

**PROSPER PORTLAND
ACTING IN ITS CAPACITY AS THE LOCAL CONTRACT REVIEW BOARD**

Portland, Oregon

RESOLUTION NO. 7510

**ADOPTING AMENDMENTS TO LOCAL CONTRACT
REVIEW BOARD ADMINISTRATIVE RULES**

WHEREAS, on April 8, 1987, the Prosper Portland Board of Commissioners (“Board”) through Resolution No. 3550 designated the governing body of Prosper Portland (formerly the Portland Development Commission) as the Local Contract Review Board for Prosper Portland pursuant to State law;

WHEREAS, on August 24, 2011, the Prosper Portland Board, acting as the Local Contract review Board, through Resolution No. 6904 established the Local Contract Review Board Administrative Rules (“Administrative Rules”); and

WHEREAS, Senate Bill 1047 (2023) amended certain provisions of the Oregon Revised Statutes related to the value of public contracts that qualify for streamlined procurement processes and Prosper Portland desires to update the Administrative Rules to track those amendments;

NOW, THEREFORE, BE IT RESOLVED, that the Local Contract Review Board hereby adopts the amendments to the Administrative Rules, attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that with the affirmative vote of no less than four commissioners for this resolution, this resolution will become effective immediately upon its adoption, and otherwise it will take effect thirty days after adoption.

Adopted by the Prosper Portland Commission on December 13, 2023



Pam Feigenbutz, Recording Secretary

EXHIBIT 1
Resolution 7510

The following amendments are made to the Local Contract Review Board (LCRB) Administrative Rules for Prosper Portland, to become operative on January 1, 2024. Text to be deleted is indicated [~~in brackets, italicized and struck through~~], and text to be added is indicated **in bold and underlined**.

1. All references in the LCRB Administrative Rules to the “Portland Development Commission” or “The Commission” are hereby amended to reference Prosper Portland.
2. “Part 1: Generally Applicable Rules, Section II. DEFINITIONS” is amended as follows:
 - a. Section DD. Formal Procurement: Any procurement for Goods or Services, **for a Public Improvement, or for Personal Services** exceeding [~~\$100,000 awarded in accordance with Formal Procurement procedures~~] **the monetary limit for an Intermediate Procurement.**
 - b. HH. Intermediate Procurement: Any procurement for [~~goods or services exceeding \$5,000 but not exceeding \$100,000 awarded in accordance with Intermediate Procurement procedures~~] **Goods or Services described in ORS 279B.070(1), for a Public Improvement described in ORS 279C.335(1)(d), or for Personal Services not exceeding \$250,000.**
 - c. HHH. Small Procurement: Any procurement [~~of goods or services not exceeding \$5,000 that may be awarded in any manner deemed practical or convenient~~] **for Goods or Services described in ORS 279B.065(1), for a Public Improvement described in ORS 279C.335(1)(c), for Personal Services described in ORS 279C.110(10), or for any other type of Personal Services not exceeding \$25,000.**
3. “Part 2: Public Contracts, Section II. SOLICITATION PROCEDURES FOR PUBLIC CONTRACTS” is amended as follows:
 - a. C. Record of Selection Method: The Purchasing Manager shall keep a written record of the method used to award every Public Contract [~~over \$5,000.00~~] **exceeding the limit for a Small Procurement** and the basis of the award.
 - b. F. Procedures for Small Procurement [~~not Exceeding \$5,000~~]. **Small Procurement** Contracts [~~for which the estimated Contract Price does not exceed \$5,000~~] may be awarded pursuant to the following Solicitation method:
 1. Solicitation is not required, although it is encouraged.
 2. If an original Contract [~~does not exceed \$5,000~~] **qualifies as a Small Procurement**, but it is anticipated that Amendments or Change Orders increasing the value of the Contract will be negotiated, the selection of a Contractor to perform such Work shall be guided by the appropriate process for the anticipated expenditure level.
 3. Sections G through GG of this Part 2 do not apply to small procurements.

- c. G. Procedures for Intermediate Procurement [~~between \$5,000 and \$100,000~~]. **Intermediate Procurement** Contracts [~~for which the estimated Contract Price is above \$5,000 and does not exceed \$100,000~~] may be awarded using one of the following two informal Solicitation methods.

1. [~~\$5,000—\$25,000~~]**\$25,001 - \$50,000**: Verbal or written solicitation to a minimum of three (3) viable firms. A written record of all firms solicited and Quotes received shall be maintained. 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 Quote.

