

**CITY OF PORTLAND**  
**Professional, Technical &  
Expert Services**  
**CONTRACTING MANUAL**

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**January 2013**



**Office of Management and Finance  
Bureau of Internal Business Services  
Procurement Services**

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## **Section 1 INTRODUCTION**

(All PTE forms and procurement documents referenced in this section can be found at: <http://www.portlandoregon.gov/omf/index.cfm?c=27573>)

The underlying objective of a fair procurement process is the premise that the public is best served and public funding is best spent only after being subjected to a fair, transparent, and competitive selection process. Procurements of professional, technical, and expert services by City of Portland bureaus are made in accordance with State law, City Code, City Council Resolutions, and established policies and practices.

This PTE Manual is intended to assist City employees in carrying out the professional, technical, and expert service procurement responsibilities and provide procedures for selecting all types of PTE services. As required under City Code 5.68, Bureaus are required to adhere to the policies and procedures established in the PTE Services Contracting Manual (PTE Manual). While there may be more than one method to procure the desired services, City employees are encouraged to work with Procurement Services to determine the best method for selecting PTE services. The Chief Procurement Officer has the authority to waive minor irregularities and discrepancies, or make situational exceptions that will not affect the overall competitiveness or fairness of the solicitation and selection process, and will provide significant benefit to the City.

The City expects all vendors performing work as prime consultants will provide a Commercially Useful Function to the project for which they are under contract. The prime consultant will be responsible for the execution of a distinct element of the work of the contract such as performing, managing, or supervising the work, performs work that is normal for its business and is not subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

### **A. SCOPE**

Professional, Technical, and Expert services (PTE) are “any individual or group, excluding regular City employees, who, for a fee, provide services or give professional advice regarding matters in their field of special knowledge or training. This includes but is not limited to: planners, architects, engineers, lawyers, accountants, doctors, dentists, ministers, and counselors in investments, insurance, advertising, graphics, training, public relations, communications, data processing, and management systems.” The procurement of such services is governed by City Code 5.68

- PTE services are frequently (but not always) services that are to be performed by certified or licensed professionals.
- Types of services not listed here may also be classified as PTE services. The Chief Procurement Officer has authority to make such determinations on a case-by-case basis.
- Cooperative procurements issued by other public agencies are generally not allowed for use by City bureaus unless they satisfy the requirement of providing opportunities to local PTE service providers and maximizes competition.
- Individual City bureaus and offices may handle certain aspects of the PTE procurement solicitation process; however, Procurement Services and the City Attorney’s Office can assist at various points throughout the process.

## B. PROCUREMENT SERVICES AUTHORITY

City Code directs the Chief Procurement Officer to create and publish a PTE Contracting Manual that shall govern selection and award of PTE contracts. The Chief Procurement Officer may amend the PTE Contracting Manual to ensure that the interests of the public and PTE consultants are fully served, and that the process promotes accountability and competition for the benefit of all segments of the population of Portland. The PTE Contracting Manual shall include procedures providing for adequate notice of the City's intent to procure Professional, Technical or Expert services, sufficient notice of any contract award to potential consultants, and shall provide the exclusive means by which selection criteria or decisions may be protested before the contract is executed.

## C. EXCEPTIONS

City Code 5.68.020 exempts the following professional, technical and expert services from the selection process outlined in this manual and can be made by direct appointment; however, the contracting and requisitioning requirements still apply:

- Processing of any claim for workers' compensation benefits
- Determining any prospective or current City employee's ability to work or return to work
- Determining any reasonable accommodation that may be made to any job classification in the City
- The City Attorney's retention of expert witnesses, consultants to assist the City Attorney's Office in providing legal advice to the City, and outside legal counsel
- The selection of bond counsel

If PTE services are required in conjunction with the acquisition of goods, services, public improvements, construction services or some combination thereof, the Chief Procurement Officer may authorize the procurement of such services under City Code 5.33 or 5.34.

## D. SUSTAINABLE PROCUREMENT

In accordance with the City of Portland's *Sustainable Procurement Policy*, the City is committed to procuring materials, products, and services that integrate fiscal, environmental, and social responsibility. The City recognizes that the types of products and services it procures have inherent social, human health, environmental and economic impacts. As such, the Policy directs City employees to make procurement decisions that embody the City's commitment to sustainability. The *Sustainable Procurement Policy* applies to all procurements. While the *Sustainable Procurement Policy* directives are broad to accommodate the variety of purchases made by the City, there are some specific mandates related to sustainable procurement outlined in City Code and related City sustainability policies. Project managers should familiarize themselves with the City's various sustainability goals and mandates. Information specific to sustainable procurement mandates and resources is available at [www.portlandoregon.gov/buygreen](http://www.portlandoregon.gov/buygreen). For PTE contracts, consider what kind of deliverables are involved in the contract and whether the contract specifications can incorporate best practices in energy efficiency, waste reduction, emissions reduction, green building, sweatshop-free labor, and/or green product utilization. Sustainable procurement can be incorporated through specific contract requirements and/or evaluative criteria.

In addition to the sustainable procurement website, [www.portlandoregon.gov/buygreen](http://www.portlandoregon.gov/buygreen) direct technical assistance is available to project managers for incorporating green specifications into PTE solicitations. Related technical assistance for evaluation committees is also available; contact the Sustainable Procurement Program at Procurement Services for more information.

## E. ETHICS

“Ethics”, as defined by the National Institute of Governmental Purchasing (NIGP), are “the principles of conduct governing the behavior of an individual or a profession”. PCC 1.03 clearly indicates that the purpose of City government is to serve the public and that all City officials must treat their office and position as one of public trust, thereby ensuring public respect by avoiding any appearance of impropriety. When contracting for goods or services on behalf of the City, ethical behavior is paramount in preserving the public trust and governmental integrity. All proposers will be treated fairly, without bias or favoritism. City employees or any of their representatives working on behalf of the City will not receive personal benefit or gain from their position or their activities involved in the contracting process. Prior to commencing any contracting process, City personnel must become familiar with City Code, Chapter 1.03 and the Human Resource Administrative Rules 11.01, 11.02, and 11.03.

In order to avoid the appearance of impropriety, acceptance of gifts from vendors should not be considered. PCC Section 1.03.020.7 indicates that “...no amount is too small to be ethically questionable. Even small promotional gifts such as imprinted pens, or T-shirts from profit-making entities should not be used on the job because they can create the impression that the vendor is regarded with particular favor by the official...” By accepting gifts or agreeing to accept gifts with company logos on them (i.e., pens, scratch paper, caps, jackets, sweatshirts, etc.), the City employee is tacitly indicating to all in view that the vendor has the City’s support, and any appearance of neutrality or objectivity may be compromised. Additionally, any larger, albeit intangible gifts such as golf games, dinners, athletic or concert events, etc. are also considered improper, regardless of whether the activity is performed on the employee’s personal time or during work hours.

By remaining free from any impropriety, appearance of impropriety, or other action which may constitute a conflict of interest, City officials are able to be independent, objective and base their decisions solely on the merits of the issue.

As required by ORS 279C.307, pertaining to requirements to ensure the objectivity and independence of providers of certain PTE Services that are procured under ORS chapter 279C, the City may not:

1. Procure services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with or otherwise overseeing a public contract from a consultant or an affiliate of a consultant who is a party to the Public Contract that is subject to administration, management, monitoring, inspection, evaluation or oversight by means of the Services; or
2. Procure services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with, or otherwise overseeing a public contract through the Public Contract that is subject to administration, management, monitoring, inspection, evaluation, or oversight by means of the Services.

## F. PURCHASING PTE SERVICES FROM CITY EMPLOYEES

1. The Chief Procurement Officer shall not make any purchase of Goods and Services from any City employee, or any business with which a City employee is associated, except as follows:
  - When the purchase is expressly authorized by ordinance; or

- During a state of Emergency as provided by PCC Chapters 15.04 and 15.08; AND when approved in writing by the Mayor, or the person performing the Mayor's duties, under those PCC Chapters.
2. "Business with which a City employee is associated" means any business in which the City employee is a director, officer, owner or employee, or any corporation in which the City employee owns or has owned 10 percent or more of any class of stock at any point in the preceding calendar year (PCC 5.33.070).

## G. USING THE PTE MANUAL

This PTE Manual is organized in fourteen (14) sections:

- Section 1 introduces you to this Manual with some guidance.
- Sections 2 through 8 describe the procurement process from pre-procurement activities through contract award.
- Section 9 provides a list of recordkeeping items for the procurement file.
- Section 10 contains useful web addresses (URLs), hyperlinks, and tools to assist in the procurement process.
- Section 11 defines many terms mentioned in this Manual
- Section 12 contains bureau roles and responsibilities in managing the procurement process.
- Section 13 contains checklists to help users identify key procedures in the procurement process
- Section 14 contains an Index for easy access to specific items.

Additionally, throughout this Manual at the beginning of each section, there is a link to the referenced forms, letters, and resources that bureaus will use. Section 10, Reference Tools, contains a detailed list of all the hyperlinks used in this Manual. In some cases, the information, forms, or templates are only available through the [portlandoregon.gov](http://www.portlandoregon.gov/omf/index.cfm?c=27573) intranet at <http://www.portlandoregon.gov/omf/index.cfm?c=27573>. Some of these links will require you to have a "Portlandonline" intranet authorization.

This Manual establishes policies and procedures for the procurement of PTE services. It is not an exhaustive review for every PTE contracting situation. Nothing in this manual is intended to limit Procurement Services authority to act in accordance with State law, City Code, or policy.

**The Procurement Services intranet webpage contains the most current information, templates, and forms.**

This manual does not address specific internal approvals, review, and authorization procedures that bureaus may have in place. Within this Manual are several references to procedures requiring the approval of a bureau director. Bureau directors may have delegated some aspects of their approval authority to other persons within their bureau, and Procurement Services requires a copy of the delegation of authority form in order to accept alternative signatures. City employees should consult the appropriate manager or other personnel within their bureau to understand the proper internal procedures required (if any) to initiate a competitive solicitation for professional, technical or expert services or to access the [portlandoregon.gov](http://www.portlandoregon.gov) intranet.

## H. PURCHASING INFORMATION TECHNOLOGY PTE SERVICES

The procurement of Information Technology-related PTE Services is subject to BTS oversight per Portland City Code 3.15.070(B)(8), and is managed centrally by the Technology Services Group. For questions about the procurement of Technology PTE Services, or to initiate a new

Technology PTE procurement, please contact Procurement Services and your BTS Technology Business Consultant.

## **Section 2 SOLICITATION PHASE**

(All PTE forms and procurement documents referenced in this section can be found at: <http://www.portlandoregon.gov/omf/index.cfm?c=27573>)

### **A. PURPOSE**

PTE services are procured when the City requires professional, technical, or expert services from an outside consultant or professional service provider. The solicitation methods defined in this section are used when price is not the only determining factor, the project approach is not clearly defined, and/or the City does not have sufficient staffing or expertise to perform the service. The following are the competitive solicitation methods or “tools” available to procure professional, technical, or expert services:

- Request for Proposal (RFP)
- Request for Qualifications (RFQ)
- Qualification Based Selection (QBS)
- Qualification Based Selection for Federally Funded projects (QBS-F)
- Request for On-Call Services
- Price Agreements for QBS Services

The following non-competitive or limited solicitation methods are exceptions to the normal competitive processes and must be fully justified and documented before being used:

- Emergency
- Sole Source
- Direct Awards

To provide consistency and reliability to the contracting community, the templates, as found on the Procurement Services intranet at <http://www.portlandoregon.gov/omf/index.cfm?c=27573>, are the only acceptable forms to use for soliciting and contracting for PTE services. All required elements and criteria specified in the templates and forms must be used, unless otherwise authorized by Procurement Services.

The City has established a procurement website for on-line public notice of its procurement needs, found at: [City's On-Line Procurement Center](#).

If consultants are used to provide oversight, give technical advice, help draft specifications, or develop the scope of work for any solicitation, their level of involvement must be disclosed in the solicitation document. Prior to the solicitation being issued, such technical advisors will be required to sign a Consultant Non-Conflict of Interest and Non-Disclosure Statement declaring that they have written an open competitive specification or scope of work, and affirming they do not have any financial interest in any resulting contract. The consultant also agrees that they will not disclose any information pertaining to the project to anyone outside of the immediate personnel involved in writing or assisting with writing the specifications. This form is to be used as applicable in consultation with the City Attorney's Office.

## B. PTE CATEGORIES

There are three categories of PTE contracts, each with different forms and/or procedures, based on the amount of the contract:

- Small – \$5,000 or less
- Intermediate – \$5,000.01 - \$100,000
- Formal – More than \$100,000

Bureaus must make good faith estimates on project costs in order to determine the appropriate PTE category. If the estimated project cost is close to a threshold limit, use the PTE category with the higher dollar threshold in order to avoid having to potentially repeat the solicitation process.

The Chief Procurement Officer must review and approve all solicitations, including Requests for Qualifications and Qualification Based Selections, resulting in single or multiple contracts where the cumulative value exceeds \$100,000. Further review by the City Attorney will be at the Chief Procurement Officer's discretion.

## C. SOLICITATION METHODS

### 1. Request for Proposal (RFP)

The Request for Proposal method is used to procure most PTE services. It involves the evaluation and selection of a consultant based upon various factors including, but not limited to the consultant's expertise, experience, social equity contracting/corporate responsibility, licenses or certifications, work history, understanding of the scope of work and ability to resolve the issue or problem identified within the RFP document while providing a quantified cost for completing the work. Therefore, the RFP must provide sufficient information about the project's background, needs and constraints, expectations of the consultant and the desired outcome for prospective proposers to prepare complete proposals that satisfy the project's needs.

### 2. Architectural and Engineering (A/E) RFP for Leadership in Energy and Environmental Design (LEED) Projects

The Architectural and Engineering RFP for LEED Projects is required for use by bureaus contracting for architectural and engineering services **for new construction and major retrofits**. This will ensure compliance with the green building requirements as required by the City's Green Building Policy. Project managers for tenant improvement projects that are pursuing LEED for Commercial Interiors must use this template for such projects. For more information on the City's Green Building Policy requirements, please contact the Bureau of Planning and Sustainability (BPS) Green Building Program.

### 3. Request for Qualifications (RFQ)

The Request for Qualifications method is a "two-phase" process, which is intended to limit respondents for complex projects to only the most qualified; and/or to lessen the cost impact to respondents. **Contract award is dependent on both phases being completed.** The issuance of an RFQ is the first phase of the process and is used to short list the most qualified (highest scored) respondents. The first phase does not include cost as an evaluation criterion. The second phase is the issuance of a modified Request for Proposal or Qualification Based Selection RFP to the short listed respondents and generally results in a contract award.

In the first phase of this process, the RFQ phase, the solicitation will contain at least the following items: 1) a brief description of the project, 2) a brief description of the specific services the City is seeking, 3) any conditions or limitations that may constrain or prohibit the selected consultant's ability to provide additional services related to the project including but not limited to construction services 4) a description of any/all certifications and qualifications required for selected consultants, 5) the evaluation criteria and the associated point or weighted values that will be used to score the responses, 6) the deadline for submitting a response, 7) a statement of if and when the City will hold a pre-submittal meeting to discuss the project and the desired services and whether or not the meeting has a mandatory attendance provision, and 8) a statement that any consultants responding to the RFQ do so solely at their own expense.

Based on evaluation and scoring of responses received per the criteria set forth in the RFQ document, those receiving the highest scores will be short listed and issued an RFP or QBS RFP to determine the award of the contract. The number of respondents to be short listed will be defined in the RFQ. In the event that the City receives only one response to the RFQ, the City may forego the RFP or QBS process and begin direct negotiations if the respondent meets the City's minimum qualification requirements.

The second phase of this process is the issuance of a modified RFP or QBS/RFP solicitation to the short listed respondents. This solicitation focuses on further defining the project scope, schedule, and cost, unless the second phase is a QBS/RFP in which case cost is not an evaluative criteria. The modified RFP or QBS/RFP will provide short listed respondents additional detailed evaluation criteria that the evaluation committee will use to review and score proposals received in order to make a final selection. The criteria may include all or some of the criteria used to screen the RFQ's as well as information gathered from the interviews, which may be a part of the RFP or QBS/RFP process. **Procurement Services must be contacted for assistance with developing and distributing the modified RFP/QBS and the appropriate solicitation template must be used.**

In determining whether to use the RFQ process, consideration should be given to the extended length of time required to complete this process since it involves two separate solicitations.

#### **4. Qualification Based Selection Request for Proposal (QBS/RFP)**

As of January 1, 2012, the Qualification Based Selection (QBS) method is required when selecting the most qualified QBS consultant to perform Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, or Land Surveying Services if the estimated fee is greater than \$100,000. Hereafter these services will be referred to as QBS Services.

When selecting QBS consultants to perform Related Services, the City shall use its standard selection processes or a QBS selection process, as determined in its sole discretion. Related Services are defined as personal services, other than architectural, engineering, photogrammetric mapping, transportation planning, or land surveying services, that are related to planning, designing, engineering, or overseeing public improvement projects or components of public improvements. See Section 11, DEFINITIONS, for a more detailed definition.

With the approval of the Chief Procurement Officer, this process may be utilized for other PTE services if the estimated fee does not exceed \$100,000 and if the Chief Procurement Officer determines it to be in the best interest of the City. All contracts must contain a maximum, not-to-exceed total compensation amount within the contract.

If a QBS selection process is used or required, the City shall not solicit or use pricing policies, pricing proposals, or other pricing information, including the number of hours proposed for the services required, expenses, hourly rates and overhead, to determine a QBS consultant's compensation until after the City has selected the most qualified QBS consultant in accordance

with the applicable selection procedure. The evaluation and scoring of the proposals will be based solely on the qualifications of the proposers.

The Qualification Based Selection process must contain all the information necessary for the prospective respondents to prepare a concise, complete proposal. Emphasis should be placed on providing clear, concise information about the project, background, technical requirements, expectations of the consultant and the desired outcome. Proposers will have the opportunity to showcase the qualifications, expertise, and experience of the Respondent, as well as the individuals within that firm.

