall be defined to include those services that require technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include, but are not limited to: architects; engineers; land surveyors; photogrammetrists; transportation planners; attorneys; accountants; auditors; computer programmers; artists; designers; performers; and consultants.”

3. **Appeals.** Pursuant to ORS 279B.425(5), the process for hearing appeals of prequalification or debarment decisions shall be as provided in ORS 279B.425, and as follows:

- a. Notices shall be submitted in writing to the City Manager. Appeals filed after the filing period stated in ORS 279B.425 shall not be heard.
- b. Upon opening of the hearing, City staff shall explain the City’s decision being appealed and the justification thereof. The appellant shall then be heard. Time for the appellant’s testimony shall be established by the Mayor. The appellant may submit any testimony or evidence relevant to the decision or the appeal. Any

party requesting time to testify in support of the appeal shall then be heard, subject to time limits established by the Mayor.

- c. Once all testimony and evidence in support of the appeal is heard, any party requesting time to testify in support of the City's decision shall be provided time to be heard, with time limits established by the Mayor. Any party testifying in opposition to the appeal may submit any testimony or evidence relevant to the decision or the appeal. Once all testimony in opposition to the appeal has been heard, the appellant may request time to provide rebuttal testimony. At the conclusion of the rebuttal testimony, if any, the Mayor shall close the hearing.
- d. When issued in writing according to the requirements of ORS 279B.425, the LCRB's decision and order shall be final.

4. **Federal Catalogue Procurements.** Subject to applicable Council approval requirements stated in the City's Contracting Rules, the City may purchase goods from federal catalogues without competitive bidding when the procurement is pursuant to 10 USC 381, the Electronic Government Act of 2002 (Public Law 107-347). Purchases under other federal laws will be permitted upon a finding by the Local Contract Review Board that the law is similar to such Act in effectuating or promoting transfers of property to contracting agencies.

APPROVED AND ADOPTED on January 3, 2012.



Mayor Scott Burge

ATTEST:



Susan Reeves, CMC, City Recorder