

EXHIBIT A, Amendments to Chapter 5.33**5.33.040 Authority of Chief Procurement Officer.**

(Amended by Ordinance Nos. 181547, 183445, 184403, 185065, 185898, 187373 and 187974, effective September 7, 2016.)

- A. For Contracts covered by Chapters 5.33 and 5.34, the Chief Procurement Officer is authorized to:
1. Advertise for Bids or Proposals for Goods and Services without specific authorization from City Council, when the anticipated amount is included within the current fiscal year budget and is ~~\$500,000~~ \$1,000,000 or less.
 2. Award and execute Contracts for the purchase or lease of Goods and Services, without specific authorization by ordinance of City Council whenever the Contract Amount is ~~\$500,000~~ \$1,000,000 or less.
 3. Award and execute Price Agreements for the purchase or lease of Goods and Services, ~~including revenue producing services~~, if the yearly estimated cost to the City, ~~or the yearly estimated revenue or value~~ is ~~\$500,000~~ \$1,000,000 or less.
 4. Recommend the Award of a Contract for Goods and Services, ~~including revenue producing services~~ by a report to City Council for Contracts in excess of ~~\$500,000~~ \$1,000,000. If the City Council adopts the recommendation, it shall approve the Award by ordinance.
 5. Advertise for Bids or Proposals for Goods and Services when the proposed purchase is not included within the current fiscal year budget and the anticipated Contract Amount exceeds ~~\$500,000~~ \$1,000,000 when City Council approves of the purchase by Ordinance. Thereafter, the Chief Procurement Officer may award and execute a Contract if the Contract Amount is ~~\$500,000~~ \$1,000,000 or less. If the Contract Amount exceeds ~~\$500,000~~ \$1,000,000 the Chief Procurement Officer shall recommend the Award of a Contract by report to City Council.
 6. Authorize and execute amendments for Contracts, Price Agreements and Intergovernmental Agreements involving the procurement of Goods and Services that were originally executed in accordance with Chapters 5.33 and 5.34 as follows:
 - a. Amendments not exceeding 25 percent of the original Contract Amount.
 - b. Amendments exceeding 25 percent of the original Contract Amount, provided that the amended Contract Amount does not exceed

~~\$500,000~~ \$1,250,000 and the director of the bureau in whose behalf of the Contract was issued concurs.

- c. Execute amendments to Price Agreements if the yearly estimated cost to the City is ~~\$500,000~~ \$1,250,000 or less.
 - d. Amendments whenever an ordinance approved by the City Council grants additional authority to the Chief Procurement Officer beyond that stated in these rules.
7. Authorize final payment for a Procurement of Goods and Services after confirming that all Work is completed and accepted by the City, as follows:
 - a. Whenever the final Contract Amount does not exceed 25 percent of the original Contract Amount; or
 - b. Whenever the final Contract Amount exceeds 25 percent of the original Contract Amount, provided that the final Contract Amount is less than ~~\$500,000~~ \$1,250,000 and the Director of the Bureau on whose behalf the Contract was issued concurs.
 8. Adopt forms, procedures, and administrative rules for all City purchases of Goods and Services regardless of amount. The City shall use the forms, procedures and administrative rules unless they conflict with the City Code.
 9. Establish a procedure providing appropriate financial control over the authorization provided by Sections 5.33.055 and 5.33.060.
 10. Revoke or place conditions on the authority of directors and officers to issue limited purchase orders obligating the City for purchase of materials or services not to exceed \$10,000, in the event of violations of these rules.
 11. Perform such other duties as directed by the Portland City Code, City Council or the Commissioner-in-Charge of Procurement Services.
 12. Delegate the Chief Procurement Officer's authority under this Chapter in accordance with City practices.
 13. Resolve protests of Contract Award decisions and other matters as required by City Code.
- B. The Chief Procurement Officer is responsible for and shall make all purchases in accordance with State law, City Charter, and the City of Portland's Purchasing Authority, Policies and Rules, Chapters 5.33 and 5.34.
 - C. In addition to the delegation of authority provided in Paragraph A. above, the Chief Procurement Officer is authorized to:

1. Award, execute and amend Intergovernmental Agreements as (IGAs), provided the cost to the City does not exceed \$5,000;
 2. Award, execute and amend Revenue Generating Contracts; and
 3. Award, execute and amend any other Contracts, Price Agreements and IGAs when authorized by an ordinance adopted by City Council.
- D.** Notwithstanding the grant of authority above, the Chief Procurement Officer may forward any contract or agreement to the City Council for approval.

EXHIBIT B, Amendments to Chapter 5.68**5.68.035 Authority to Obligate City for Professional, Technical or Expert Services.**

(Amended by Ordinance Nos. 182213 and 184427, effective February 23, 2011.)

- A. All professional, technical or expert services contracts or purchase orders shall be in writing in a form approved by the City Attorney as provided in Section 5.68.050. The Chief Procurement Officer, or designee, is authorized to execute contracts, including Price Agreements, for PTE services required by the City in any amount not exceeding \$100,000 \$1,000,000 without the need for an ordinance specifically authorizing the contract if the contract is included within the current fiscal year budget of the bureau seeking the contract.
- B. ~~The Chief Procurement Officer has authority to execute amendments to such contracts, provided the amendments do not, in the aggregate, exceed 25 percent of the original contract amount. Otherwise, the original contract or contract amendment must be approved by the City Council. Except for contracts executed with outside counsel, contracts executed pursuant to Subsection 5.68.020 B.4. may be amended in excess of 25 percent without Council approval provided the City Attorney and the Chief Procurement Officer both approve the amendment. Periodic reports of such actions shall be provided to City Council by the City Attorney's Office.~~

The Chief Procurement Officer has authority to execute amendments for Contracts and Price Agreements that were originally executed in accordance with Chapters 5.68 as follows:

1. Amendments not exceeding 25 percent of the original Contract Amount.
2. Amendments exceeding 25 percent of the original Contract Amount, provided that the amended Contract Amount does not exceed \$1,250,000 and the director of the bureau in whose behalf of the Contract was issued concurs.
3. Execute amendments to Price Agreements if the yearly estimated cost to the City is \$1,250,000 or less.
4. Amendments whenever an ordinance approved by the City Council grants additional authority to the Chief Procurement Officer beyond that stated in these rules.

- C.** The Chief Procurement Officer is authorized, but not required, to waive any procedural irregularities in the PTE selection process provided the irregularities had no material ~~affect~~ effect on the selection of the proposed contractor.
- D.** The provisions of Section 5.68.035 also apply to the procurement of services and contracts for services referenced in Subsection 5.68.020 B.