If a consulting firm is used to help draft specifications, or develop the scope of work for the QBS RFP, and if the bureau does not intend for the consultant to be eligible to propose, the firm must be identified by name and their specific involvement including their ineligibility to propose, must be disclosed in the QBS RFP. Prior to the QBS RFP being issued, such firms will be required to sign a Consultant Non-Conflict of Interest and Non-Disclosure Statement declaring that they have written an open competitive specification or scope of work, etc. and affirming they do not have any financial interest in the resulting contract. The consultant also agrees that they will not disclose any information pertaining to the project to anyone outside of the immediate personnel involved in writing or assisting with writing the specifications.

If a consulting firm is used to help draft specifications, or develop the scope of work for the QBS RFP, and if the bureau intends for the consultant to be eligible to propose, the firm must be identified by name and their specific involvement including their eligibility to propose, must be disclosed in the QBS RFP. Prior to the QBS RFP being issued, such firms will be required to sign a Consultant Non-Conflict of Interest and Non-Disclosure Statement declaring that they have written an open competitive specification or scope of work, etc. and affirming that any specification or scope of work written does not give them a competitive advantage in the marketplace for any resulting contract. The consultant also agrees that they will not disclose any information pertaining to the project to anyone outside of the immediate personnel involved in writing or assisting with writing the specifications.

The QBS process requires the identification of the single most qualified proposer receiving the highest evaluation score, at which time the City will then negotiate the scope of work, schedule, and project cost. Due diligence must be taken in the negotiation process to arrive at a favorable agreement that is in the best interest of the City.

### **Formal Selection Procedure**

A. The City shall use the Formal selection procedure described in this Manual to select QBS consultants if the Estimated Fee will exceed \$100,000. .

B. When using the formal selection procedure the City shall obtain Contracts through public advertisement of Requests for Proposals, or Requests for Qualifications followed by Requests for Proposals, as follows:

1. The City shall publish each RFP and RFQ by one or more of the electronic methods identified in PCC 5.33.340, Electronic Procurement. Other publications may be used, and may include, but are not limited to, local newspapers, trade journals, and publications targeted to reach the minority, women and emerging small business enterprise audiences.

- a. The City shall publish the electronic advertisement within a reasonable time before the deadline for the Proposal submission or response to the RFQ or RFP,

but in any event no fewer than fourteen (14) calendar days before the closing date set forth in the RFQ or RFP.

b. The City shall include a brief description of the following items in the advertisement:

- (i) The Project;
- (ii) A description of the QBS Services or Related Services the City seeks;
- (iii) How and where QBS consultants may obtain a copy of the RFQ or RFP; and
- (iv) The deadline for submitting a Proposal or response to the RFQ or RFP.

2. When federal grant funding is utilized on a QBS solicitation, the City shall advertise each RFP and RFQ in accordance with the granting agency's requirements which may include publication in a technical or local publication of widespread. Please consult the grant agreement for specific details regarding advertisement and duration of the advertisement.

C. RFQ requirements. The City may use the RFQ procedure to evaluate potential QBS consultants and establish a short list of qualified QBS consultants to whom the City may issue an RFP for some or all of the QBS Services or Related Services described in the RFQ.

1. The City shall include the following, at a minimum, in each RFQ:

- a. A brief description of the Project for which the City is seeking QBS consultants;
- b. A description of the QBS Services or Related Services the City seeks for the Project;
- c. Conditions or limitations, if any, that may constrain or prohibit the selected QBS consultant's ability to provide additional services related to the Project, including but not limited to construction services;
- d. The deadline for submitting a response to the RFQ;
- e. A description of required QBS consultant qualifications for the QBS Services or Related Services the City seeks;
- f. The RFQ evaluation criteria, including weights, points or other classifications applicable to each criterion;
- g. A statement whether or not the City will hold a pre-proposal meeting for all interested QBS consultants to discuss the Project and the QBS Services or Related Services described in the RFQ and if a pre-qualification meeting will be held, the location of the meeting and whether or not attendance is mandatory; and

h. A Statement that QBS consultants responding to the RFQ do so solely at their expense and that the City is not responsible for any QBS Consultant expenses associated with the RFQ.

2. The City may include a request for any or all of the following in each RFQ:

a. A statement describing QBS consultants' general qualifications and related performance information;

b. A description of QBS consultants' specific qualifications to perform the QBS Services or Related Services described in the RFQ including QBS consultant s' committed resources and recent, current, and projected workloads;

c. A list of similar QBS Services or Related Services and references concerning past performance, and a copy of all records, if any, of QBS consultants' performance under Contracts with any other City ;

d. The number of QBS consultants' experienced staff available to perform the QBS Services or Related Services described in the RFQ, including such personnel's specific qualifications and experience and an estimate of the proportion of time that such personnel would spend on those services;

e. QBS consultants' approaches to QBS Services or Related Services described in the RFQ and design philosophy, if applicable;

f. QBS consultants' geographic proximity to and familiarity with the physical location of the Project;

g. QBS consultants' Ownership status and employment practices regarding women, minorities and emerging small businesses or historically underutilized businesses;

h. If the City is selecting a QBS consultant to provide Related Services, QBS consultants' pricing policies and pricing proposals or other pricing information, including the number of hours proposed for the services required, expenses, hourly rates and overhead;

i. QBS consultants' ability to assist the City in complying with the solar energy technology requirements of ORS 279C.527; and

j. Any other information the City deems reasonably necessary to evaluate QBS consultants' qualifications.

D. The City may use any reasonable screening or evaluation method to establish a short list of qualified QBS consultants.

E. The City shall use the following procedures when issuing an RFP for a QBS consultant:

1. When using the formal selection procedure the City shall include at least the following in each Request for Proposals, whether or not the RFP is preceded by an RFQ:

a. General background information, including a description of the Project and the specific QBS Services or Related Services sought for the Project, the estimated Project cost, the estimated time period during which the Project is to be completed, and the estimated time period in which the specific QBS Services or Related Services sought will be performed.

b. The RFP evaluation process and the criteria which will be used to select the most qualified Proposer, including the weights, points or other classifications applicable to each criterion. If the City does not indicate the applicable number of points, weights or other classifications, then each criterion is of equal value. Evaluation criteria may include, but are not limited to, the following:

i. Proposers' availability and capability to perform the QBS Services or Related Services described in the RFP;

(ii) Experience of Proposers' key staff persons in providing similar QBS Services, or Related Services on comparable projects;

(iii) The amount and type of resources, and number of experienced staff persons Proposers have committed to perform the QBS Services or Related Services described in the RFP;

(iv) The recent, current, and projected workloads of the staff and resources referenced in section 1.b.iii above;

(v) The proportion of time Proposers estimate that the staff referenced in section 1.b.iii, above, would spend on the QBS Services or Related Services described in the RFP;

(vi) Proposers' demonstrated ability to complete successfully similar QBS Services or Related Services on time and within budget, including whether or not there is a record of satisfactory performance;

(vii) References and recommendations from past clients;

(viii) Proposers' performance history in meeting deadlines, submitting accurate estimates, producing high quality work, and meeting financial obligations;

(ix) Status and quality of any required license or certification;

(x) Proposers' knowledge and understanding of the Project and Architectural, Engineering and Land Surveying Services or Related Services described in the RFP as shown in Proposers' approaches to staffing and scheduling needs for the QBS Services or Related Services and proposed solutions to any perceived design and constructability issues;

(xi) Results from interviews, if conducted;

(xii) Design philosophy, if applicable, and approach to the QBS Services or Related Services described in the RFP;

- (xiii) If the City is selecting a QBS consultant to provide Related Services, pricing policies and pricing proposals or other pricing information, including the number of hours proposed for the services required, expenses, hourly rates and overhead; and
  - (xiv) Any other criteria that the City seems relevant to the Project and the QBS Services or Related Services described in the RFP, including, where the nature and budget of the Project so warrant, a design competition between competing Proposers. Provided, however, these additional criteria cannot include pricing policies, pricing proposals or other pricing information, including the number of hours proposed for the services required, expenses, hourly rates and overhead, when the sole purpose or predominant purpose of the RFP is to obtain QBS Services.
- c. Conditions or limitations, if any, that may constrain or prohibit the selected QBS consultant's ability to provide additional services related to the Project, including but not limited to construction services;
  - d. Whether interviews are possible and if so, the weight, points or other classifications applicable to the potential interview;
  - e. The date and time Proposals are due, and the delivery location for Proposals;
  - f. Reservation of the right to seek clarifications of each Proposal;
  - g. Reservation of the right to negotiate a final Contract that is in the best interest of the City;
  - h. Reserves the right to reject any or all Proposals or cancel the RFP at anytime if doing either would be in the public interest as determined by the City;
  - i. A Statement that Proposers responding to the RFP do so solely at their expense, and City is not responsible for any Proposer expenses associated with the RFP;
  - j. A statement directing Proposers to the protest procedures set forth in the Solicitation Document.
  - k. Special Contract requirements, including but not limited to, minority business enterprise ("MBE"), women business enterprise ("WBE") and emerging small business enterprise ("ESB") participation goals or good faith efforts with respect to MBE, WBE and ESB participation, and federal requirements including disadvantaged business enterprise ("DBE") participation goals with respect to DBE participation when federal funds are involved;
  - l. A statement whether or not the City will hold a pre-Proposal meeting for all interested QBS consultant s to discuss the Project and the QBS Services or Related Services described in the RFP and if a pre-Proposal meeting will be held, the location of the meeting and whether or not attendance is mandatory;
  - m. A request for any information the City deems reasonably necessary to permit the City to evaluate, rank and select the most qualified Proposer to perform the QBS Services or Related Services described in the RFP; and

F. A Proposer or any of the Proposer's principals, partners, or associates shall not be eligible for award of a Contract resulting from an RFP if they were members of the evaluation committee for the same RFP.

G. If the City does not cancel the RFP after it receives the results of the scoring and ranking for each Proposer, the City will begin negotiating a Contract with the highest ranked Proposer. The City shall direct negotiations toward obtaining written agreement on:

1. The QBS consultant's performance obligations and performance schedule;
2. Payment methodology and a maximum amount payable to the QBS consultant for the QBS Services or Related Services required under the Contract that is fair and reasonable to the City as determined solely by the City, taking into account the value, scope, complexity and nature of the QBS Services or Related Services; and
3. Any other provisions the City believes to be in the City's best interest to negotiate.

### **Ties between Proposers**

If the City is selecting a QBS consultant on the basis of qualifications alone and determines after the ranking of Proposers that two or more Proposers are equally qualified, the City may select a candidate through any process that the City believes will result in the best value for the City taking into account the scope, complexity and nature of the QBS Services. Provided, however, the tie breaking process established by the City cannot be based on the QBS consultant's pricing policies, pricing proposals or other pricing information, including the number of hours proposed for the services required, expenses, hourly rates and overhead. The process shall instill public confidence through ethical and fair dealing, honesty, and good faith on the part of the City and Proposers and shall protect the integrity of the Public Contracting process. Once a tie is broken, the City and the selected Proposer shall proceed with negotiations.

### **Solicitation Cancellation, Delay or Suspension; Rejection of All Proposals or Responses; QBS Consultant Responsibility for Costs**

The City may cancel, delay or suspend a solicitation, RFQ or other preliminary Procurement document, or reject all Proposals, responses to RFQs, responses to other preliminary Procurement documents, or any combination of the foregoing, if the City believes it is in the public interest to do so. In the event of any such cancellation, delay, suspension, or rejection, the City is not liable to any Proposer for any loss or expense caused by or resulting from any such cancellation, delay, suspension, or rejection. QBS consultants responding to either solicitations, RFQs or other preliminary Procurement documents are responsible for all costs they may incur in connection with submitting Proposals, responses to RFQs or responses to other preliminary Procurement documents.

### **Prohibited Payment Methodology; Purchase Restrictions**

A. Except as otherwise allowed by law, the City shall not enter into any Contract which includes compensation provisions that expressly provide for payment of:

1. QBS consultant's costs under the Contract plus a percentage of those costs; or
2. A percentage of the Project construction costs or total Project costs.

B. Except as otherwise allowed by law, the City shall not enter into any Contract in which:

1. The compensation paid under the Contract is solely based on or limited to the QBS consultant's hourly rates for the QBS consultant's personnel working on the Project and reimbursable expenses incurred during the performance of work on the Project (sometimes referred to as a "time and materials" Contract); and
  2. The Contract does not include a maximum amount payable to the QBS consultant for the QBS Services or Related Services required under the Contract.
- C. Except in cases of Emergency or in the particular instances noted in the subsections below, the City shall not purchase any building materials, supplies or equipment for any building, structure or facility constructed by or for the City from any QBS consultant under a Contract with City to perform QBS Services or Related Services, for the building, structure or facility. This prohibition does not apply if either of the following circumstances exists:
1. The QBS consultant is providing QBS Services or Related Services under a Contract with a City to perform Design-Build services or Energy Savings Performance Contract services (see PCC 5.34.870 and 5.34.880); or
  2. That portion of the Contract relating to the acquisition of building materials, supplies, or equipment was awarded to the QBS consultant pursuant to applicable law governing the award of such Contracts.

#### **Expired or Terminated Contracts; Reinstatement**

- A. If the City enters into a Contract for QBS Services or Related Services and that Contract subsequently expires or is terminated, the City may proceed as follows, subject to the requirements of subsection (2) of this section and subject to the approval of the Chief Procurement Officer:
1. Expired Contracts. If the Contract has expired as the result of Project delay caused by the City or caused by any other occurrence outside the reasonable control of the City or the QBS consultant, and if no more than one year has passed since the Contract expiration date, the City may amend the Contract to extend the Contract expiration date, revise the description of the QBS Services or Related Services required under the Contract to reflect any material alteration of the Project made as a result of the delay, and revise the applicable performance schedule. Beginning on the effective date of the amendment, the City and the QBS consultant shall continue performance under the Contract as amended; or
  2. Terminated Contracts. If the City or both parties to the Contract have terminated the Contract for any reason and if no more than one year has passed since the Contract termination date, then the City may enter into a new Contract with the same QBS Consultant to perform the remaining QBS Services, or Related Services not completed under the original Contract, or to perform any remaining QBS Services or Related Services not completed under the Contract as adjusted to reflect a material alteration of the Project.
- B. The City may proceed under either subsection A1 or A2 of this section only after making written findings that amending the existing Contract or entering into a new Contract with the QBS consultant will:

1. Promote efficient use of public funds and resources and result in substantial cost savings to the City;
2. Protect the integrity of the Public Contracting process and the competitive nature of the Procurement process by not encouraging favoritism or substantially diminishing competition in the award of Contracts.; and
3. Result in a Contract that is still within the scope of the final form of the original Procurement document.

### **Applicable Provisions**

A. Consistent with the requirements of ORS 279C.107 and the remaining requirements of ORS 279C.100, 279C.105, and 279C.110 through 279C.125, the following provisions apply to proposals received by the City for QBS Services or Related Services:

1. The term "competitive proposal", for purposes of ORS 279C.107 means proposals submitted according to the QBS selection process.
2. In the limited circumstances permitted by ORS 279C.110, 279C.115 and 279C.120, where the City is conducting discussions or negotiations with proposers who submit proposals that the City has determined to be closely competitive or to have a reasonable chance of being selected for award, the City may open proposals so as to avoid disclosure of proposal contents to competing Proposers, consistent with the requirements of ORS 279C.107. Otherwise, City may open proposals in such a way as to avoid disclosure of the contents until after the City executes a Contract with the selected QBS consultant. If the City determines that it is in the best interest of the City to do so, the City may make proposals available for public inspection following the City's issuance of a Notice of Intent to Negotiate and Award a Contract to a QBS consultant.
3. Disclosure of proposals and proposal information is otherwise governed by ORS 279C.107.

B. As required by ORS 279C.307, pertaining to requirements to ensure the objectivity and independence of providers of certain PTE Services that are procured under ORS chapter 279C, the City may not:

1. Procure services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with or otherwise overseeing a public contract from a consultant or an affiliate of a consultant who is a party to the Public Contract that is subject to administration, management, monitoring, inspection, evaluation or oversight by means of the services; or
2. Procure the services identified in ORS 279C.307 through the Public Contract that is subject to administration, management, monitoring, inspection, evaluation, or oversight by means of the Services.

C. The requirements of ORS 279C.307 and the above paragraph B of these provisions apply in the following circumstances, except as provided in paragraph D of this section:

1. The City requires the Procurement of Personal Services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with, or otherwise overseeing a Public Contract or performance under a Public Contract that is

subject to ORS chapter 279C. A Public Contract that is “subject to ORS chapter 279C” includes a Public Contract for QBS Services a Public Contract for Related Services or a Public Contract for construction services under ORS chapter 279C.

2. The Procurements of Personal Services subject to the restrictions of ORS 279C.307 shall include but not limited to, the following:

- a. Procurements for QBS Services, which involve overseeing or monitoring the performance of a construction Contractor under a Public Contract for construction services subject to ORS 279C;
- b. Procurements for commissioning services, which involve monitoring, inspecting, evaluating or otherwise overseeing the performance of a consultant providing QBS Services or the performance of a construction Contractor under a Public Contract for construction services subject to ORS 279C;
- c. Procurements for project management services, which involve administration, management, monitoring, inspecting, evaluating compliance with or otherwise overseeing the performance of a consultant providing QBS Services, construction services subject to ORS chapter 279C, commissioning services or other Related Services for a Project;
- d. Procurements for special inspections and testing services, which involve inspecting, testing or otherwise overseeing the performance of a construction Contractor under a Public Contract for construction services subject to ORS 279C; and
- e. Procurements for other Related Services or Personal Services, which involve administering, managing, monitoring, inspecting, evaluating compliance with, or otherwise overseeing the Public Contracts described in below Paragraph C.1 of these provisions.