2. [~~\$25,001—\$100,000~~]**\$50,001 - \$250,000**: Solicitation to a minimum of three (3) viable firms based on written requirements or Scope of Work. The response to the solicitation shall be in writing. A written record of all firms solicited and Quotes received shall be maintained. 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.

- d. H. Procedures for Formal Procurement [~~Greater than \$100,000~~]. **Formal Procurement** Contracts [~~for which the estimated Contract Price above \$100,000~~] may be awarded pursuant to the following Solicitation method:

1. Time, Manner and Place of Advertisement for Bids.

a. An advertisement for Bids shall be published at least once in at least one newspaper of general circulation in the Portland area and in additional publications as the Purchasing Manager may determine to be necessary or desirable to encourage competition and participation;

b. The last publication date of the advertisement in any publication shall be at least five (5) Days prior to any Bid closing and two (2) Days prior to any pre-solicitation conference; and

c. A copy of each Bid notice shall be posted on the [~~Commission~~] **Prosper Portland** web site and a Hard Copy shall be made available upon request.

d. If the Purchasing Manager determines that electronic advertisement is likely to be cost-effective, nothing in these Rules shall be deemed to prevent [~~the Commission~~] **Prosper Portland** from satisfying the advertisement requirements by publishing an advertisement electronically.

2. Content of Advertisement for Formal [~~Solicitations~~] **Procurements**. The advertisement shall provide the following information to prospective Bidders:

a. The date and time after which bids will not be received. If the Solicitation is for a Public Improvement [~~with an estimated Contract price of more than \$100,000~~], the Solicitation closing shall be on a Tuesday, Wednesday or

Thursday between 2 p.m. and 5 p.m. unless the Solicitation is for the construction of highways, bridges or other transportation facilities;

b. The time, date and place that prequalification applications shall be filed in accordance with these Rules and the class or classes of Work for which Bidders shall be prequalified, if prequalification is a requirement;

c. The character of the Work to be done, the Services to be provided or the material or thing to be purchased;

d. Policy and program compliance to include Business and Workforce Equity Programs requirements, if any;

e. The date, time and place of the pre-solicitation conference, if any;

f. The manner in which copies of the Solicitation Documents may be obtained and the address of the office where the specifications may be reviewed or obtained;

g. The name and title of the person designated for receipt of bids;

h. The address where offers shall be submitted; and

i. The date, time and place that [~~the Commission~~] **Prosper Portland** will publicly open the bids.

4. "Part 3: Personal Service Contracts, Section III. SOLICITATION PROCEDURES FOR PERSONAL SERVICE CONTRACTS" is amended as follows:

a. B. Procedures for Small **Procurement** Personal Services Contracts [~~not Exceeding \$5,000~~].

1. Solicitation is not required, although it is encouraged.

2. If an original Contract [~~does not exceed \$5,000~~] **qualifies as a Small Procurement**, but it is anticipated that Amendments increasing the value of the Contract will be negotiated, the selection of a Contractor to perform such Work shall be guided by the appropriate process for the anticipated expenditure level.

b. C. Procedures for Intermediate **Procurement** Personal Services Contracts [~~between \$5,000 and \$100,000~~]. **Intermediate Procurement Personal Service** Contracts [~~for which the estimated Contract Price does not exceed \$100,000~~] may be awarded using one of the following two (2) informal Solicitation methods:

1. [~~\$5,000 – \$25,000~~] **\$25,001 - \$50,000**: Verbal or written solicitation to a minimum of three (3) viable firms. A written record of all firms solicited and Quotes received shall be maintained. If three Quotes are not available, a lesser number will suffice, provided that a written record is made of the effort to obtain the Quote.

2. [~~\$25,001 – \$100,000~~]**\$50,001 - \$250,000**: Solicitation to a minimum of three (3) viable firms based on written requirements or scope of Work. The response to the solicitation shall be in writing. A written record of all firms solicited and Quotes received shall be maintained. 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.

- c. D. Procedures for Formal **Procurement** Personal Services Contracts [~~Greater than \$100,000~~]. **Formal Procurement Personal Service** Contracts [~~for which the estimated Contract Price is more than \$100,000~~] may be awarded pursuant to the following Solicitation method:

1. Solicitation. Solicitation for Proposals shall follow a formal and structured process designed to permit and encourage competition from a maximum number of participants.

