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CITY OF PORTLAND

OFFICE OF MANAGEMENT AND FINANCE

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**FOR MAYOR'S OFFICE USE
ONLY**

Reviewed by Bureau Liaison _____

DATE: December 11, 2009

TO: Mayor Sam Adams

FROM: Christine Moody

RE: *Update Purchasing Code to conform to new state law and make technical corrections. (Ordinance; replace Code Chapters 5.33 and 5.34)

1. **INTENDED THURSDAY FILING DATE:** December 31, 2009
2. **REQUESTED COUNCIL AGENDA DATE:** January 6, 2010
3. **CONTACT NAME & NUMBER:** Christine Moody ~ 823-1095
4. **PLACE ON:** CONSENT REGULAR
5. **BUDGET IMPACT STATEMENT ATTACHED:** Yes No N/A
6. **THREE (3) ORIGINALS OF CONTRACT "APPROVED AS TO FORM" BY CITY ATTORNEY ATTACHED:** Yes No N/A

7. BACKGROUND/ANALYSIS:

In the 2009 the Oregon Legislature passed HB 2867 which revises portions of ORS Chapters 279A, 279B and 279C collectively know as the "Public Contracting Code." Some of these changes take effect January 1, 2010. The City must now revise its contracting rules as found in City Code Chapters 5.33 and 5.34 to conform to the new legislation and adds clarity to the Purchasing Code for both outside vendors and City staff. If the code changes are not adopted, some of the Attorney General Model Rules, which are directed more to state agencies than municipal governments, would apply by default. The rule changes include among other things a feasibility and cost analysis requirement before conducting a procurement that pertains exclusively for services other than professional services and which is estimated to exceed \$250,000.

Legal issues - none known**Controversial issues** - none known**Citizen participation** - none**Link to current city policies** - none**Other governmental participation** - none**8. FINANCIAL IMPACT:**

There will be no financial impact from the enactment of these City code changes. Procurement Services rates the level of confidence as optimal.

9. RECOMMENDATION/ACTION REQUIRED:

Accept recommendation to update Purchasing Code to conform to new state law and make technical corrections.

An Equal Opportunity Employer

To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.

FINANCIAL IMPACT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator CHRISTINE MOODY	2. Telephone No. 503.823.1095	3. Bureau/Office/Dept. Bureau of Internal Business Services (BIBS), Procurement Services
4a. To be filed (date) 12/31/2009	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>	5. Date Submitted to FPD Budget Analyst: 12/22/2009

1) Legislation Title:

*Update Purchasing Code to conform to new state law and make technical corrections. (Ordinance; replace Code Chapters 5.33 and 5.34)

2) Purpose of the Proposed Legislation:

In the 2009 the Oregon Legislature passed HB 2867 which revises portions of ORS Chapters 279A, 279B and 279C collectively know as the "Public Contracting Code." Some of these changes take effect January 1, 2010.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.

N/A

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required)

No costs will result from this legislation.

Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.)

No positions will be created, eliminated or re-classified.


6) Will positions be created or eliminated in future years as a result of this legislation?

No positions will be created or eliminated in future years as a direct result of this legislation.

Complete the following section only if an amendment to the budget is proposed.

7) **Change in Appropriations** (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Center Code column if new center needs to be created. Use additional space if needed.)

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

Christine Moody 

APPROPRIATION UNIT HEAD (Typed name and signature)