D. The restrictions of ORS 279C.307 do not apply in the following circumstances, except as further specified below:

1. To the City's Procurement of both design services and construction services through a single "Design-Build" Procurement, as that term is defined in PCC 5.34 870. Such a Design-Build Procurement includes a Procurement under an Energy Savings Performance Contract, as defined in ORS 279A.010. Provided, however, the restrictions of ORS 279C.307 do apply to a City 's Procurement of Personal Services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with or otherwise overseeing a Design-Build Contract or performance under such a Contract resulting from a Design-Build Procurement.

2. To the City's Procurement of both pre-construction services and construction services through a single “Construction Manager/General Contractor” Procurement, as defined in PCC 5.34.890. Provided, however, the restrictions of ORS 279C.307 do apply to a City's Procurement of Personal Services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with or otherwise overseeing a Construction Manager/General Contractor Contract or performance under such a Contract resulting from a Construction Manager/General Contractor Procurement.

### **Mixed Contracts**

For purposes of this Manual, a “mixed” Contract is one requiring the QBS consultant to perform QBS Services, and some combination of Related Services, ordinary goods and services and construction services. The City’s classification of a procurement that will involve a “mixed” Contract will be determined by the predominant purpose of the Contract as defined by the greatest amount to be paid under the Contract that includes the combination of QBS Services, Related Services, ordinary goods and services and construction services. If the predominant purpose of the Contract is for QBS Services, the City shall comply with the QBS requirements. If the predominant purpose of the Contract is for Related Services, the City shall use its standard selection processes or a QBS selection process, as determined in its sole discretion. If the predominant purpose of the Contract is for some ordinary goods and services under the Public Contracting Code, the City shall comply with either PCC 5.33 or PCC 5.34, depending on the predominant purpose of the Contract.

### **Electronic Solicitation Methods**

The City may use electronic methods to screen and select a QBS consultant in accordance with the procedures described below:

A. The City may conduct all phases of a Procurement, including without limitation the posting of Electronic Advertisements and the receipt of Electronic Offers, by Electronic methods if and to the extent the City specifies in a Solicitation Document, a request for quotes, or any other Written instructions on how to participate in the Procurement.

B. The City shall open an Electronic Offer in accordance with Electronic security measures in effect at the City at the time of its receipt of the Electronic Offer. Unless the City provides procedures for the secure receipt of Electronic Offers, the Person submitting the Electronic Offer assumes the risk of premature disclosure due to submission in unsealed form.

C. The City’s use of Electronic Signatures shall be consistent with applicable statutes and rules. The Chief Procurement Officer may limit the use of Electronic methods of conducting a solicitation if such limits will be advantageous to the City.

D. If the City determines that Bid or Proposal Security is or will be required, the Chief Procurement Officer will not authorize Electronic Offers unless the City has another method for receipt of such security.

E. Rules Governing Electronic Procurements. The City shall conduct all portions of an Electronic Procurement in accordance with this Manual, unless otherwise set forth in this Manual.

F. Preliminary Matters. As a condition of participation in an Electronic Procurement the Chief Procurement Officer may require potential consultants to register with the City before the date and time on which the City will first accept Offers, to agree to the terms, conditions, or other requirements of a Solicitation Document, or to agree to terms and conditions governing the Procurement, such as procedures that the City may use to attribute, authenticate or verify the accuracy of an Electronic Offer, or the actions that constitute an Electronic Signature.

G. Offer Process. The Chief Procurement Officer may specify that Persons must submit an Electronic Offer by a particular date and time, or that Persons may submit multiple Electronic Offers during a period of time established in the Electronic Advertisement. When the Chief Procurement Officer specifies that Persons may submit multiple Electronic Offers during a specified period of time, the City must designate a time and date on which Persons may begin to submit Electronic Offers, and a time and date after which Persons may no longer submit Electronic Offers. The date and time after which Persons may no longer submit Electronic Offers need not be specified by a particular date and time, but may be specified by a description of the conditions that, when they occur, will establish the date and time after which Persons may no longer submit Electronic Offers. When the City will accept Electronic Offers for a period of time,

then at the designated date and time that the City will first receive Electronic Offers, the City must begin to accept “real time” Electronic Offers on the City’s On-Line Procurement Center, and shall continue to accept Electronic Offers in accordance with PCC 5.33.340 H.2 until the date and time specified by the City, after which the City will no longer accept Electronic Offers.

H. Receipt of Electronic Offers.

1. When the City conducts an Electronic Procurement that provides that all Electronic Offers must be submitted by a particular date and time, the City shall receive the Electronic Offers in accordance with this Manual.

2. When the City specifies that Persons may submit multiple Offers during a period of time, the City shall accept Electronic Offers, and Persons may submit Electronic Offers, in accordance with the following:

a. Following receipt of the first Electronic Offer after the Day and time the City first receives Electronic Offers the City shall post on the City’s On-Line Procurement Center, and updated on a real time basis, the lowest Electronic Offer price, or the highest ranking Electronic Offer. At any time before the date and time after which the City will no longer receive Electronic Offers, a Person may revise its Electronic Offer, except that a Person may not lower its price unless that price is below the then lowest Electronic Offer.

b. A Person may not increase the price set forth in an Electronic Offer after the Day and time that the City first accepts Electronic Offers.

c. A Person may withdraw an Electronic Offer only in compliance with this Manual. If a Person withdraws an Electronic Offer, it may not later submit an Electronic Offer at a price higher than that set forth in the withdrawn Electronic Offer.

I. Failure of the City’s On-Line Procurement Center In the event of a failure of the City’s On-Line Procurement Center that interferes with the ability of Persons to submit Electronic Offers, protest or to otherwise participate in the Procurement, the City may cancel the Procurement in accordance with PCC Section 5.33.660, or may extend the date and time for receipt of Electronic Offers by providing notice of the extension immediately after the City’s On-Line Procurement Center becomes available.

## **5. Request for On-Call Services or Price Agreements for QBS Services**

Often, bureaus have routine needs for consultant services. Spending the time to obtain proposals from consultants on a repetitive basis for routine tasks is an inefficient use of City and consultant resources. On-Call Services contracts may be established through the RFP process to meet these needs. When the routine need is for QBS consultants to perform QBS Services, then the on-call services contract is called a Price Agreement for QBS Services, and the Price Agreement must be established through the QBS selection process.

Accordingly, the procedures set forth herein establish a more efficient application of such contracts. On-Call Services contracts and Price Agreements for QBS Services are intended to be used to procure routine PTE services whose specific Scope and Budget are not pre-determined, and not as a substitute procurement method for planned and budgeted PTE Services.

An On-Call Services contract covers basic contractual requirements without defining specific project requirements, and is designed to quickly and efficiently hire consultants to perform routine services by issuing individual Task Orders as needs are identified. The base contract establishes

the general scope of services to be provided, contract language, and hourly rates. Task Orders establish specific scopes of work, maximum cost, and schedule, and are negotiated and issued for that specific need under the base contract's framework. Task Orders cannot contradict or amend the base contract; only executed contract amendments can amend the base contract (reference Section 8.E).

### **Solicitation Requirements**

On-Call contracts for PTE Services are procured using the City's standard Formal RFP process; while Price Agreements for QBS Services are established in the same manner as described in Section 2 above, unless the contract is a "mixed contract" at which point the procedure will be determined by the predominant purpose of the contract.

A. The City may establish Price Agreements for QBS Services, when the City cannot determine the precise quantities of those QBS Services which the City will require for a specified time period.

B. In addition to other applicable solicitation requirements set forth in regard to QBS contracts, solicitation materials and the terms and conditions for a Price Agreement for QBS Services must:

1. Include a scope of services, menu of services, a specification for services or a similar description of the nature, general scope, complexity and purpose of the procurement that will reasonably enable a prospective proposer to decide whether to submit a proposal;
2. Specify whether the City intends to award a Price Agreement to one QBS consultant or to multiple QBS consultants. If the City will award a Price Agreement to more than one QBS consultant, the solicitation document and Price Agreement shall describe the criteria and procedures the City will use to select a QBS consultant for each individual task order. Subject to the requirements of this Manual, the criteria and procedures to assign task orders that only involve or predominantly involve QBS Services are at the City's sole discretion, provided the solicitation selection criteria are not based on pricing policies, pricing proposals or other pricing information, including the number of hours proposed for the QBS Services required, expenses, hourly rates and overhead.
3. Specify a maximum term of no more than three (3) years for assigning QBS Services or Related Services under the On-Call contract or Price agreement.
4. The City shall publish the electronic advertisement within a reasonable time before the deadline for the Proposal submission or response to the RFQ or RFP, but in any event no fewer than fourteen (14) calendar days before the closing date set forth in the RFQ or RFP.

### **Task Order Requirements**

All QBS Services or Related Services assigned under an On-Call contract or Price Agreement require a written Task Order issued by the City. Any Task Orders assigned under an On-Call contract or Price Agreement must include, at a minimum, the following:

1. A clearly defined statement of work and schedule for any deliverables;

2. A maximum, not-to-exceed price or fixed price amount for the QBS Services or Related Services specified and authorized under the Task Order, and
3. Language that incorporates all applicable terms and conditions of the On-Call contractor Price Agreement into the Task Order.

On-Call Contracts or QBS Price Agreements are established so that Task Orders are awarded in a fair process whenever work becomes available. If Task Orders are issued on a defined rotational basis, as each project is identified, then bureaus must ensure a systematic rotation among all consultants within each category of work.

For the Task Order, bureaus will negotiate a scope of work, project schedule, and fee schedule with the consultant from the list. Bureaus may review and approve the proposed project team and project approach for the specific Task Order to align with the submitted proposal. If the consultant and the bureau cannot reach an agreement, then the bureau has the option of using the next consultant on the list. Documentation for changing the selection rotation must be kept in the contracting file. Bureaus will not require consultants to resubmit their qualifications in selection for a Task Order. However, if a bureau has a sufficient number of consultants available within an area of work, they may wish to ask a small group of consultants to submit a proposal for a specific Task Order. This process should be used if there are several consultants available who are currently under contract, and/or if there are some parts of the project which make a Task Order unique or may require certain specialized capabilities. Consultants who are currently working on a Task Order would not be eligible to submit a proposal. This process should not be used for small dollar value or routine Task Orders.

### **General Requirements**

- Contracts shall have a term that does not exceed three (3) years.
- The total value of any one On-Call Services contract or Price Agreement for QBS consultants contract is limited to \$250,000 over the 3-year term of the contract, except for the following areas of work: Civil Engineering, Street Design, Pavement Testing, Land Surveying, Environmental Consulting (relative to regulatory compliance and contaminated site evaluation, and management), Planning and Design Work (for existing transmission and treatment facilities, existing water main replacement and service, water treatment, blending, and quality monitoring), and Water Testing and Analysis, in which case, the maximum allowed per contract is \$500,000.
- Projects within an On-Call or Price Agreement contract will be determined by issuing a written Task Order. The total value of any one Task Order per consultant is limited to \$75,000 (\$250,000 for areas of work listed above). The limitation applies to each specific project; multiple Task Orders within a project cannot be issued to the same vendor to circumvent the limitation.
- Task Orders may be amended as follows: 1) amendments not exceeding 25% of the original Task Order amount may be issued and authorized by the bureau's approving authority; 2) amendments exceeding 25% of the original Task Order amount must be authorized by the applicable bureau director, or referred to City Council for approval per that bureau director's discretion. The 25% limitation is based on the cumulative total of all financial amendments to the original Task Order amount. Task Orders shall be approved and accepted by both the bureau's approving authority and consultant's representative.
- Task Orders may only be issued for services stated in the original solicitation and contractual scope of work.
- Subconsultant(s) listed in the base contract must be used for the identified work as originally proposed and contracted for. A subconsultant that isn't expressly identified in the base contract can only be used if added through an amendment to the base contract. Consultants who wish to change an identified subconsultant may only do so through the amendment process and must demonstrate a compelling case for the change. Any change to an

identified M/W/ESB subconsultant must be approved by the Chief Procurement Officer in accordance with Resolution 36558. Price Agreements for QBS consultants for projects anticipating Federal Funding procurement restrictions may not be subject to M/W/ESB limitations established per the above referenced Council Resolution. Such solicitations or contracts may be subject to other priority group limitations; check with your bureau contract administrator.

- The base contract shall include a sample Task Order form as an exhibit to the contract.
- All completed Task Orders must be kept in the contract file.
- Cross-bureau usage of an On-Call Services contract is prohibited without prior approval in writing from the bureau that owns the contract and the Chief Procurement Officer, unless the original solicitation provides for such usage and names each specific bureau to use the contract, or provides for City-Wide usage.

## 6. Sole Source Procurement

It is the premise of public contracting that a competitive solicitation be used in order to maintain fair and open competition and provide opportunities for consultants to work for the City. Bureaus are expected to obtain as much competition as is reasonable and possible, therefore a Sole Source procurement requires full justification and complete documentation.

Sole Source procurement is one that awards a contract without an open competitive environment. It is a declaration that the PTE services being contracted for are of such a unique nature, or the consultant possesses such a singular capability to perform the work that proceeding without competition is likely to provide a significant benefit to the City. Contracting by this method requires complete explanation and justification of: 1) the unique nature of the services; 2) the unique qualifications of the consultant; and 3) the basis upon which it was determined that there is only one known consultant able to meet the service needs (i.e., what makes them uniquely qualified to perform the service and what evidence was considered that resulted in that determination).

For sole source procurements not exceeding \$100,000, bureaus shall complete and submit to Procurement Services the PTE Transmittal Form, the Sole Source Request, and any appropriate justification and supporting documentation. The Chief Procurement Officer is authorized to approve sole source requests for contracts valued at \$100,000 or less. However, sole source procurements greater than \$25,000 will require a public notice be posted on the City's On-Line Procurement Center for at least seven (7) calendar days prior to the award. Consultants who feel they are adversely affected by the award of the sole source will have seven (7) calendar days from the issuance of the sole source notice to file a protest in accordance with Section 5, NOTICES, AWARD REVIEWS, AND PROTESTS of this Manual. If a protest is received, the matter must be resolved before the Chief Procurement Officer will review the Sole Source Request. **Approval must be obtained from the Chief Procurement Officer prior to execution of a contract;** however, bureaus may also have additional internal approval requirements that are not addressed here.

For sole source procurements exceeding \$100,000, the request must be submitted to Council for approval via the ordinance process. Please see Section 8.C for additional directions regarding preparation of a sole source ordinance.

By declaring a sole source, the bureau is only eliminating the competitive solicitation requirements; all other contracting requirements must be met (i.e., contract document, business tax registration, EEO certification, Equal Benefits, insurance, PTE Contract Worksheet, subconsultant tracking, and final payment documentation). Negotiation with the sole source provider, including the use of M/W/ESB subconsultants, is encouraged to establish a favorable contract for the City.

## 7. Emergency Procurement

An emergency procurement is a departure from the normal competitive solicitation process. An emergency procurement is used to accommodate a *“circumstance creating a substantial risk of loss, damage, interruption of services or threat to public health or safety that could not have been reasonably foreseen and requires prompt award and execution of a contract to remedy the situation”*.

Emergency procurement procedures are not often used and are never intended to be used as a substitute for standard competitive contracting or in lieu of a sole source. It is incumbent on City staff that as much competition as possible be obtained to the extent reasonable under the emergency circumstances. Any measure(s) undertaken to obtain competition must be documented and made a part of the final contract file.

**The authority to declare an emergency shall be as follows:**

- **\$100,000 or less** – Declaration must be made by the bureau director and authorized in writing by the Chief Procurement Officer
- **Over \$100,000** – Declaration must be made by the Commissioner-in-Charge who has responsibility for the bureau and authorized by ordinance at the next regularly scheduled Council session

The declaration must document the nature of the emergency and the method used to select the consultant. By doing so, the selected consultant may immediately begin work to alleviate the emergency situation or minimize further damage or loss. The declaration must clearly state that an emergency exists, identifying the specific emergency that has or would cause threat to public health and safety or a substantial risk of loss or damage and further specifying what work is intended to be done to alleviate the emergency.

If an emergency occurs during regular working hours (Monday through Friday, 8:00 A.M. to 5:00 P.M.) and is estimated to be not more than \$100,000, the bureau shall contact Procurement Services, notifying them of the emergency. The bureau will provide adequate written justification for an emergency contract and submit it to the Chief Procurement Officer for authorization. If the emergency occurs during non-working hours, the bureau shall contact Procurement Services by the next business day following the emergency. For projects estimated to be greater than \$100,000, the bureau shall prepare and file an ordinance for authorizing the emergency declaration at the next regularly scheduled Council session or as soon as possible thereafter. If either the Chief Procurement Officer or the City Council does not authorize the emergency declaration, the bureau must immediately advise the consultant to stop work and submit a final invoice for work performed prior to the stop work date.

In declaring an emergency, the bureau is declaring they will be foregoing the competitive solicitation requirements and that the contract will not be used for any more than what is required to mitigate the emergency situation. All other contracting requirements apply (i.e., contract document, business tax registration, EEO certification, Equal Benefits, insurance, PTE Contract Worksheet, subconsultant tracking, and final payment documentation).

## D. SOLICITATION PROCEDURES

### 1. Small (\$5,000 or less)

At the Small contract level, use of an Intermediate or Formal template is not required. However, keeping a written record of the scope of services solicited and contacts made, providing

consistent information to all proposers, recording proposals received and maintaining a written copy of the successful proposer's proposal is required.