2. Request For Proposals. A written Request For Proposal (RFP) shall be prepared, and provide the following information as appropriate:

a. Relevant information on the project;

b. An explanation of the professional Services to be provided by the Contractor, the agencies and groups or individuals involved, and the timing of project phases and deadlines;

c. An outline of the project management structure and the support or resources to be provided by [~~the Commission~~] **Prosper Portland**, if any;

d. The manner in which a Proposal and any other required information should be submitted;

e. A description of the basis, criteria and process for evaluating the RFP responses;

f. Information on Contract requirements;

g. Policy and program compliance, including Business and Workforce Equity Program requirements, if any;

h. The date, time and location of a pre-Proposal conference, if any, and the date and time by which Proposals shall be received in order to be considered;

i. The deadline for clarifications and the final Addendum; and

j. The address of the office where Proposals should be delivered, and the name of the person to contact regarding the RFP.

5. “Part 4: Public Improvement Contracts, Section II. SOLICITATION PROCEDURES FOR PUBLIC IMPROVEMENT CONTRACTS” is amended as follows:

- a. B. Applicability of Public Contract Solicitation Procedures. Solicitation procedures for a Public Improvement Contract generally adhere to the procedures described in Part 1 Section III (“Exemptions”) and Part 2 Section II (“Solicitation Procedures for Public Contracts”) of the administrative rules, with the following special provisions:

1. Emergency Contracts. The waiver of performance bonds and payment bonds as set forth in the Emergency declaration described in Part 1, Section III, Subsection C, Item 4 does not affect the separate Public Work bond requirement for the Bureau of Labor and Industries (BOLI) in enforcing prevailing wage rate and overtime payment requirements.

2. Exemption from Competitive Bidding for Public Improvement Contracts. [~~The Executive Director within the delegated authority may exempt Public Improvement Contracts not to exceed \$100,000 from the competitive bidding process if it makes written findings that satisfy the requirements set forth in Part 1, Section III, Subsection C, Item 2.~~] The Board may exempt **Formal Procurement** Public Improvement Contracts [~~with a value greater than \$100,000~~] from the competitive bidding process if it makes written findings that satisfy the requirements set forth in Part 1, Section III, Subsection C Item 1 and as set forth in ORS279C.330; and, [~~the Commission~~] **Prosper Portland** shall hold a public hearing before final adoption of the findings, according to the following procedures:

a. Notification of the public hearing shall be published in at least one trade newspaper of general statewide circulation at least fourteen (14) Days prior to the hearing;

b. The Notice shall state that the public hearing is for the purpose of taking comments on [~~the Commissions~~] **Prosper Portland’s** draft findings for an exemption from the competitive bidding requirement. At the time of the notice, copies of the draft findings shall be made available to the public. (See ORS 279C.335 for additional procedural, Emergency and notice/publication options, which are not in any way limited by these Rules);

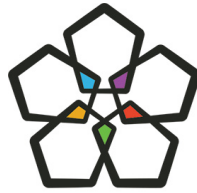
c. At the public hearing, [~~the Commission~~] **Prosper Portland** shall offer an opportunity for any interested party to appear and present comment;

d. The Board will consider the findings and may approve the exemption after providing an opportunity for public comment; and

e. Pursuant to ORS 279C.355 [~~the Commission~~] **Prosper Portland** will prepare a formal post-project evaluation of public improvement projects in excess of \$100,000 for which the competitive process was

not used. The purpose of this evaluation is to determine whether it was actually in [~~the Commission's~~] **Prosper Portland's** best interest to use an alternative contracting method. The evaluation shall be delivered to the Board within thirty (30) Days of the date [~~the Commission of receipt of~~] **that Prosper Portland receive** all closeout documents and [~~the Commission~~] **Prosper Portland** issues Notice of final acceptance of the project for a single project or the last project in a class of projects. The evaluation shall include but not be limited to the following:

- i. The actual project cost as compared with the original project estimates;
- ii. The amount of any guaranteed maximum price;
- iii. The number of project change orders issued by [~~the Commission~~] **Prosper Portland**;
- iv. A narrative description of successes and failures during design, engineering and construction;
- v. An objective assessment of the use of the alternative contracting process as compared to the exemption findings as approved by the Board.



**PROSPER
PORTLAND**
Building an Equitable Economy

RESOLUTION NO. 7510

RESOLUTION TITLE:

ADOPTING AMENDMENTS TO LOCAL CONTRACT REVIEW BOARD ADMINISTRATIVE RULES


Adopted by the Prosper Portland Commission on December 13, 2023

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Chair Gustavo J. Cruz, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Marcelino J. Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner William Myers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Michi Slick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Commissioner Serena Stoudamire Wesley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Regular Agenda				

CERTIFICATION

The undersigned hereby certifies that:

The attached resolution is a true and correct copy of the resolution as finally adopted at a Board Meeting of the Prosper Portland Commission and as duly recorded in the official minutes of the meeting.

	Date: December 14, 2023
Pam Feigenbutz, Recording Secretary	