

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Christine Moody	2. Telephone No. 823.1095	3. OMF – Bureau of Internal Business Services
4a. To be filed (hearing date): February 20, 2013	4b. Calendar (Check One) Regular Consent 4/5ths <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	5. Date Submitted to Commissioner's office and CBO Budget Analyst:
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed	6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

*Update Procurement Code to conform to new state law and make technical corrections (Ordinance; amend Code Chapters 5.33 and 5.34)

2) Purpose of the Proposed Legislation:

During the 2012 legislative session, the Oregon Legislature passed other legislation which revises portions of ORS Chapters 279A, 279B and 279C collectively known as the “Public Contracting Code.” The City’s Social Equity Contracting Strategy was adopted by City Council on July 19, 2012 as Resolution #36944 which required Procurement Services to make amend City Code as necessary.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|--|------------------------------------|------------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

No revenue will be generated with this legislation.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? No direct costs from this legislation.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** No positions will be affected by this legislation.
- **Will positions be created or eliminated in *future years* as a result of this legislation?** No positions will be created or eliminated in the future as a 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 Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

- YES: Please proceed to Question #9.
 NO: Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) **What impacts are anticipated in the community from this proposed Council item?** Foster competition within the minority, women and emerging small business community from the proposed code changes that result from the Social Equity Contracting Strategy. Increasing the dollar threshold in which the City's prequalification will apply results in more businesses able to bid on City projects.

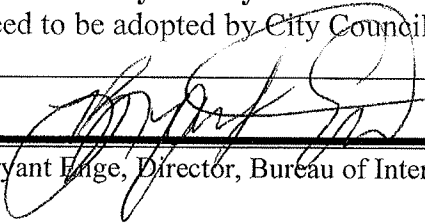
b) **Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?** As part of the Social Equity Contracting Strategy, from August 2011 – June 2012, over 40 meetings were convened with over 85 diverse participants including contractors, consultants, representatives from a variety of community and professional organizations City and PDC staff..

c) **How did public involvement shape the outcome of this Council item?** Public involvement through the 2012 legislative session resulted in changes to State Statute and subsequently City Code. In addition, the public involvement that shaped the Social Equity Contracting Strategy resulted in additional changes to City Code.

d) **Who designed and implemented the public involvement related to this Council item?** State Legislature, Fair Contracting Forum and Procurement Services staff.

e) **Primary contact for more information on this public involvement process (name, title, phone, email):** Christine Moody, 503-823-1095,
christine.moody@portlandoregon.gov

10) **Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.** Not for this council item. Additional changes to State Statute will need to be adopted by City Council for future updates to City Code.


 Bryant Enge, Director, Bureau of Internal Services (Typed name and signature)



CITY OF PORTLAND

OFFICE OF MANAGEMENT AND FINANCE

Charlie Hales, Mayor
Jack D. Graham, Chief Administrative Officer
Bryant Enge, Director, Bureau of Internal Business Services

Christine Moody
Chief Procurement Officer
Procurement Services
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Portland, Oregon 97204-1912
(503) 823-5047
FAX (503) 823-6865
TTY (503) 823-6868

DATE: February 11, 2013
TO: Mayor Charlie Hales
FROM: Christine Moody *CM*
RE: *Update Procurement Code to conform to new state law and make technical corrections (Ordinance; amend Code Chapters 5.33 and 5.34)

FOR MAYOR'S OFFICE USE ONLY
Reviewed by Bureau Liaison _____

1. INTENDED THURSDAY FILING DATE: February 14, 2013
2. REQUESTED COUNCIL AGENDA DATE: February 20, 2013
3. CONTACT NAME & NUMBER: Christine Moody ~ 823-1095
4. PLACE ON: CONSENT REGULAR
5. BUDGET IMPACT STATEMENT ATTACHED: Yes No N/A
6. ONE (1) ORIGINAL OF CONTRACT "APPROVED AS TO FORM" BY CITY ATTORNEY

ATTACHED: Yes No N/A

7. **BACKGROUND/ANALYSIS:**

During the 2012 legislative session, the Oregon Legislature passed other legislation which revises portions of ORS Chapters 279A, 279B and 279C collectively known as the "Public Contracting Code." The City's Social Equity Contracting Strategy was adopted by City Council on July 19, 2012 as Resolution #36944 which required Procurement Services to make amend City Code as necessary. Additionally, housekeeping changes and minor technical corrections have been included as part of this update. The following is a synopsis of the substantive changes for PCC 5.33 and PCC 5.34:

- a. Definitions: Provides for a definition for "amendment" and "change order" as is in general use.
- b. Modifies the Authority of Directors to more completely reflect the process that is in general use and not conflict with Chief Procurement Officer's authority.
- c. In accordance with ORS 279B as passed by the 2012 legislature, a preference when procuring goods that are fabricated or processed entirely within this state, or services that are performed entirely within this state has been included.
- d. Clarifies that an evaluator's exercise of judgment is not grounds for protest.
- e. Clarifies the business with which a City employee is associated.
- f. Includes a reference to the Social Equity Contracting Strategy as required by Resolution #36944, adopted July 19, 2012 and includes:
 - Increased the Requirement for bid security and performance and payment bond to \$150,000.
 - Modified the prequalification requirements to allow for electronic filing and to standardize City processes.
- g. Clarifies prequalification protest and appeal process.
- h. Clarifies post-project evaluation process.

Legal issues - none known

Controversial issues - none known

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.

Citizen participation – As part of the Social Equity Contracting Strategy (Resolution 36944), there was vast participation from the community

Link to current city policies - none

Other governmental participation – none

8. **FINANCIAL IMPACT:**

There will be no financial impact resulting from the enactment of these City Code changes.

9. **RECOMMENDATION/ACTION REQUIRED:**

Authorize the updated Procurement Code to conform to new state law, Social Equity Contracting initiatives and make technical corrections.