#### General Requirements

- Proposals must be solicited from a sufficient number of qualified consultants to obtain a minimum of three (3) proposals. One of the consultants solicited must be an Oregon State certified minority-owned (MBE), woman-owned (WBE) or emerging small business (ESB). The State's directory of certified consultants may be queried at <http://www4.cbs.state.or.us/ex/dir/omwesb/>, or you may contact the PTE Outreach Program Coordinator in Procurement Services for assistance. If an M/W/ESB business is not or cannot be contacted, an explanation must be provided on the PTE Contract Worksheet when submitted to Procurement Services.
- Project manager should compile a list of potential proposers and distribute the small solicitation, preferably via email. The number of potential proposers should be sufficient to receive at least three proposals, and all potential proposers contacted must be documented on the PTE Contract Worksheet.
- Each proposer must be given the same information and allowed the same amount of time to respond. At a minimum, the scope of work, period of performance, and contracting requirements (EEO certification, business tax registration, and insurance requirements) must be provided.
- Any changes to project requirements must be communicated to all prospective proposers prior to the deadline for submitting proposals.
- The proposers may be contacted in writing (preferably via email) or by phone, and may respond via phone, e-mail, fax or mail. If an initial phone proposal is received from the selected consultant, a follow-up written record will be required for contracting.
- Select the consultant that best meets the bureau's needs. Selection is normally made by the Project Manager.
- Incorporate sustainable procurement best practices (see Section 1.D)

Services in the Small range may be acquired by direct award, without competition, if contracting with a State of Oregon certified M/W/ESB consultant (see Section 2, D.4, DIRECT CONTRACTING).

## **2. Intermediate (\$5,000.01 - \$100,000)**

At the Intermediate contract level, use of the Intermediate Request for Proposal (IRFP) Solicitation Template is required. Due to the type and amount of information provided in the IRFP and the level of effort required to respond, telephone or verbal offers are not acceptable.

#### General Requirements

- Project managers must use the Intermediate RFP template.
- Incorporate sustainable procurement best practices (see Section 1.D)
- Complete solicitation documents may be transmitted to Procurement Services to be released via the City's On-Line Procurement Center. If desired, send the final RFP documents and the PTE Transmittal Form to the PTE Intake email address, [pteintake@portlandoregon.gov](mailto:pteintake@portlandoregon.gov).
- For Intermediate solicitations competitive proposals must be solicited from at least four (4) qualified consultants in order to obtain a sufficient number of proposals, and at least 50% of the consultants solicited must be certified M/W/ESB firms, if a sufficient number of M/W/ESB firms are available. If the bureau wishes to post an Intermediate solicitation, on the City's On-Line Procurement Center, the bureau may send it to the PTE Intake mailbox. Posting an Intermediate Solicitation on the City's On-Line Procurement Center DOES NOT relieve the Bureau of outreach requirements. The State's directory of certified consultants may be

queried at <http://www4.cbs.state.or.us/ex/dir/omwesb/>, or you may contact the PTE Outreach Program Coordinator or the PTE Contract Compliance Specialist in Procurement Services for assistance. If a sufficient number of M/W/ESB businesses have not or cannot be contacted, an explanation must be provided on the PTE Contract Worksheet when submitted to Procurement Services. The Chief Procurement Officer must approve the PTE Contract Worksheet prior to proceeding if the required number of M/W/ESB firms cannot be or have not been contacted.

- Whenever any federal funding is utilized on an intermediate solicitation, the City shall advertise each RFP and RFQ in accordance with the granting agency's requirements.
- All potential proposers contacted must be documented on the PTE Contract Worksheet. In addition the Project Manager may request that the IRFP be posted on the City's On-Line Procurement Center.
- Any changes, or addenda, to the IRFP documents must be provided to all proposers who received the original solicitation. Those proposers must be notified in the same manner and method used for the notification of the original solicitation using the standard RFP Addendum template at least three (3) days prior to the deadline for submitting proposals.
- An evaluation committee is required to evaluate and score proposals received based on the evaluation criteria specified in the IRFP (reference Section 4 of this manual). The consultant will be selected based on receiving the highest score.
- For Intermediate solicitations over \$25,000, Bureaus are required to submit to Procurement Services the Notice of Intent to Negotiate and Award (NOI), a copy of the IRFP, the evaluation committee scoring data, Evaluator non-conflict of interest statements, and the Proposal Receipt Record form prior to issuing the NOI. All of the listed information must be submitted through the PTE Intake mailbox and approved by the Chief Procurement Officer before the NOI may be issued.

If a consulting firm is used to help draft specifications, or develop the scope of work for the QBS RFP, and if the bureau does not intend for the consultant to be eligible to propose, the firm must be identified by name and their specific involvement including their ineligibility to propose, must be disclosed in the QBS RFP. Prior to the QBS RFP being issued, such firms will be required to sign a Consultant Non-Conflict of Interest and Non-Disclosure Statement declaring that they have written an open competitive specification or scope of work, etc. and affirming that they do not have any financial interest in the resulting contract. The consultant also agrees that they will not disclose any information pertaining to the project to anyone outside of the immediate personnel involved in writing or assisting with writing the specifications.

If a consulting firm is used to help draft specifications, or develop the scope of work for the QBS RFP, and if the bureau intends for the consultant to be eligible to propose, the firm must be identified by name and their specific involvement including their eligibility to propose, must be disclosed in the QBS RFP. Prior to the QBS RFP being issued, such firms will be required to sign a Consultant Non-Conflict of Interest and Non-Disclosure Statement declaring that they have written an open competitive specification or scope of work, etc. and affirming that any specification or scope of work written does not give them a competitive advantage in the marketplace for any resulting contract. The consultant also agrees that they will not disclose any information pertaining to the project to anyone outside of the immediate personnel involved in writing or assisting with writing the specifications.

Services up to an amount of \$50,000, may be acquired by direct award, without competition, if contracting with a State of Oregon certified M/W/ESB consultant (see Section 2, D.4, DIRECT CONTRACTING).

### **3. Formal (greater than \$100,000)**

At the Formal contract level, use of the Request for Proposal (RFP) template or Request for Qualifications (RFQ) template is required. Use of the Architectural and Engineering RFP for LEED Projects, On-Call Services RFP, or Qualification Based Selection RFP (QBS/RFP) templates are required as applicable.

#### General Requirements

- Project managers must use the appropriate solicitation template.
- Incorporate sustainable procurement best practices (see Section 1.D)
- Complete solicitation documents will be transmitted to Procurement Services to be released via the City's On-Line Procurement Center. Send the final RFP documents and the PTE Transmittal Form to the PTE Intake email address, [pteintake@portlandoregon.gov](mailto:pteintake@portlandoregon.gov).
- Solicitations whose value is greater than \$100,000 require the Chief Procurement Officer's review and approval prior to releasing the solicitation; bureaus are required to make any necessary legal or policy changes based on review comments. Procurement Services will forward draft solicitation documents to the City Attorney's Office for review at their discretion.
- Procurement Services will publicly solicit proposals on the City's On-Line Procurement Center, and distribution of the solicitation documents is confined to this site. The City shall publish the electronic advertisement within a reasonable time before the deadline for the Proposal submission, but in any event no fewer than fourteen (14) calendar days before the closing date set forth in the solicitation. Bureaus should allow a minimum of 3 weeks for potential proposers to submit a proposal. When a solicitation is complex or requires outreach to a larger consultant community, best practices require a longer time frame for proposal submission. Interested proposers must be directed to City's On-Line Procurement Center to download the documents.
- The City shall publish a formal solicitation electronically on the City's On-Line Procurement Center. In publishing a solicitation electronically, the City will comply with all applicable portions of PCC 5.33.340, ELECTRONIC PROCUREMENT, and the requirements of the preceding paragraph.

The electronic advertisement must contain at a minimum: 1) a brief description of the project, 2) a brief description of the specific services the City seeks, 3) a description of how and where the consultants may obtain a copy of the solicitation, and 4) the deadline for submitting a Proposal. Bureaus are encouraged to advertise in minority or trade publications (i.e., DJC, Asian Reporter, The Skanner, Observer, and El Hispanic News). The contracting bureau is responsible for paying all advertising costs.

Upon issuance of the solicitation, bureaus should perform outreach to the contracting community, particularly to State of Oregon M/W/ESB certified consultants. The State's directory of certified consultants may be queried at <http://www4.cbs.state.or.us/ex/dir/omwesb/>, or you may contact the PTE Outreach Program Coordinator in Procurement Services for assistance.

- Whenever any federal funding is utilized on a formal solicitation, the City shall advertise each RFP and RFQ in accordance with the granting agency's requirements.
- Any changes to the solicitation documents must be made by written addenda using the standard RFP addenda template and posted on the City's On-Line Procurement Center prior to the deadline for submitting proposals (reference Sections 2.F and 2.G).
- An evaluation committee is required to evaluate and score proposals received based on the evaluation criteria specified in the solicitation document (reference Section 4 of this manual).
- Bureaus are required to submit the Notice of Intent to Negotiate and Award (NOI) to Procurement Services for approval prior to issue. Along with the NOI, submit to Procurement Services a copy of the RFP, the evaluation committee scoring data, non-conflict of interest statements, evaluator demographic information forms, and the Proposal Receipt Record form. All of the listed information must be submitted through the PTE Intake mailbox for approval by the CPO before the NOI may be issued.

- Issue appropriate notices depending on the intended outcome of the solicitation document (i.e., Notice to Short List or Notice of Intent to Negotiate and Award).
- Protests of City decisions are addressed under Section 5, NOTICES, AWARD REVIEWS AND PROTESTS.

If a consulting firm is used to help draft specifications, or develop the scope of work for the QBS RFP, and if the bureau does not intend for the consultant to be eligible to propose, the firm must be identified by name and their specific involvement including their ineligibility to propose, must be disclosed in the QBS RFP. Prior to the QBS RFP being issued, such firms will be required to sign a Consultant Non-Conflict of Interest and Non-Disclosure Statement declaring that they have written an open competitive specification or scope of work, etc. and affirming they do not have any financial interest in the resulting contract. The consultant also agrees that they will not disclose any information pertaining to the project to anyone outside of the immediate personnel involved in writing or assisting with writing the specifications.

If a consulting firm is used to help draft specifications, or develop the scope of work for the QBS RFP, and if the bureau intends for the consultant to be eligible to propose, the firm must be identified by name and their specific involvement including their eligibility to propose, must be disclosed in the QBS RFP. Prior to the QBS RFP being issued, such firms will be required to sign a Consultant Non-Conflict of Interest and Non-Disclosure Statement declaring that they have written an open competitive specification or scope of work, etc. and affirming that any specification or scope of work written does not give them a competitive advantage in the marketplace for any resulting contract. The consultant also agrees that they will not disclose any information pertaining to the project to anyone outside of the immediate personnel involved in writing or assisting with writing the specifications.

The City may begin negotiations with the highest scored proposer following all phases of the solicitation and, if negotiations are successful, award a contract.

#### Request for Qualifications

In the case of an RFQ, the highest scored proposers will be issued a modified RFP (reference Section 2, Paragraph C.3, Request For Qualifications above) and proceed with the second phase of the solicitation process, thus the following General Requirements also apply:

#### RFQ General Requirements

- Select highest scored respondents based on established criteria specified in the RFQ document to create a short list. In most instances it is appropriate to create a short list with at least three respondents. For further information on evaluation see Section 4.
- Project manager must contact Procurement Services for assistance with developing the modified RFP. If over \$100,000, the modified RFP must be reviewed and approved by the Chief Procurement Officer.
- Transmit final modified RFP documents and contact information for short listed proposers to PTE Intake email address for distribution.
- Project managers should organize an evaluation committee per Section 4 of this manual to evaluate and score the modified RFP proposals.
- Select the highest scored Proposer based on the criteria specified in the modified RFP document, and then negotiate to award a contract.
- Issue Notice of Intent to Negotiate and Award.

#### 4. Direct Contracting

A. With the concurrence of the Chief Procurement Officer, the City may enter into a Contract directly with a consultant without following Small, Intermediate, or Formal competitive selection procedures if:

1. The City finds that an Emergency exists; or
2. The City finds that a Sole Source procurement is warranted; or
3. The City contracts with a State of Oregon certified MWESB consultant in any amount up to and including \$50,000. The ability to contract directly with State certified M/W/ESB firms is part of the Social Equity Contracting Strategy, which is further described in Section 3, Social Equity Contracting; or
4. Continuation of Project. The services consist of or are related to QBS Services or Related Services that have been substantially described, planned or otherwise previously studied in an earlier Contract with the same QBS consultant and are rendered for the same Project as the QBS Services or Related Services rendered under the earlier Contract; and
  - a. The Estimated Fee to be made under the Contract does not exceed \$100,000;
  - b. The City used the formal QBS selection procedure at the time the QBS Consultant was selected for the earlier Contract; and
  - c. If the Estimated Fee to be made under the Contract exceeds \$100,000 but does not exceed \$250,000, approval by ordinance of the City Council is required; or
5. Continuation of Project with Extensive Estimated Fee. When a Project is being continued and when the Estimated Fee is expected to exceed \$250,000, the QBS Services or Related Services to be performed under the Contract must meet the following requirements:
  - a. The services consist of or are related to QBS Services or Related Services that have been substantially described, planned or otherwise previously studied under an earlier Contract with the same QBS consultant and are rendered for the same Project as the QBS Services or Related Services rendered under the earlier Contract;
  - b. The City used either the formal selection procedure under OAR 137-048-0220 (Formal Selection Procedure) or the formal selection procedure applicable to selection of the QBS consultant at the time of original selection to select the QBS consultant for the earlier Contract; and
  - c. The City makes written findings that entering into a Contract with the QBS consultant, whether in the form of an amendment to an existing Contract or a separate Contract for the additional scope of services, will:
  - d. Promote efficient use of public funds and resources and result in substantial cost savings to the City;

- e. Protect the integrity of the Public Contracting process and the competitive nature of the Procurement by not encouraging favoritism or substantially diminishing competition in the award of the Contract;
- f. Approval in writing by the City Attorney's Office; and,
- g. Approval by ordinance of the City Council.

B. Limitation on Direct Contracting. A bureau cannot enter into more than one direct contract with an individual certified M/W/ESB firm at a time. Once a bureau has awarded a direct contract to a certified M/W/ESB firm, they cannot award another direct contract to the same firm until the work of the first direct contract is completed. The above limitation does not apply to Emergency or Sole Source contracts, nor to other contract(s), which may be awarded as a result of a competitive solicitation.

C. By entering into a Direct Contract with a consultant, the bureau is exempt only from the competitive solicitation requirements for Small or Intermediate contracts; all other contracting requirements and processes remain in place (i.e., Notice of Intent to Negotiate and Award, business tax registration, EEO certification, Insurance, PTE Transmittal Form, PTE Contract Worksheet, Evaluator Non-Conflict of Interest Statement, Workers Compensation Insurance Statement, and the creation of a final PTE contract). Bureaus are required to submit for CPO approval an NOI prior to distributing a direct contract to an M/W/ESB firm for signature by the consultant.

D. The City may contract for QBS and Related Services under this Manual from any consultants offering the required QBS Services or Related Services that the City reasonably can identify under the circumstances, and as allowed by the policies and provisions of this Manual.

E. The City shall direct negotiations for QBS or Related Services selected under this Manual toward obtaining written agreement on:

- (a) The consultant's performance obligations and performance schedule;
- (b) Payment methodology and a maximum amount payable to the Consultant for the QBS Services or Related Services required under the Contract that is fair and reasonable to the City as determined solely by the City, taking into account the value, scope, complexity and nature of the QBS Services or Related Services; and
- (c) Any other provisions the City believes to be in the City's best interest to negotiate.

## E. PRE-SUBMITTAL MEETINGS

Depending upon the complexity of the project, the bureau will determine if a pre-submittal meeting would be beneficial to proposers. Every solicitation with a pre-submittal meeting must designate whether the meeting is mandatory or non-mandatory.

**The Pre-submittal meeting:** Pre-submittal meetings are held with prospective proposers prior to the due date for the solicitation, and are utilized to acquaint the proposers with the project, scope of work, location, parameters, technical aspects, restrictions or constraints, specific site conditions, and required deliverables. These meetings allow prospective proposers to ask questions, clarify any ambiguities, and ensure that all prospective proposers have the same basis of understanding regarding the proposed project. All attendees at the pre-submittal meetings

need to be informed that none of the information shared at these meetings changes the solicitation document unless that information is published in the form of an addendum.

**Mandatory** pre-submittal meetings require that all proposers have a representative attend if they plan to submit a proposal. If a mandatory meeting is held, only those firms who attend will be allowed to submit a proposal to the solicitation document. Therefore, at the mandatory pre-submittal meeting, all prospective proposers will sign in and only those identified from the sign-in sheet will be considered for the project and be eligible to have their proposals accepted. City personnel and other technical experts will answer the questions posed during the meeting. Any information provided at the meeting that will change the requirements of the solicitation document must be issued in the form of an addendum to all eligible proposers. Additionally, it is required that substantive questions and resulting responses from the pre-submittal meeting be documented and provided to all eligible proposers in the form of an addendum. It is important to specify in the addendum which items are changes or modifications to the original solicitation document.

NOTE: By requiring a mandatory pre-submittal meeting, those firms not in attendance will automatically be disqualified.

**Non-mandatory** pre-submittal meetings are considered optional and prospective proposers are encouraged but not required to attend. Thus, proposals will not be rejected from those proposers not in attendance at a non-mandatory pre-submittal meeting. Although the meeting is non-mandatory, a sign-in sheet is still required. In the case of a non-mandatory pre-submittal meeting, any substantive questions posed during the meeting will be collected and responses provided to all recorded holders of the solicitation in the form of a written addendum. This will ensure that all prospective proposers of record receive the same information in accordance with the procedures within this Manual.

