

## **EXHIBIT A: PORTLAND CITY CODE CONTRACT RULES**

Substantive Rule Changes  
for PCC 5.33 and 5.34 (2007)

### **I. PCC 5.33 (Goods and Services)**

#### **Changes applicable to entire Chapter**

- Renumbers some statutory references to conform to new legislation (HB 2140)
- Corrects typographical errors where required
- Corrects federal statutory citations as a result of change of federal law

#### **5.33.010 Definitions**

- New definition of “goods” to conform to new legislation (HB 2140, § 1)
- Revises definition of “goods and services” to conform to new legislation (same)

#### **5.33.030 Application of Purchasing Code**

- Revises definitions of contracts not subject to the contracting rules to conform to new legislation (HB 2140, § 2)

#### **5.33.040 Authority of Purchasing Agent**

- Clarifies that Purchasing Agent may forward contract to City Council even if Agent has authority to approve
- Adds provision to allow Purchasing Agent to approve IGAs without Council approval if they involve payment or an exchange of services worth \$5,000 or less

#### **5.33.070 Purchasing Goods, Services and Public Improvements from City Employees.**

- Corrects and reinstates policy regarding purchasing from city employees inadvertently changed during previous code amendments.

#### **5.33.130 Emergency Procurements**

- Clarifies that the directors of a city “office” (such as the Office of Transportation) or department may declare an emergency (current language refers only to “bureaus”)
- Adds section about competition for emergency construction services to conform to new legislation (HB 2140, § 6a)

#### **5.33.135 Declaration of State of Emergency**

- New section on Mayor’s procurement powers during State of Emergency to conform to City Charter and state law requirements

**5.33.140; 5.33.150; 5.33.170 Cooperative Purchasing**

- Conforms language to new legislation; differentiate between IGAs and cooperative purchasing (HB 2140, § 4)

**5.33.220 Special Procurements**

- Adds web-based advertisements to list of class special procurements
- Adds new language regarding adoption of “special procurements” to conform to new legislation (HB 2140, § 7)
- Deletes duplicative paragraph regarding hazardous material cleanup
- Confirms that contract subject to “special procurement” competition shall be awarded to the offer most advantageous to the City (HB 2140 § 7)

**5.33.530 Debarment of Prospective Offerors**

- Revises debarment of contractors to conform to new legislation (HB 2140 § 8)

**5.33.750 Protests of Other Violations**

- Clarifies timeline for protests (10 days)

**II. PCC 5.34 CONSTRUCTION**

**5.34.020 Application and Authority**

- Clarifies that emergency contracts for construction services are governed by Chapter 5.33 and ORS 279B, as required by state law (HB 2140, § 13)

**5.34.060 Contracts for Construction other than Public Improvements**

- Deletes redundant reference to emergency contracts

**5.34.110 Emergency Contracts:**

- Deletes language in Section B as a result of new legislation (HB 2140, § 14)
- Adds language in Section K to correspond to new legislation (HB 2140 § 14) regarding emergency contracting.

**5.34.150 Competitive Bidding requirements**

- Deletes language to correspond to new legislation regarding bidding of transportation projects (HB 2140 § 15)

#### **5.34.160 Intermediate Procurements**

- Revises to conform to new legislation, allowing transportation projects up to \$100,000 be acquired by competitive quotation rather than sealed bid (HB 2140, § 14)
- Revises to reflect the correct amount (\$50,000) before prevailing wages are required

#### **5.34.410 Bid or Proposal Security**

- Deletes language regarding mandatory bid security for transportation projects below \$100,000 to conform city practice to other construction projects

#### **5.34.450 Offer Submissions.**

- Clarifies and makes consistent with section 5.33 that bids and proposals are “firm” offers

#### **5.34.610 Offer Evaluation and Award**

- Clarifies that City may award multiple contracts when specified in the Invitation to Bid (ITB) or Request for Proposals (RFP); conforms to AG rules.

#### **5.34.690 Performance and Payment Security**

- Deletes requirement for performance and payment bonds on transportation projects from \$50,000 - \$100,000 to conform to other city construction contracts.

#### **5.34.830 Findings, Notice and Hearing**

- Adds language in Section A to correspond to new legislation (HB 2140 § 14).
- Adds language in Section C to correspond to new legislation (HB 2140 § 15).

#### **5.34.920 Retainage**

- Deletes language regarding bonds and securities to conform rules to state law.

#### **5.34.940 Public Works Contracts**

- Amends language in Section B to correspond to new legislation (HB 2021).