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Memo

Date: March 6, 2020
TO: Diane Bilyeu, Auditor's Office
FROM: Lester Spitler, Chief Procurement Officer
CC: Karla Moore-Love, Keelan McClymont, Esin Onart
SUBJECT: Reporting Scrivener's Error in City Code 5.33

We have become aware that a scrivener's error has occurred in Portland City Code 5.33.060 Authority of Directors and request that it be corrected.

Chapters 5.33 and 3.15 both underwent changes during the past year under separate and independent efforts. When Chapter 5.33 was passed by Council on March 4th, 2020, the reference in 5.33.060 was not updated from 3.15, which had been updated and passed by Council in July 2019. Per Code Subsection 1.01.035 B., the Auditor has the authority to make corrections subject to City Attorney Approval.

This is a request to amend the error to have the reference corrected.

5.33.060 Authority of Directors. (Amended by Ordinance Nos. 183445, 185898, 187373 and 187974, effective September 7, 2016.) Directors of Bureaus or Offices are authorized to:

- A. Execute Contracts obligating the City for purchases of Goods and Services for use by their bureau in an amount not to exceed \$10,000 for a single transaction as specified in Section 5.33.180. Procurements shall not be artificially divided or fragmented so as to constitute Procurements under \$10,000.
- B. Execute Contracts whenever an ordinance approved by the City Council grants additional authority to a Bureau Director beyond that stated in these rules.
- C. Authorize the awarding of grants not to exceed \$5,000 \$15,000 when the proposed grant is included within the current fiscal year budget. Amendments to grants that increase the grant amount may occur only when the additional amount is included within the current fiscal year budget or as otherwise adopted by the City Council by ordinance.
- D. Award, execute, amend, and terminate Intergovernmental Agreements (IGA) whenever the IGA amount is less than \$100,000 unless the IGA creates a new government body. 19
- E. Execute nondisclosure agreements (other than those set forth in **PCC 3.15.070 3.15.090**) between the City and vendors in order for the Bureau to review proprietary, trade secret and confidential information on products, services and technologies that are, or might be, considered for use by the Bureau. A nondisclosure agreement is one that prohibits the release of proprietary, trade secret or confidential information, whether held by the City or the vendor, and does not include any monetary consideration. Non-disclosure agreements must be approved as to form by the City Attorney's Office.
- F. Execute data grant agreements (other than those set forth in **PCC 3.15.070 3.15.090**) between the City and grantees in order for the Bureau to share Bureau data. A data grant agreement is one in which the City will grant the use of pertinent City data to other agencies, organizations or individuals for research projects or projects performed under Contract with the City. Data grant agreements may include monetary consideration to the City. Data grant agreements must be approved as to form by the City Attorney's Office.



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