**Meeting Procedures:** At the pre-submittal meeting, the facilitator will identify the type of pre-submittal meeting being held (i.e., mandatory/non-mandatory). Self-introductions will include bureau staff and any other project representatives, personnel from Procurement Services and all proposers in attendance. The facilitator will either discuss or have the appropriate staff address the following information:

- sign-in requirements
- remind attendees to make sure they are on the Plan Holders list by downloading the solicitation documents from the City's On-Line Procurement Center
- a further explanation of the competitive process
- identify the submittal due date and advise that late proposals will not be accepted
- deadlines for receipt of questions and clarifications and the procedures for such requests
- provide an overview of the solicitation document(s)
- contracting requirements (i.e., EEO certification, business tax registration, insurance requirements, Equal Benefits)
- Social Equity Contracting Requirements
- evaluation criteria and weighting
- outline when addenda will most likely be available on the City's On-Line Procurement Center
- discuss any proprietary requirements for submittal of the documents, explain the requirements for submitting the proposal
- approximate date of when selection of consultant will be made public (following issuance of Notice of Intent to Negotiate and Award)
- outline the award review process and advise that certain proposal documents do not become public record until after the Notice of Intent to Negotiate and Award is issued
- outline the protest procedures

The project manager will outline the project background, issues relating to the project, challenges or requirements inherent to the project, and scope of work. Additionally, the project manager or other project member will provide such information regarding:

- certifications or permitting required
- potential project exceptions, constraints, challenges, or restrictions without directing how the work is to be performed (NOTE: refrain from providing solutions since what is desired is consultants' knowledge, innovation, or experience for the resolution of the project)
- visit or tour the project site as appropriate

Statements made by project representatives about the project or solicitation at the pre-submittal meeting are not considered binding on the City nor a responsibility of prospective proposers. The solicitation document shall not change unless the City confirms the statements, clarifications or changes to all prospective proposers by way of a written addendum. If a substantive change or clarification is in order, an addendum must be issued no later than seventy-two (72) hours prior to the proposal due date to all recorded holders of the solicitation document or to those who attended a mandatory meeting. Additionally, sign-in sheets identifying those firms or individuals who attended must be issued via the addendum process.

#### F. SOLICITATION CLARIFICATION

It is not unusual for questions and requests for clarification to arise from prospective proposers, thus the solicitation document must identify where questions and requests for clarification are to be directed. In order to ensure fairness in the competition, all proposers of record must receive the same information, therefore such questions and requests must be responded to via the addenda process. Questions and requests for clarification must be addressed in a timely manner; however, responses are not required for questions which are not pertinent to the proposal development. Only questions and requests for clarification that result in a substantive clarification or require a revision to the solicitation documents must be responded to fully through the addenda process. The person to whom questions are directed will be responsible for maintaining a communication log that will include the date, firm, person calling or writing, their question and the resulting response. The solicitation document must also define the time period during which questions will be accepted; usually no later than seven (7) calendar days prior to the proposals' deadline.

#### G. ADDENDA

All addenda must be posted on the City's On-Line Procurement Center whereby notices will automatically be sent via email to the list of registered vendors for that solicitation (plan holders list), and are available to registered vendors. If a clarification or change to the solicitation documents is deemed necessary, it must be issued no later than seventy-two (72) hours prior to the solicitation closing date and time. It is imperative that all prospective proposers receive the same information. Addenda will be identified by the solicitation document number and kept in order by consecutive addendum number. The Solicitation Addendum template is available on the Procurement Services website.

The City shall make a reasonable effort to notify prospective proposers of issued addenda. However, it is the responsibility of prospective proposers to ascertain the issuance of and be responsive to all addenda. All addenda for formal solicitations must be sent to the PTE Intake email address for posting to the City's On-Line Procurement Center.

## **H. RECEIPT OF PROPOSALS**

It is vital that proposals be received by the date, time, and at the location noted within the solicitation documents. All proposals must be date-stamped by City personnel with the date and time received. It is recommended that proposals be placed in a designated secure storage area as they arrive to ensure against loss. Proposals received prior to the designated due date and time must NOT be opened, and the contents must remain secure until the appropriate closing date and time.

Following the closing date and time, bureaus shall complete the Proposal Receipt Record form listing proposers/respondents, and shall submit it to Procurement Services via the PTE Intake email address for posting to the web.

Upon receipt of the proposals, each proposal shall be kept secure, remain confidential and not be subject to public record until the consultant has been selected and the Notice of Intent to Negotiate and Award has been issued.

If a late proposal is hand-delivered by a proposer or by a courier, it should be received, then time and date stamped. **DO NOT OPEN.** It must be returned to the proposer unopened with a letter stating that it was rejected due to late arrival. The project manager must record the proposer's name, address, and the date and time the proposal was received; and must keep this documentation in the procurement file; a copy of the envelope with the date and time stamp is suggested.

### **Section 3 SOCIAL EQUITY CONTRACTING**

(All PTE forms and procurement documents referenced in this section can be found at: <http://www.portlandoregon.gov/omf/index.cfm?c=27573>)

#### **A. GOALS**

The City of Portland values, supports and nurtures diversity, and is committed to increasing contracting opportunities for State of Oregon certified Minority, Women and Emerging Small Business enterprises (“M/W/ESB”), in order to advance equity in public contracting, achieve the vision of the Portland Plan, promote M/W/ESB economic growth, and provide additional competition for City contracts.

It is encouraged for any firm contracting with the City to do the same, by maximizing M/W/ESB subconsultant business participation and by partnering and mentoring between large and small firms on City contracts. Therefore, the City has established an aspirational goal of 20% utilization in awarding PTE contracts to State of Oregon certified M/W/ESB firms.

To achieve the goal and provide opportunities to M/W/ESB consultants, Social Equity Contracting criteria will be used in the selection of all PTE services. All Intermediate and Formal solicitations distributed by City Bureaus must contain evaluation criteria for Social Equity Contracting to be weighted no less than 20% of the total scores used in evaluating proposals.

#### **B. M/W/ESB CERTIFICATION**

The City uses the State of Oregon’s Office of Minority, Women, and Emerging Small Business (“OMWESB”) database to identify certified M/W/ESB consultants as prospective proposers for its solicitations. Individual consultants and specific service categories for certified consultants may be accessed at the State’s OMWESB website.

If you need assistance finding State of Oregon certified M/W/ESB consultants or navigating the OMWESB website, please contact the PTE Outreach Program Coordinator or the PTE Contract Compliance Specialist in Procurement Services.

#### **C. SMALL CONTRACTS**

Solicitations within the Small range (from \$1 to \$5000) have different requirements than Intermediate and Formal solicitations for extending contracting opportunities to certified M/W/ESB consultants. In the Small contracting process, bureaus are required to contact **at least one** State of Oregon certified M/W/ESB consultant for the area of work; however, project managers are highly encouraged to contact more than one. To maximize M/W/ESB utilization for your bureau in the Small procurement range, the best and most effective practice is to contact State certified M/W/ESB consultants for all small solicitation projects. Bureau personnel should search the OMWESB database of certified consultants for availability. Outreach efforts will be documented on the PTE Contract Worksheet, and if a certified M/W/ESB consultant is not available or cannot be contacted, a justification must be provided on the PTE Contract Worksheet.

In order to increase contracting opportunities for certified M/W/ESB firms, the City may enter into a Contract directly with a certified M/W/ESB firm without following the Small competitive selection procedures in a contract amount up to \$5,000.00 (see Section 2, D.4, DIRECT CONTRACTING).

#### D. INTERMEDIATE AND FORMAL CONTRACTS

For those solicitations in the Intermediate (over \$5000 and up to and including \$100,000) and Formal (over \$100,000) ranges, the Social Equity Contracting evaluation criteria are contained within each PTE RFP solicitation template and are required for use on all City solicitations.

For solicitations in the Intermediate range, competitive proposals must be solicited from at least four (4) qualified consultants in order to obtain a sufficient number of proposals, and at least 50% of the consultants solicited must be certified M/W/ESB firms, if a sufficient number of M/W/ESB firms are available. If the bureau wishes to post an Intermediate solicitation on the City's On-Line Procurement Center, the bureau may send it to the PTE Intake email address. Posting an Intermediate Solicitation on the City's On-Line Procurement Center DOES NOT relieve the Bureau of outreach requirements.

#### E. SOCIAL EQUITY CONTRACTING REQUIREMENTS IN SOLICITATION DOCUMENTS

All PTE solicitation documents must contain the City's Social Equity Contracting language as provided in the appropriate RFP Template. If a bureau has project specific needs that require changes to these requirements, or to the standard language, approval of the proposed changes must be obtained from the Chief Procurement Officer.

## **Section 4 EVALUATION PHASE**

(All PTE forms and procurement documents referenced in this section can be found at: <http://www.portlandoregon.gov/omf/index.cfm?c=27573>)

The evaluation phase as described below must be included in and carried out for all solicitations, even if only one proposal/response is received.

### **A. REVIEW FOR RESPONSIVENESS**

Prior to evaluating and scoring proposals, the proposals must first be examined to determine whether they meet the minimum requirements stated in the solicitation documents. The evaluation of these minimum requirements will be undertaken by the person responsible for conducting the solicitation process and will consider the following questions:

- Were the proposals received by the filing deadline?
- Was there a mandatory pre-submittal meeting? If so, did someone representing the firm attend the pre-submittal meeting?
- Is the firm a registered vendor on the eBid system (plan holder list)?
- Was a cover letter included with the proposal and signed?
- If the evaluation criterion for the cover letter was pass/fail, did the information contained within the cover letter satisfy the requirements?
- Did the proposer include responses for all criteria?
- If Federal funds are part of the project funding determine if any proposer is listed on the Federal Excluded Parties List. Provide a copy of the Federal Excluded Parties List for the file.

Proposers who fail to meet minimum requirements may be considered non-responsive and may be disqualified from further consideration (e.g., if a mandatory pre-submittal meeting was held and the firm's representative did not attend, their proposal must be disqualified and rejected). This preliminary evaluation is a measure of the potential consultant's ability to follow instructions and depending upon the evaluation criteria, may allow the City to determine if the proposal will be moved forward for review by the evaluation committee. The soliciting bureau will designate the appropriate person to make the determination as to responsiveness.

Responses/Proposals that are rejected due to their lack of responsiveness or non-conformity to the mandatory requirements will not be reviewed or evaluated by the evaluation committee.

The bureau will provide a written notice by mail/e-mail to any proposer removed from consideration as part of the initial review for responsiveness. For Formal procurements, proposers who have been determined non-responsive shall have seven (7) days from the date of notice to file a protest. If a protest is received, the bureau will follow the AWARD REVIEWS AND PROTESTS procedures as provided in Section 5 of this manual. The evaluation process may continue during the protest period but no final determination may be made. The bureau must document these actions in the procurement file.

### **B. EVALUATION COMMITTEE**

Evaluation committee members perform a service for the project manager, the bureau, and the general public. They may be selected based on their general knowledge of the subject matter, marketplace, City regulations, and understanding of the project, as well as for their ability to fulfill their time commitments and obligations as a member of the committee.

The committee should be formed no later than the solicitation due date. The minimum required number of voting members for each solicitation type is stated below. There is no maximum limit on the number of committee members that can be used to evaluate proposals, however the larger the number, the more difficult scheduling may become. The number of members and the make-up of the committee will depend upon the size and complexity of the project. Following are the minimum requirements for evaluation committees:

- **Small:** one (1) evaluator is required.
- **Intermediate and Formal:** For solicitations valued between \$5,000 and \$25,000 the evaluation committee must have at least three (3) evaluators and the Minority Evaluator Program guidelines do not apply.

For solicitations valued between \$25,000 and \$50,000 the evaluation committee must have at least five (5) or more evaluators and compliance with the Minority Evaluator Program guidelines is required except for the following areas of work: Civil Engineering, Street Design, Pavement Testing, Land Surveying, Environmental Consulting (relative to regulatory compliance and contaminated site evaluation and management), Planning and Design Work (for existing transmission and treatment facilities, existing water main replacement and service, water treatment, blending and quality monitoring), and Water Testing and Analysis.

For solicitations valued over \$50,000 the evaluation committee must have at least five (5) or more evaluators and compliance with the Minority Evaluator Program guidelines is required.

- The Minority Evaluator Program (MEP) through the Alliance of Minority Chambers was established in 2010 per Resolution 36757. The number of minority evaluators is dependent on the size of the evaluation committee.

“...5 or fewer members, there shall be a minimum of one minority panelist provided by the Alliance; for panels of 6 -8 members, there shall be a minimum of two minority panelists provided by the Alliance; for panels of 9-11 members, there shall be a minimum of three minority panelists provided by the Alliance; and so on...”

The project manager must use the area on the PTE Contract Worksheet referring to the evaluation committee members to designate which member(s) of the evaluation committee fulfilled the MEP requirement.

In addition, bureaus must allow the evaluation committee a minimum of ten (10) days to review the RFP if the estimated value of the work exceeds \$150,000 and five (5) days if the estimated value of the work is less than \$150,000. You must factor these review time frames into your solicitation when establishing the evaluation timelines. Contact the MEP Coordinator in Procurement Services if assistance is needed with selecting a minority evaluator for the Evaluation Committee.

- **On-Call:** On-Call solicitations, including QBS Price Agreements, that will result in contracts valued at \$100,000 or less and have multiple disciplines included in the solicitation, and are utilizing separate evaluation committees for each discipline, are only required to have a minimum of three (3) evaluators on each evaluation committee. However, the Minority Evaluator requirements apply based on the total number of evaluators used for the solicitation.

The evaluation process, from review through interview and/or to contract negotiation must be completed by each of the committee members. By nature, the evaluation committees are short-term, highly focused, and often tightly scheduled. It is hard to predict how long it will take to conduct the evaluations of the proposals as it is dependent on how many proposals are received and the corresponding quality and depth of the proposals. It is important that all committee

members understand the level of commitment and follow-through required in serving on the committee, as committee operations are in addition to regular work assignments. If a member determines they are unable to complete the evaluation due to time or scheduling commitments, it would be best to replace that member at the onset; should a member not complete the evaluation process, any evaluations completed by this committee member must be discarded to eliminate any skewing of the final scores.

**NOTE: If a committee member withdraws from the evaluation process prior to the completion of the evaluation process, the minimum number and make-up of the committee as identified herein must be maintained.**

**TECHNICAL ADVISORS:** Whenever the buyer/project manager anticipates using technical advisors in any capacity during the evaluation process, the solicitation document **must** specify that they may be used. Failure to include this information in the solicitation document will preclude advisors from any contact with committee members. Advisors are **not** authorized to be voting members of the evaluation committee; they may only be used to support the committee.

Any advisors participating in the evaluation process must sign a Technical Advisor's Non-Conflict of Interest form.

When technical advisors will be present for interviews/presentations, all short-listed Proposers must be notified of their presence. A clear explanation must be provided of what the advisor's role will be during and after the interviews.

#### C. EVALUATION COMMITTEE FOR INTERVIEWS/PRESENTATIONS

In the case of an evaluation process utilizing an interview, it is possible to have one committee for the written submittals and a different committee for the interview. This is **ONLY** allowed if the solicitation document stipulates that the scores from the interviews/presentations are to stand alone and that the successful proposer(s) are to be selected solely on the basis of the interview/presentation scores. Otherwise, the same evaluation committee will evaluate both the written submittals and the interview phase. Committee members cannot delegate their responsibility to others.

#### D. EVALUATION COMMITTEE ACTIVITIES

Following the formation of the evaluation committee, the project manager should identify the approximate amount of time required for the effort and provide members with a tentative schedule of events and meetings required for the project. Members of the evaluation committee are expected to read all proposals, review the information provided in relation to that requested in the solicitation, and evaluate written submittals in relation to the stated criteria. Committee members who are City of Portland employees are required to take on the evaluation review duties in addition to their regular work assignments; therefore, it is imperative that an appropriate and reasonable amount of time be allocated under which the committee members are allowed to discharge their duties. If rushed, proposals may not be well read, and the evaluation process could be compromised which could result in a protest. The committee members must be able to review the submittals in an orderly and unhurried fashion to be assured that objectivity and impartiality is maintained.

Best Practice for Evaluation Committees is for the Project Manager to conduct a Kick-Off meeting just prior to the committee beginning its evaluations. Prior to, or at the kick-off meeting, the PM should distribute to all committee members a copy of the Proposal Receipt Record, an Evaluators Statement of Non-Conflict of Interest and Confidentiality, and the Evaluators Guide. Committee members should read the Proposal Receipt Record to determine if they have any actual, potential or perceived conflicts. Although a conflict may come to light later in the evaluation process,

generally potential conflicts are determined at this point in the process. Evaluators must complete, sign and submit the Statement of Non-Conflict of Interest and Confidentiality prior to receiving copies of the proposals to evaluate. Any committee member unable or unwilling to sign the statement will be automatically disqualified from participating on the evaluation committee, including member(s) selected through the Minority Evaluator Program. The Statement of Non-Conflict of Interest and Confidentiality can be found on Procurement Services website, and is the only authorized Non-Conflict of Interest and Confidentiality Statement for the City of Portland.

Best practice dictates that the names of the evaluation committee members should not be released to prospective proposers. Should it be the desire of the Bureau to identify the make-up of the evaluation committee, there should be a stipulation in the solicitation document that the evaluation committee members are not to be contacted regarding the project during the solicitation and evaluation processes. It is not appropriate for individual evaluation committee members to have direct communication concerning the solicitation or evaluation process with any proposers outside of scheduled meetings of the evaluation committee. Any communications between proposers and evaluation committee members shall be scheduled and supervised by the project manager or Procurement Services. Any attempt, by one of the proposers, to have direct or indirect communication with a member of the evaluation committee outside of a committee session must be reported immediately to Procurement Services. At the City's sole discretion, communications with members of the evaluation committee, other City staff, or elected City officials for the purpose of unfairly influencing the outcome of an RFP may be cause for a Proposer's proposal to be rejected and disqualified from further consideration.

#### E. EVALUATION OF PROPOSALS

Evaluation is the process of assigning a numerical value to the proposals based against the criteria identified within the solicitation document. In addition, it involves evaluating all proposals for their completeness and quality of content relative to the solicitation document. Members must evaluate each proposal using the same criteria and numerical scoring system identified in the solicitation documents. The process for assigning scores is based on well-defined, measurable factors that provide for objectivity and fairness. Proposals are NOT directly compared to each other; they are always compared to the requirements stated within the solicitation documents and the noted criteria. Committee members should exercise caution and minimize any possibilities that the information in the proposals could be exposed to the general public prior to a final determination and issuance of an NOI. Committee members should be instructed not to discuss the proposals among themselves, but direct any questions they may have or clarification required to the project manager. Evaluation committee members will not be required to provide a written explanation of the individual numerical scores, unless an evaluator wishes to award a score of less than 30 percent (30%) of the total available points for any individual criteria. In the case of awarding such a score, the evaluator will be required to provide a short explanation that addresses how that score was determined. Based upon the scores of the written proposals, the highest scoring proposer may be selected by the evaluation committee for short list or award of the project. Full discussion of all roles and responsibilities of Evaluation Committee members is discussed in detail in the Evaluators Guide. The project manager and all the committee members should read and understand the information in this guide prior to beginning evaluation activities.

#### F. CLARIFICATION OF PROPOSALS

During the evaluation process, clarification of certain points in a proposal may be necessary in order to understand the Proposer's view, approach to the project, scope of the work, and cost. The City may ask for such clarification however, no additions, deletions, or substitutions to the Proposer's/Respondent's submittal will be permitted.

In order to minimize confusion and assure all clarification statements are posed in the same manner, the project manager or a designated member of the evaluation committee should be the only person to contact the proposer(s) for clarification. All contact with the proposer(s) must be from the designated individual. Questions posed as well as responses received from this communication will be documented and filed with the proposal documents, and distributed as appropriate to all members of the evaluation committee. All documents and information provided for clarification shall be retained as part of the solicitation file and will become part of the public record after contract award.

#### **G. REFERENCE CHECKS**

Most solicitation documents require the proposers to provide references and other supporting documentation such as previous work history, projects that are similar to the one proposed, and the name and phone number of contact persons as outlined in the solicitation document. These references will be checked by the project manager, or a person(s) designated by the project manager and/or evaluation committee. It is important that the evaluation committee develop a standard list of questions that will be posed to each reference identified by the proposer(s).

Some sample questions may include:

- Describe the projects they've worked on for you.
- Would you contract with them again?
- Was there a frequency and rationale for change orders?
- Were their preliminary estimates accurate throughout the project?
- Did they provide any special services?
- Did they provide all the closeout documents?
- Did they meet their diversity requirements?

The City is not restricted to using only those references provided by the proposers, but may also check other references as they become available through the original reference check or as provided by the proposer during the interview phase. Comments and information provided by the reference checks will be documented, shared with the evaluation committee members, and become a part of the permanent procurement file.

#### **H. CONDUCTING INTERVIEWS/PRESENTATIONS**

After deliberation and discussion of the written proposals, the evaluation committee may not be able to determine a single Apparent Successful Proposer. They may need to focus on only a limited number of the highest scored proposals by developing a "short list" based on the scores from the written proposals. The number of proposals on the "short list" will depend upon whether the committee believes such proposals have a reasonable chance of receiving the award. Interviews or presentations will be conducted as indicated in the solicitation document. Each proposer will be allowed an equal amount of time for their interviews or presentations and will be treated fairly and equitably by the City. The project manager and the Evaluation Committee will discuss each proposal on the short list and will:

- determine which areas of their proposal may need clarification;
- develop interview questions for each Proposer;
- provide the agenda and questions far enough in advance of the oral interviews to allow the Proposers enough time to adequately prepare and to make reasonable travel arrangements.

During the oral presentation evaluation committee members may ask follow-up questions to specific responses. This process presents the project in an organized fashion, makes sure all

proposers are asked questions relevant to their proposal, and no questions are forgotten. These interviews are not intended to be marketing presentations by the consulting firms, nor are they to be used to “trip up” a proposer. Rather, they are to be a structured and controlled presentation that will clarify proposals or elicit additional relevant information from each of the proposers.

In preparation for the interview phase, short listed proposers should be provided with specific instructions concerning the process. At a minimum, instructions should include the following:

- Logistical information: date, time, location, the total amount of time allotted for the interview/presentation, and any equipment and/or material resources available
- Proposer’s key personnel required to participate, and any limitations on the participation of additional representatives
- Description of the format and content of presentation documentation, and its delivery
- The anticipated number of City attendees
- Notification of the presence of any technical advisors not on the evaluation committee with an explanation of their role during the interviews, consistent with the disclosure specified in the solicitation document

Some suggestions for scheduling the interview and facilitating the process include:

- Arrange for a room that is large enough to accommodate the evaluation committee, Technical Advisors (if any), and the consultant’s team and their presentation materials
- Allow sufficient time for the interview or presentation, and for set-up and take-down of the proposer’s equipment and materials
- Allow enough time for questions and answers
- Start and end on time
- Make sure all introductions are made for the proposer’s team, technical advisors, and the evaluation committee
- Create a sign-in sheet for the procurement file (DO NOT provide a copy to proposers)
- Be fair and impartial to all proposers.
- Follow the predetermined agenda and schedule
- Rate and score each proposer immediately following the interview; allow enough time for evaluation committee debriefing

It is the facilitator’s responsibility to ensure the proposer(s) follow the agenda and complete the presentation in the allotted time. The evaluation committee will utilize the scoring method identified within the solicitation document as they proceed to score the interview; interview scores will either stand alone, or the scores for the written proposals will be adjusted according to the procedure stipulated in the solicitation document. Once the deliberations have concluded, the proposer(s) with the highest score(s) will be selected as the most qualified candidate(s) to perform the work.

## **I. TIES AMONG PROPOSERS**

If the City is selecting a consultant and determines after the scoring of proposals that two or more Proposers are equally qualified, the City may select a candidate through any process that the City believes will result in the best value for the City taking into account the scope, complexity, and nature of the Services. The process shall instill public confidence through ethical and fair dealing, honesty, and good faith on the part of the City and Proposers, and shall protect the integrity of the public contracting process. Once a tie is broken, the City and the selected proposer shall proceed with negotiations.

## **Section 5 NOTICES, AWARD REVIEWS AND PROTESTS**

(All PTE forms and procurement documents referenced in this section can be found at: <http://www.portlandoregon.gov/omf/index.cfm?c=27573>)

### **A. NOTICE TO SHORT LIST AND NOTICE OF INTENT TO NEGOTIATE AND AWARD**

Anytime proposers are eliminated from advancing to the next phase of the evaluation process, a written Notice to Short List, with protest language, will be sent to all eliminated proposers (verbal Notice is acceptable for Small procurements). This Notice to Short List provides proposers an opportunity to protest their exclusion from advancing in the evaluation process.

Once a successful proposer has been selected, a Notice of Intent to Negotiate and Award (NOI) will be sent to the short-listed proposers (or all proposers if a short-list was not used). Those proposers previously excluded from advancing in the evaluation process and previously given the opportunity to protest **should not** be sent a Notice of Intent to Negotiate and Award.

For any solicitation posted by Procurement Services, bureaus shall email Notices to Short List and Notices of Intent to Negotiate and Award to the PTE Intake email address for posting and distribution. Procurement Services shall post Notices on the [City's On-Line Procurement Center](#).

For contracts exceeding \$25,000 bureaus are required to submit the Notice of Intent to Negotiate and Award to Procurement Services for approval **prior to the NOI being issued**. The NOI, along with the Proposal Receipt Record form, the evaluation committee scoring data comprised of both the individual evaluator score sheets and comments as well as the summary scoring spreadsheet, the signed Evaluator Non-conflict of Interest statements, and a copy of the solicitation must be submitted through the PTE Intake mailbox and approved by the Chief Procurement Officer before the NOI may be issued. If the solicitation has been advertised on the City's On-Line Procurement Center, the NOI must first be posted on the City's On-Line Procurement Center before it is issued to any proposers.

For direct contract awards, where the solicitation process is not required, the bureau is still required to follow the standard contracting process, including, for contracts exceeding \$25,000, submitting the NOI and all required attachments to Procurement Services for approval prior to the NOI being issued. The required attachments for the NOI for a direct contract are: the Evaluator Non-Conflict of interest Statement signed by the project manager and the signed PTE Contract Worksheet.

### **B. AWARD REVIEWS**

Following the Notice of Intent to Negotiate and Award, the public may view solicitation and proposal documents. However, any proprietary information contained within submitted proposals designated by the proposer(s) as confidential or a trade secret and meeting the requirements of federal or state law will not be disclosed unless it has been determined that disclosure is required. If a request to inspect proposal documents is made, the City will determine if properly marked redactions are omitted from the disclosed information. If appropriate, bureaus should review redactions with the City Attorney's Office to determine if requested redactions are allowed. **If a proposer fails to submit a redacted copy of their proposal as required, the City may release the proposer's original proposal without redaction.**

**Written Review:** Proposers not awarded the contract may seek additional clarification or debriefing, and request time to review the selection procedures, discuss the scoring methods utilized by the evaluation committee, and review proposal documents. Proposers should be given the opportunity to review the written documents from the evaluation committee's efforts (i.e., solicitation, final summary score sheet showing points awarded for the written proposals and interviews, and the redacted proposal documents). Allowing unsuccessful proposers to view successful proposals helps them to better understand the process, gather information about how other proposals are presented, recognize the positive contribution of each proposal, and identify what they can do to improve their future contract opportunities.

**Debriefing Proposers:** In some circumstances, proposers may ask to see the written information but may also want to discuss or debrief the written information with the project manager. Debriefing is a good educational tool used by proposers to review the score sheets and successful proposals as submitted by other proposers to better understand how they might construct a better proposal in the future. In preparing for a debriefing meeting, the project manager should acquaint himself with the contents in the procurement file and review the proposal as submitted by the proposer. During the debrief with the proposer, the project manager should focus the conversation on the information required by the original RFP and draw a correlation to what was provided by the proposer. There may be an opportunity for the project manager to identify areas where information and responsiveness could be improved or identify what information or documentation could have been provided. Just as evaluation committee members evaluate proposals only in relation to the criteria stated in the solicitation, so too should the project manager use care to compare only the information provided by proposer. It is not appropriate to compare one proposal to another; nor should the project manager share opinions or provide insight regarding any discussions undertaken by the evaluation committee members as part of their evaluation process. The focus of the debrief needs to be on the written submittal and presentation by the proposer who is seeking clarification (debrief) in relation to the original solicitation, nothing more. If the proposer wants to review other proposals as a way of comparison, they may do so, but they must draw their own conclusions without the assistance of the project manager.

## C. PROTESTS

Unsuccessful Proposers may believe they have been adversely affected or aggrieved by a PTE selection process and may decide to protest the City's award decision. Protests may be submitted to the Chief Procurement Officer only for formal contracts, and only from those Proposers who would receive the contract if their protest were successful.

**All protests must be forwarded to the Chief Procurement Officer for resolution on behalf of the City.** Regardless whether Procurement Services was involved in the initial solicitation process or not, the Chief Procurement Officer is responsible for receipt of protest notifications for all PTE contracts in the Formal range, and will investigate and respond to all such protests.

Protests must be in writing and received by the Chief Procurement Officer within seven (7) calendar days, UNLESS OTHERWISE NOTED, following the date the City's Notice of Intent to Negotiate and Award was issued. The protest must specifically state the reason for the protest, identify how its proposal or the winning proposal was miss-scored or show how the selection process deviated from that described in the solicitation document, and identify the remedy they are seeking.

Protests received later than the specific number of days or from other than the proposer who would receive the contract if the protest was successful will not be considered. The exercise of judgment used by the evaluators in scoring the written proposals and interviews, including the use of outside expertise, is not grounds for appeal.

Upon receipt of a protest, the bureau will be asked to provide their project file that must contain all relevant documents from the RFP through the point of the protest. Once a protest has been received, all on-going contracting processes related to the solicitation, negotiation or award will stop until the protest is resolved. If multiple contracts are being awarded, none of the other contracts will be negotiated or executed until the protest has been resolved.

Depending upon the substance of the protest, the Chief Procurement Officer has a number of options available in resolving the protest. The Chief Procurement Office may: (1) waive any procedural irregularities that had no material effect on the selection of the proposed consultant; (2) invalidate the proposed award or amend the award decision; (3) request the evaluation committee re-evaluate any proposal; (4) develop an entirely new evaluation committee and re-evaluate the proposals; or (5) require the bureau to cancel the solicitation and begin again to solicit new proposals. In the event the matter is returned to the evaluation committee, the Chief Procurement Officer shall issue a notice canceling the Notice of Intent to Negotiate and Award.

Decisions of the Chief Procurement Officer are final and conclude the administrative appeals process. Any further redress sought by the proposer must be pursuant to state law.

## **Section 6 NEGOTIATIONS**

One of the particular advantages of the RFP process is the ability of the City to negotiate with the successful consultant to provide services at the price level that provides the City with the best fair market value. The importance of negotiating with the selected consultant in order to obtain the best possible value for the City and thereby assuring the best use of the taxpayer's funds cannot be overemphasized.

During the negotiations, the City will in good faith dedicate the necessary time and effort in order to reach a final agreement with the selected consultant.

In the case of a Qualification Based Selection (QBS) RFP solicitation process, the costs of the services must be negotiated, but only after the selection process has been completed and a Notice of Intent to Negotiate and Award issued. Thus for QBS Services or Related Services, it is imperative that the City's project manager(s) negotiate a contract that produces the best possible value for the services being purchased.

**TERMINATION OF NEGOTIATIONS:** Following principled negotiation efforts, if agreement with the highest scoring proposer cannot be reached within a reasonable period of time, the City may, in its sole discretion, terminate negotiations and thereby reject the highest scored proposal. Terminating negotiations and rejecting the proposal is not a determination to be taken lightly. Formal termination of the negotiations shall commence by the issuance of a written notice of termination of negotiations signed by the bureau director in concurrence with the City Attorney to the highest scoring proposer.

The City may then attempt to reach a final agreement with the second highest scoring proposer and may continue on, in the same manner, with remaining proposers until an agreement is reached. If negotiations with any proposer do not result in a contract within a reasonable period of time, as determined by the City in its sole discretion, the City may end the particular formal solicitation. Nothing in this PTE Contracting Manual precludes the City from proceeding with a new formal solicitation.

## **Section 7 CONSULTANT REQUIREMENTS**

(All PTE forms and procurement documents referenced in this section can be found at: <http://www.portlandoregon.gov/omf/index.cfm?c=27573>)

### **A. CERTIFICATION AS AN EEO AFFIRMATIVE ACTION EMPLOYER**

All consultants are required to be certified as an Equal Employment Opportunity (EEO) employer as prescribed by Chapter 3.100 of the Code of the City of Portland prior to contract award. It specifically requires any employer who supplies goods and/or services to the City in excess of \$2,500 in any fiscal year (July 1 through June 30) to be certified as an EEO Affirmative Action Employer. Details of EEO certification requirements are available from Procurement Services.

Certification status may be verified at the Vendor EEO intranet webpage on the [City's On-Line Procurement Center](#).

### **B. NON-DISCRIMINATION IN EMPLOYEE BENEFITS**

All consultants in the Formal solicitation range, in order to receive a contract from the City, are required to provide benefits to their employees with domestic partners equivalent to those provided to employees with spouses. All consultants must complete an Equal Benefits certification online prior to contract award. Even if a vendor does not currently comply with the Equal Benefits Ordinance but may comply at a later time (seeks a Delayed Compliance Waiver) or does not intend to comply with the Equal Benefits requirement, they must still certify online. The specific requirements and procedures are contained within the Formal PTE solicitation templates. Additional information about Equal Benefits can be found in Procurement's Equal Benefits page: <http://www.portlandoregon.gov/omf/index.cfm?c=43774&>.

### **C. BUSINESS TAX REGISTRATION**

All consultants must be in compliance with the City of Portland Business Tax Registration requirements as prescribed by [Chapter 7.02](#) of the Portland City Code prior to contract award. Details of compliance requirements are available from the [Revenue Bureau Tax Division](#).

Business tax registration status may be verified at [Revenue Bureau: Business Lookup](#) intranet webpage. Note: You must be signed-in to get the business tax registration number.

### **D. INSURANCE REQUIREMENTS**

Project managers shall review the prospective PTE services for risk and liability, and consult with the City Attorney's Office when drafting a solicitation to determine the appropriate liability insurance requirements. A bureau director or their designee may waive some requirements when not necessary, or increase/reduce the type or amount of coverage on a case-by-case basis. Any changes to the insurance requirements for the solicitation must be approved prior to the issuance of the solicitation, and included in the solicitation document. Unless waived by the bureau director, the insurance coverage in the PTE solicitation and contract templates is required for all PTE services.

An exception to the above waiver process is the Workers Compensation insurance coverage. Workers Compensation insurance is required by law, and cannot be waived by a bureau.

## **Section 8 CONTRACT PHASE**

(All PTE forms and procurement documents referenced in this section can be found at: <http://www.portlandoregon.gov/omf/index.cfm?c=27573>)

### **A. SMALL PURCHASE ORDER AND CONTRACT DEVELOPMENT**

For small PTE procurements, the standard **Purchase Order** (PO) is used as the purchasing document and is issued and encumbered through Procurement Services via the standard **purchase requisition (PR type) process**. The standard Purchase Order cannot exceed, or be amended to exceed, \$5,000. A Distributed Purchase Order (DPO) is an internal business document and cannot be used with a consultant to purchase PTE services.

At the bureau's discretion, the standard Contract for Professional, Technical, or Expert Services may be used in lieu of the standard Purchase Order, and the request for payment must be processed through the City's central accounting system (SAP), thereby requiring the bureau to initiate a Distributed Purchase Requisition (DPR) and Distributed Purchase Order (DPO).

**The Independent Contractor Agreement is not a substitute for a PTE services contract, and does not apply to services procured under PCC 5.68.**

Accompanying the standard Purchase Requisition or PTE Contract will be the following:

- Scope of Work
- Workers Compensation Insurance Certificate (approved by the City Attorney's Office)
- Completed Workers Compensation Insurance Statement
- EEO Certification (Vendor EEO Lookup)
- Liability insurance, including General, Auto, Professional, and (if applicable) Technology E&O insurance certificate(s) approved by the City Attorney's Office
- Business tax registration ([Business tax registration Lookup](#))
- PTE Contract Worksheet – completed by the project manager and signed by bureau director

If an M/W/ESB business is not contacted during the solicitation process, a justification must be provided on the PTE Contract Worksheet. Procurement Services cannot process a PTE contract or standard purchase order without ALL of the above information. The Chief Procurement Officer's signature is required on all Small contracts, and will only be given when all contracting requirements are met.

### **B. INTERMEDIATE AND FORMAL CONTRACT DEVELOPMENT**

The PTE Model Contract template is required for contracting on all intermediate and formal PTE services. Bureaus will use the contract document template that has been provided on Procurement Services website. Please note there is a different contract document specific to mediation services, that contains differing confidentiality Terms and Conditions, and insurance requirements applicable to mediation agreements only—Bureaus must request this contract document directly from Procurement Services if contracting for mediation services.

The proposal and all responses provided by the successful proposer may become a part of the final contract. Any information included as part of this contract shall be a public record and not exempt from disclosure, including items redacted from the proposal. The proposal received from the consultant may not be substituted for a detailed Scope of Work and Compensation section in the contract.

Contracts for PTE services are given a “not-to-exceed” dollar amount. This amount should include all costs the City expects to incur for the related services within the scope of work, such as travel and other reimbursable expenses.

One original copy of the final contract is required, signed first by the consultant then reviewed and approved as to form by the City Attorney’s Office prior to obtaining the final necessary City signatures on the contract document as follows:

- For **contracts \$100,000 and under**, route to Procurement Services via the PTE intake mailbox: the contract for signature by the Chief Procurement Officer, the completed PTE Contract Worksheet signed by the bureau director, the plan holders list, and the insurance certificates (providing proof of insurance) as approved by the City Attorney. Direct contracts shall follow this same procedure, but will not include submission of a plan holders list or another copy of the PTE Contract Worksheet (which was submitted with the Notice of Intent to Negotiate and Award).
- For **contracts over \$100,000**, prior to submission of the ordinance package to Council, the bureau will submit to Procurement Services through the PTE Intake mailbox: the completed PTE Contract Worksheet signed by the bureau director, all PTE Subconsultant Disclosure Forms (Form 1) received, and the plan holders list. The ordinance shall authorize one of the following to sign the contract: the Mayor, a Commissioner, or the Chief Procurement Officer.

Depending upon the requirements of the contract, attachments and exhibits to the contract for PTE services will include some or all of the following:

- Completed Workers Compensation Insurance Statement (included in the PTE Model Contract)
- EEO Certification ([Vendor EEO Lookup](#))
- Liability insurance, including General, Auto, Professional, and (if applicable) Technology E&O insurance certificate(s)
- Business tax registration ([Business tax registration Lookup](#))
- Equal Benefits (applies to Formal contracts only)
- PTE Contract Worksheet – completed by the project manager and signed by the bureau director with all PTE Subconsultant Disclosure Forms (Form 1) received and the plan holders list. **Procurement Services cannot process a PTE contract without a completed PTE worksheet and its required attachments.**

The bureau’s SAP contract administrator will create an outline agreement in SAP; attach the contract with all required attachments and/or exhibits and route for required approvals.

Procurement Services and the City Attorney’s Office are both available to help the bureau by reviewing the contract documents or the City Council ordinance as needed.

**For further clarification of the contracting process, the following are detailed step by step instructions:**

Using the PTE Model Contract template, the project manager will prepare the contract document as follows:

1. Complete page 1. Contracts should be written for the total number of years services will be needed and with the total not-to-exceed amount for the life of the contract.
2. Initial the required insurance as identified in the Standard Contract Provisions.
3. Select the applicable Optional Provisions as identified in the Standard Contract Provisions.

4. Add the consultant's scope of work and deliverables, key personnel, and compensation schedule in the STATEMENT OF THE WORK AND PAYMENT SCHEDULE section of the contract.
5. Add subconsultant(s) included in the proposal. If there are changes to the subconsultant(s) listed in the original proposal, approval by the Chief Procurement Officer is required per Resolution 36558.
6. Have the consultant complete and sign the Workers Compensation Insurance Statement of the contract and have the project manager sign section B, if applicable.
7. Obtain the consultant's signature on the contract.
8. Obtain applicable insurance certificates from the consultant.
9. Have the consultant complete the Equal Benefits Compliance declaration on the [City's On-Line Procurement Center](#) (for Formal category).
10. Consultants must be in compliance with EEO, Equal Benefits, and Business tax registration requirements to receive a contract from the City.
11. Route the contract with all required attachments and exhibits to the respective Bureau SAP contract administrator for processing.

Select signature routing method (hard copy or electronic) and route as follows:

A. Via Hard Copy (paper signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
- **Successful Proposer** prints and signs one copy of the PDF that was sent to them and returns to contract administrator – preferably a hard copy.
- **City Attorney's Office** "Approves as to Form" the contract and insurance certificates.
- **Bureau contract administrator** files ordinance if contract is over \$100,000, Otherwise, forwards to the PTE work group with all required attachments for Chief Procurement Officer's signature.
- **Chief Procurement Officer** signs contract after all contracting requirements have been met.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "08", and releases the outline agreement.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

B. Via SAP (electronic signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
- **Successful Proposer** prints and signs one copy of the PDF that was sent to them and returns to bureau contract administrator – preferably a hard copy.
- **Bureau contract administrator** files ordinance if contract is over \$100,000.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "05" if contract is \$100,000 or less, or the correct City Signatory code per the ordinance. Then bureau contract administrator releases the outline agreement. SAP will automatically route to the City Attorney's Office, the Chief Procurement Officer or designated signatory per the ordinance, and the City Auditor's Office for their signatures. The bureau contract administrator must submit a notice to the PTE Intake email box at [pteintake@portlandoregon.gov](mailto:pteintake@portlandoregon.gov) notifying the PTE

work group that a contract has been submitted via SAP for Chief Procurement Officer's signature.

- **City Attorney's Office** electronically releases the contract and insurance certificates as "Approved as to Form."
- **Chief Procurement Officer or designated signatory per the ordinance** electronically releases contract when contracting requirements are met.
- **City Auditor's Office** electronically releases the outline agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

**NOTE: Any changes to the prospective consultant's originally proposed subconsulting plan must be approved by the Chief Procurement Officer prior to the contract being executed.** Bureaus will require prospective consultants to submit a substitution request to Procurement Services for any changes from the proposal to the contract related to M/W/ESB participation in accordance with Resolution #36558.

### C. ORDINANCE REQUIREMENTS

An ordinance is required for all professional, technical, and expert service contracts that exceed \$100,000. All Council documents must be submitted in accordance with the requirements of the City Auditor's Office. Ordinances filed as a result of a Formal competitive solicitation process should be so indicated within the text of the ordinance, including the solicitation number. Special attention should be given that the people authorized in the ordinance to sign the contract must be the same people whose titles appear on the signature block of the contract. Procurement Services and the City Attorney's Office are both available to help review draft contract documents, including City Council ordinances, as needed.

Ordinances shall clearly identify the percentage of State of Oregon certified M/W/ESB participation in the contract, either as a prime consultant or subconsultant participation, as required by Resolution 36558.

For sole source procurements exceeding \$ 100,000, the request must be submitted to City Council for approval via ordinance. The ordinance must clearly state, **"This sole source contract is being acquired as an exception to the competitive selection process identified in PCC 5.68 and the PTE Services Contracting Manual."**

Resolution #36430 directs all Bureaus to use the Project Estimate Confidence Level whenever Council approval is necessary for public improvements, major maintenance of public improvements and related PTE services, when the project estimate exceeds \$500,000. The bureaus must identify in the ordinance a specific level of confidence on project estimates to reflect the certainty that the project's scope of work has been thoroughly researched and developed, and that market fluctuations and other cost factors have been taken into account. The Project Estimate Confidence Level Rating Index provides the levels of confidence, ranging from "LOW," "MODERATE," "HIGH," "OPTIMAL," or "COMPLETE."

For ordinance preparation procedures, refer to the Drafting Manual for Ordinances, Resolutions and Reports prepared by the Council/Contracts Division of the City Auditor's Office.

## D. CONTRACT ADMINISTRATION

In the PTE process, contract administration is the responsibility of the bureau and it is a critical function to the overall success of the project. It is the responsibility of the project manager to not only monitor the work progress of the consultant and ensure that the work is being completed on schedule, but also to provide technical assistance and represent the interests of the City regarding the project. In addition, the project manager is responsible for maintaining all contractual documents on behalf of the bureau, making sure all technical requirements and deliverables have been received.

**Throughout the entire term of the contract, documents in the contract file must be kept current at all times, including consultant's insurance certificates evidencing all required coverage(s).** Contract documents will include some or all of the following:

- Legal contractual documents (contract, amendments, ordinances, etc.)
- Current Insurance Certificates (consultants' insurance policies typically renew on an annual basis; for multiple year contracts, you should receive or will need to follow up on renewal certificates)
- If applicable, independent contractor status (Workers Compensation Insurance Statement)
- State of Oregon M/W/ESB certifications (ref. <http://www4.cbs.state.or.us/ex/dir/omwesb/>)
- Equal Employment Opportunity (EEO) certifications ([Vendor EEO Lookup](#))
- Business tax registration ([Business tax registration Lookup](#))
- Equal Benefits
- Contract correspondence

Prior to commencing work, the project manager will review the scope of work, deliverables, and schedule with the consultant to establish mutual understanding, and will assist the consultant throughout the project in interpreting the contract requirements. The project manager is responsible for determining if the scope of work is being followed and making adjustments as needed. The project manager is the person to properly initiate any changes to the contract via an amendment. Throughout the term of the contract, the project manager may perform work that will include but is not limited to:

- Review the consultant's work to ensure compliance with the contract terms and conditions
- Ensure that the scope of work is being applied correctly
- Attend project meetings
- Perform or have performed, any inspections necessary for the acceptance of deliverables identified within the contract
- Require that any deficiencies be corrected by the consultant
- Maintain positive communications and a good project management/consultant relationship throughout the contract period
- Resolve any day-to-day matters with the consultant
- Evaluate any contract amendment requests
- Review the deliverables and reports as provided by the consultant
- Monitor invoices in relationship to work performed against invoiced amount
- Process invoices in accordance with payment terms
- Review all progress schedules
- Ensure Invoices and Monthly Subconsultant Payment and Utilization Reports (MURs) are submitted to the project manager and Procurement Services by the 15<sup>th</sup> of each month, as applicable
- Maintain files of correspondence, data, etc.

By monitoring the consultant's progress, resolving day-to-day issues, reviewing and arranging for payment of invoices promptly, reporting any contractual discrepancies, and dealing proactively with issues that arise, the project manager can be a positive force to ensure that the project is completed on budget, and in a timely and satisfactory manner.

The project manager will ensure that timely payments are being made to the consultant. As a rule, payments to the consultant are made in increments based on the amount of work completed, as described in the scope of work and technical requirements section of the contract. The amount paid on a contract should be roughly equivalent to the amount of work completed to date, therefore if the bureau is invoiced for 50% of the contract amount, the consultant's work should be at least half completed.

Upon closeout of the project, the project manager will prepare and file all correspondence, drawings, data, and final project documents, including the Final Payment Authorization Form.

## E. CONTRACT AMENDMENTS

There are two (2) general types of contract amendments: changes/modifications and renewals/extensions. While it is possible that both types of amendments occur concurrently, for purposes of this manual, they will be discussed separately. **It is the responsibility of the bureau to maintain current insurance certificates verifying the consultant's insurance coverage(s) for the full term of the amended contract.**

Amendment signature routing:

- Consultant (always first)
- City Attorney
- Chief Procurement Officer (per ordinance)
- City Auditor's Office

**AMENDING ON-CALL SERVICES CONTRACTS:** It is not a standard practice to amend On-Call Services contracts. If an amendment is required and more than one contract was awarded, Procurement Services will need to know the status of the other contracts, the amount awarded, and the balance left on each contract. On-Call PTE contracts may be amended to exceed the original expiration date only to complete Task Orders already in process.

### 1. Changes/Modifications

If unforeseen issues arise, the project manager must be in a position to quickly and efficiently develop a course of action to properly initiate changes to the contract through an amendment process; however, changes must meet the original intent of the contract and solicitation document. Any change beyond what is allowed by the contract's original scope of work requires an amendment to the contract and approval by either the Chief Procurement Officer or by ordinance. If the contract requires changing at some point, it is important that the scope of work and work requirements be amended in a way that clarifies what services were changed and correlates to the description provided in the original scope of work. The Contract Amendment as found on the Procurement Services intranet webpage must be used. In cases where amendment language is complex, it is recommended that bureaus contact the City Attorney's Office in order to draft the final language for the document.

The project manager is responsible for ensuring that language contained in the amendment does not conflict with that of the original contract, duplication of work does not occur, work performance is on schedule, quality is maintained at the appropriate level, deliverables are received, and all corresponding timelines are maintained. Contractual parties signing the original contract are expected to sign the amendment.

Financial amendments to increase the original contract amount by 25% or less must be signed by the Chief Procurement Officer; amendments over 25% of the original contract amount must be approved by City Council (and signed by the designee per ordinance), except as provided in PCC Chapter 5.68.035(B). The 25% amendment limit is based on the cumulative total of all financial amendments to the original contract amount. Non-financial amendments, such as time extensions, scope of work changes, etc. must be signed by the Chief Procurement Officer.

**Contracts under \$5,000 and originally completed via a standard purchase order cannot be financially amended in excess of the \$5,000 standard purchase order limit.**

## 2. Time Extensions

In addition to changes or modifications to the scope of work, bureaus may need to change the schedule and/or period of the contract in order to accommodate the changes to the scope of work. If there is no cost associated with the extension of time, the Chief Procurement Officer has authority to sign the amendment.

On occasion, bureaus may determine that the contract should be renewed for another year, at the same cost as the previous year and with the same scope of work. Contracts should be written for the total number of years services are needed/intended and with the total not-to-exceed amount for the life of the contract.

At the time of solicitation, should the bureau be unclear whether a renewal will be requested at a later date, they must understand that any renewal that results in an amendment in excess of 25% of the original contract amount will require Council authorization, such as in the examples below:

### Example #1

Original contract*	First Renewal	Second Renewal
\$25,000	\$25,000	\$25,000
(Chief Procurement Officer signs)	(Council via ordinance)	(Council via ordinance)

\*Contract for one year at \$25,000 per year with the option to renew for two additional one-year terms.

### Example #2

Multi-year contract*	Year Two	Year Three
(3 years NTE \$75,000 – Chief Procurement Officer signs)	No Action	No Action

\*Contract is written for all three years with the NOT-TO-EXCEED contract amount of \$75,000. Use the distributed purchase requisition process to manage the annual spend amount. For example, issue a distributed purchase requisition for \$25,000 each year.

### Example #3

Original contract*	First Renewal	Second Renewal
\$150,000	\$37,500	\$37,500
(Council via ordinance)	(Chief Procurement Officer signs)	(Council via ordinance)

\*Contract is for some scheduled time at \$150,000 for completion of the project. Time and money may be needed due to unforeseen circumstances, such as scope changes requiring more time and money.

### 3. Assignment of Contract

When creating an amendment for assignment of interest to another consultant or change in EIN, or when a new vendor ID in SAP is required:

- a. Amendment should include the following items:
  - OLD contract number at the top of the amendment form
  - Effective date of the contract for the NEW vendor
  - Reason for having to create a NEW outline agreement number (e.g., consultant A assigns contract to consultant B)
  - This language, "Change of City of Portland Contract Number *[Old Contract Number]*. By this notice, effective as of *[Enter Effective Date for this NEW Contract]*, the City of Portland hereby changes contract number *[OLD contract number]* to a NEW contract number *[NEW contract number]*. All invoices, shipping documents, information requests will carry the NEW contract number."
  - All other needed changes.
  - This language, "All other terms and conditions shall remain unchanged and in full force and effect."
  - Be sure to include a signature line for the OLD consultant and the NEW consultant.
- b. Collect from the NEW consultant all required contracting documents, such as EEO, Business tax registration, EBO, Insurance Certificates, etc.
- c. Route completed amendment for signatures as you would any other amendment.

### 4. Equal Benefits Compliance

Resolution #36584 expanded the requirement to provide Equal Benefits to include contract amendments that exceed 12 months and independently trigger the formal threshold.

The amendment process cannot be used to circumvent the application of the equal benefit requirements by intentionally reducing the time needed to complete the work or to lessen the additional contract amount in order to avoid triggering the formal threshold amounts. The Chief Procurement Officer may require the consultant to comply with the equal benefit requirements if it is in the best interest of the City to do so.

Additional Equal Benefits information may be viewed on the [City's On-Line Procurement Center](#).

## F. CONTRACT COMPLETION

Upon contract completion, bureaus are required to complete a Final Payment Authorization Form for the Chief Procurement Officer's approval.

Forward the signed documents with all required attachments and any necessary documentation to Procurement Services. Procurement Services will review the final payment documentation to confirm that work has been completed, any contract amendments were properly executed, and the prime consultant and subconsultants have been paid. If there are any issues, Procurement Services will take appropriate action and follow-up with the prime consultant, project manager, City Attorney's Office or Auditor's Office as necessary. Upon a satisfactory review and completion, the Chief Procurement Officer will sign the document and forward copies of the signed form to the Auditor's Office and the originating bureau. The contract will be closed in SAP. The above noted process usually takes approximately 3-4 working days.

## G. CONTRACT TERMINATION

There are several types of contract termination: (1) for convenience in whole or in part; (2) due to consultant default; or (3) by mutual agreement. Contract terminations can be complex issues and should be reviewed with the City Attorney's Office prior to proceeding.

### 1. Termination for Convenience

This option may only be initiated by the City with proper written notice to the consultant. Often the reason for this type of action is a direct result of budgetary constraints or other factors that are not always due to any fault of the consultant. The Standard Contract Provisions contained in the PTE Services Contract template provides clear guidance regarding the remedies in such an instance and the project manager is responsible for referring to the original contract documents as well as consulting with the City Attorney's Office prior to initiating any action. A written notice must be provided to the consultant in accordance with the terms of the contract, indicating the type of termination and whether the termination will be considered in whole or in part. Payment is often provided to the consultant for work performed in accordance with the contract.

### 2. Termination for Default

In the event the consultant fails to perform in some way, the project manager must thoroughly document the nature of the failure. It is expected that a cure letter be drafted by the bureau in concurrence with the City Attorney and forwarded to the consultant. The cure letter is a legal document that will put the consultant on notice regarding their deficiencies, identifies what must be done to correct the problem and provides for a specific timeframe in which the deficiencies must be corrected. It is incumbent on the City project manager to work with the consultant during this process. Failure of the consultant to correct the deficiencies can be cause for termination of the contract or reduction of the contractual cost.

A serious failure to perform may be considered a breach of contract and the City may terminate the contract without the consultant's consent. The project manager will be responsible for referring to the original contract documents as well as consulting with the City Attorney's Office before initiating any such action against the consultant. A formal termination letter will be sent to the consultant for their failure to cure or breach of a contract.

### 3. Termination by Mutual Agreement

This option may be initiated by either the City or the consultant but must be agreed to by both parties. Often the reason for this type of action is a direct result of budgetary constraints or other factors that are not always due to any fault of the consultant. Again, consult with the City Attorney's Office prior to taking any action.

Regardless of the type of termination, all of the consultant's work product resulting from this contract shall become and remain the property of the City of Portland. Please keep in mind, contracts terminated in this manner must be closed per Section F, CONTRACT COMPLETION.

## **Section 9 RECORDKEEPING AND PROCUREMENT FILES**

(All PTE forms and procurement documents referenced in this section can be found at: <http://www.portlandoregon.gov/omf/index.cfm?c=27573>)

### **A. CONTENT**

A properly documented procurement file provides an audit trail from the initiation of the solicitation process to the beginning of the contract. The file provides the complete background, including the basis for the decisions at each step in the procurement process. A well-documented file supports actions taken, provides information for reviews and investigations, and furnishes essential facts needed in the event of a protest. At a minimum the procurement file should include:

- Solicitation documents including addenda (i.e., RFP, RFQ, QBS RFP, etc.)
- Any advertisements and/or notices
- Documentation of diversity in employment and contracting outreach efforts
- Plan holders list
- Pre-submittal meeting agenda, attendance sheets and minutes
- Questions from proposers and responses provided
- Proposal Receipt Record
- Copies of proposals received
- Evaluator's Statement of Independence and Non-Conflict of Interest forms
- Evaluators' individual scoring sheets and documentation for written and interview phases, including interview questions and evaluations; reference checks documentation; and any clarification of proposal requests and responses
- Summary of scores for written and interview phases
- Notice to Short List, if applicable
- Notice of Intent to Negotiate and Award
- Record of any protest, and resolution documentation
- Contract negotiations documentation
- Copy of executed contract, and passed ordinance if applicable
- Required insurance certificates
- EEO, Business Tax Registration, and Equal Benefits Compliance
- PTE Contract Worksheet
- Notice to proceed, if applicable

Procurement Services may request copies of information or review of the information in the procurement and contract files. The project manager/or contract administrator will be responsible for providing this information in a timely manner.

### **B. RETENTION SCHEDULE**

In accordance with the records retention and disposition schedules established by the Office of the City Auditor's Archives and Records Management Program and in force on the date of this manual revision, PTE services records will be retained as follows:

- Retain accepted solicitation documentation six (6) years after solicitation awarded
- Retain rejected solicitation documentation two (2) years after solicitation awarded
- Retain canceled solicitation documentation two (2) years after solicitation canceled

Retention schedules are reviewed and updated every five (5) years. The full text of the retention schedules pertaining to the competitive solicitation documentation of PTE services is specified in paragraphs *8501-01(B) Bid Records: Non-Public Improvement Contracts* and *8501-01(C) Bid Records: Exemptions and Rejected Bids* under the 8500 Series of the schedules. Refer to the City Auditor's Office website for the most up to date retention schedules.

## **Section 10 REFERENCE TOOLS**

### **A. LINKS USED IN THIS MANUAL**

Procurement Services – <http://www.portlandoregon.gov/omf/purchasing>

Procurement Services - Contact Information -  
<http://www.portlandoregon.gov/omf/index.cfm?&c=45662&a=158064>

Business Tax Registration– Vendor lookup: <http://www.portlandoregon.gov/revenue/lookup/>

City Code and Charter - <http://www.portlandonline.com/auditor/index.cfm?c=27173&>

Dollar Thresholds – <http://www.portlandoregon.gov/omf/index.cfm?c=44169&a=74585>

Drafting Manual for Ordinances, Resolutions & Reports –  
<http://www.portlandonline.com/auditor/index.cfm?&a=52340&c=34447>

EEO – Vendor EEO registration - <http://www.portlandoregon.gov/bibs/article/420206>

EEO – Vendor look-up - <http://www.portlandoregon.gov/omf/index.cfm?c=45666&a=10561>

Email forms to PTE – [PTE Intake](#)

Equal Benefits Program – <http://www.portlandoregon.gov/omf/index.cfm?c=43774&>.

Federal Excluded Parties List - <https://www.sam.gov/portal/public/SAM/>

Green Building Policy Update –  
<http://www.portlandonline.com/auditor/index.cfm?&c=34835&a=80338>

Internal Procurement Forms on Procurement Services intranet webpage –  
<http://www.portlandoregon.gov/bibs/index.cfm?&c=27573>

Ordinance 180077 (Equal Benefits) –  
<http://www.portlandonline.com/shared/cfm/image.cfm?id=176322>

Oregon State Office of Minority, Women, and Emerging Small Business (OMWESB) –  
<http://www.oregon4biz.com/Grow-Your-Business/Business-services/Minority-Owned-Business-Certification/>

OMWESB Searchable Directory of Oregon State Certified M/W/ESB consultants –  
<http://www4.cbs.state.or.us/ex/dir/omwesb/>

PCC Chapter 1.03 – Code of Ethics –  
<http://www.portlandonline.com/auditor/index.cfm?a=1243&c=26653>

PCC Chapter 3.15.070(B)(8) – Bureau of Technology Services -  
<http://www.portlandonline.com/auditor/index.cfm?c=28359&a=348802>

PCC Chapter 3.100 – Equal Opportunity –  
<http://www.portlandonline.com/auditor/index.cfm?c=28463>

PCC Chapter 5.68 – <http://www.portlandonline.com/auditor/index.cfm?&c=28801>

PCC Chapter 7.02 – Business License Law –  
<http://www.portlandonline.com/auditor/index.cfm?c=28807>

Project Estimate Confidence Level Rating Index –  
<http://efiles.portlandoregon.gov/webdrawer/rec/2778157/view/City%20Auditor%20-%20City%20Recorder%20-%20Council%20Resolutions%20-%2036430%20Level%20of%20confidence%20rating%20for%20project%20cost%20estimates%20exhibit%20A.doc>

Resolution 36430 –  
<http://efiles.portlandoregon.gov/webdrawer/rec/2778156/view/City%20Auditor%20-%20City%20Recorder%20-%20Council%20Resolutions%20-%2036430%20Level%20of%20confidence%20rating%20for%20project%20cost%20estimates%20resolution.doc>

Resolution 36558 –  
<http://efiles.portlandoregon.gov/webdrawer/rec/2969089/view/City%20Auditor%20-%20City%20Recorder%20-%20Council%20Resolutions%20-%2036558%20Minority%20Women%20and%20Emerging%20Small%20Business%20PTE%20resolution.DOC>

Resolution 36584 – <http://efiles.portlandoregon.gov/webdrawer.dll/webdrawer/rec/3029109/view>

Resolution 36757 –  
<http://efiles.portlandoregon.gov/webdrawer/rec/3731643/view/City%20Auditor%20-%20City%20Recorder%20-%20Council%20Resolutions%20-%2036757%20Minority%20evaluator%20on%20contractor%20evaluation%20and%20selection%20panels%20resolution.PDF>

Retention Schedule as published by the Auditor's Office –  
<http://www.portlandonline.com/auditor/index.cfm?c=27201&a=104607>

Revenue Bureau, Taxes and Fees (License and Tax Division) –  
<http://www.portlandoregon.gov/omf/index.cfm?c=29320>

Sustainable Procurement  
<http://www.portlandoregon.gov/buygreen>

## B. LINKS TO PTE FORMS

Contract Amendment – <http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=27074>

Contract Worksheet – <http://www.portlandoregon.gov/shared/cfm/image.cfm?id=10263>

Evaluators Guide – <http://www.portlandoregon.gov/shared/cfm/image.cfm?id=148057>

Evaluator's Statement of Independence and Non-Conflict of Interest form –  
<http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=362683>

Final Payment Authorization form –  
<http://www.portlandoregon.gov/shared/cfm/image.cfm?id=18533>

Formal RFP Template – <http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=371552>

Intermediate RFP Template - <http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=371548>

Legal Advertisement – <http://www.portlandoregon.gov/shared/cfm/image.cfm?id=10258>

Model Contract – <http://www.portlandoregon.gov/omf/index.cfm?c=45664&a=27067>

Monthly Subconsultant Payment and Utilization Report (MUR) –  
<http://www.portlandoregon.gov/shared/cfm/image.cfm?id=119851>

Notice of Intent to Negotiate and Award–  
<http://www.portlandoregon.gov/shared/cfm/image.cfm?id=18531>

Notice to Short List – <http://www.portlandoregon.gov/shared/cfm/image.cfm?id=147145>

On-Call RFP Intermediate Template –  
<http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=371547>

On-Call Formal RFP Template –  
<http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=371546>

Proposal Receipt Record – <http://www.portlandoregon.gov/shared/cfm/image.cfm?id=10266>

PTE Transmittal Form – <http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=212818>

QBS RFP template – <http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=371550>

QBS RFP A/E LEEDTemplate -  
<http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=371551>

RFQ Template – <http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=371554>

Sample Scoring Sheet – <http://www.portlandoregon.gov/shared/cfm/image.cfm?id=147144>

Sole Source Request – <http://www.portlandoregon.gov/omf/index.cfm?a=18532&c=27573>

Solicitation Addendum – <http://www.portlandoregon.gov/shared/cfm/image.cfm?id=10259>

Subconsultant Disclosure Form 1 – <http://www.portlandoregon.gov/bibs/index.cfm?&c=27573>

Technical Advisor's Non-Conflict of Interest Statement –  
<http://www.portlandoregon.gov/omf/index.cfm?c=27573&a=362684>

## **Section 11 DEFINITIONS**

### **Addendum or Addenda**

Additions or deletions to, material changes in, or general interest explanations of the City's solicitation documents.

### **Advertisement**

The public announcement inviting proposals or qualifications for work to be performed or materials to be furnished.

### **Amendment**

A mutually agreed written change or modification to a contract executed in accordance with this PTE Services Contracting Manual.

### **Assignment**

Legal transfer of a claim, right, interest, or property.

### **Audit**

A formal examination of an individual's or organization's accounting records, financial situation, or compliance with some other set of standards:

Compliance Audit - an audit conducted by a regulatory agency, an organization, or a third party to assess compliance with one or more sets of laws and regulations.

Independent Audit - an audit conducted by an outside person or firm not connected with the person or organization being audited.

### **Award**

The decision of the City to enter into a Contract with a Proposer or Respondent.

### **Cancel**

To terminate a promise, obligation, right, or solicitation.

### **Cancellation Clause**

A contractual provision allowing one or both parties to annul their obligations under certain conditions.

### **Certificate of Insurance**

A certificate issued by an insurance company or its producer verifying that a certain insurance policy is in effect for stated amounts and coverage and naming those insured, submitted by the consultant as evidence that the consultant's insurance complies with the insurance requirements stated in the proposal and contract documents.

### **Chief Procurement Officer (CPO)**

The individual designated by the Portland City Council to act as the City's Chief Procurement Officer or the individual to whom the Chief Procurement Officer has delegated the powers of the Chief Procurement Officer. The Chief Procurement Officer is authorized to enter into contractual agreements on behalf of the City.

### **City**

The City of Portland, Oregon.

**City Council**

The governing body that exercises the power and authority given to the municipal corporation of the City of Portland by Portland City Charter, consisting of a Mayor and four (4) Commissioners.

**Closing**

The date and time announced in the City's solicitation document as the deadline for submitting proposals or qualifications.

**Competitive Negotiation**

A method of contracting in which proposal evaluation and contract award result from an open and competitive procedure, typically through the Request for Proposal process, in which evaluation criteria in addition to price are considered in consultant selection.

**Competitive Process**

An open process where prospective proposers are given the opportunity to provide proposals or qualifications in response to a bureau's solicitation, and where the bureau endeavors to obtain at least three (3) or more responses.

**Competitive Range**

The number of proposers the City will conduct discussions or negotiate with if the City intends to conduct discussions or negotiations in accordance with PCC 5.68.

**Conflict of Interest**

An actual or potential situation in which the personal interest of a vendor, employee, or public official is, or appears to be, in conflict with the best interest of the jurisdiction; an actual or potential familial or financial relationship between a vendor and a City representative.

**Consideration**

Something of value that is exchanged by at least two parties and which serves to form or bind a contract.

**Consultant**

Any individual or group, excluding regular City employees, who, for a fee, provides services or gives professional advice regarding matters in the field of their special knowledge or training.

**Contract**

A sale or other disposal, or a purchase, lease, rental or other acquisition, by the City of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement, but does not include "grants."

**Contract Administration**

Actions taken to assure compliance with the terms of the contract after the award of the contract.

**Contract Amount**

The total of the awarded proposal amount, including any approved alternates. The "original" contract amount is the maximum not to exceed amount that the City will pay for work performed pursuant to the contract. The "final" contract amount is the amount that the City actually pays the consultant after execution of any contract amendments that cause the original contract price to increase or decrease.

**Contract Execution**

Contract execution occurs when the contract is signed by any mark, word, or symbol, in ink, by an authorized representative of a proposer and the City.

**Contract Number**

The number assigned to an executed contract.

**Contractor**

The person with whom the City executes a contract.

**Copyright**

A property right in an original work of authorship (i.e., literary, musical, artistic, photographic, film work) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt, license, distribute, perform, and display the work.

**Day(s)**

Calendar days, including weekdays, weekends and holidays, beginning at midnight and ending at midnight twenty-four hours later, unless otherwise specified by this Manual or the solicitation document.

**Debriefing**

A meeting held with unsuccessful proposers to review their standing in the solicitation process for the purpose of identifying how they may improve upon their future proposal submissions and presentations.

**Deliverable(s)**

Materials or work products to be received from the consultant during the course of the contract; may include such items as reports, data, evaluations, recommendations, analysis, estimates, specifications, drawings, maps, training, facilitation of meetings with resulting reports, documentation and other reports.

**Descriptive Literature**

Informational materials concerning available products or services submitted by proposers in response to the City's solicitation document.

**Electronic Advertisement**

The electronic posting of a solicitation on the City's On-Line Procurement Center

**Emergency**

Circumstances that: a) could not have been reasonably foreseen; and b) create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and c) require prompt execution of a contract to remedy the condition.

**Equal Employment Opportunity (EEO)**

A certification program administered by the City as prescribed by Chapter 3.100 of the Code of the City of Portland requiring all consultants to be certified as EEO Affirmative Action employers in order to obtain most City contracts.

**Estimated Fee**

City's reasonably projected fee to be paid for a consultant's services under the anticipated Contract, excluding all anticipated reimbursable or other non-professional fee expenses. The Estimated Fee is used solely to determine the applicable Contract solicitation method and is distinct from the total amount payable under the Contract.

**Evaluation Committee**

A committee, usually made up of five independent evaluators, selected by the City to review, evaluate and score proposals or qualifications for the purpose of selecting a consultant.

**Evaluation Criteria**

Specific elements and their respective weighting as identified in a solicitation against which proposals will be scored.

**Evaluation Form(s)**

Form used by the evaluation committee to evaluate submitted proposals. The forms will include the evaluation criteria and corresponding point value as identified in the solicitation and will be completed by each committee member as they evaluate the submitted proposals.

**Exhibit**

A document attached to and made part of a pleading, motion, contract, solicitation document or other instrument.

**Indemnification**

The agreement of a contracting party to hold the other party harmless, to secure the other party against loss or damage, or to give security for the reimbursement of the other party in case of an anticipated loss.

**Insurance**

Coverage by contract whereby one party undertakes to indemnify or guarantee another against loss by a specified contingency or peril.

**Intergovernmental Agreement (IGA)**

A contractual agreement binding two or more public agencies.

**Land Surveying**

Professional services that apply mathematics, geodesy, and other sciences and involve: the making of geometric measurements and gathering of related information pertaining to: the physical or legal features, the improvements on, and the space above or below the earth; or, the development of measurements and information described above into graphics, data, maps, plans, reports, descriptions, projects or other survey products such as: performing geodetic surveys; establishing or replacing boundaries or geodetic control monuments or reference points; locating or establishing any property lines or boundaries for any tract of land, road right-of-way or easement; locating and laying out alignments, positions or elevations for the construction of fixed works; performing photogrammetric mapping; making surveys that involve horizontal or vertical mapping control or geodetic control; and performing or offering to perform any investigation, interpretation or evaluation of, or any consultation or testimony about, any of the above services (ref. ORS 672.005)

**Liability**

The quality or state of being legally obligated or accountable; legal responsibility to another or to society, enforceable by civil remedy or criminal punishment for injuries caused by negligence; a financial or pecuniary obligation.

**Local Business**

A business that is an independent and continuing business that 1) has fixed offices and distribution points within the geographical boundaries of the State of Oregon and Clark County, Washington where a commercially useful function is performed; 2) is registered to do business in the State of Oregon; 3) possesses a current City of Portland business; and 4) pays taxes in the State of Oregon or Clark County, Washington.

**M/W/ESB**

Minority-owned, woman-owned, and emerging small businesses certified as such by the State of Oregon Office of Minority, Women, and Emerging Small Business (OMWESB).

**Negotiation**

A process between the City and a potential consultant to reach a mutually satisfactory agreement regarding scope of work, technical requirements, deliverables, schedule and contract price in order to finalize contractual documents.

**Notice of Intent to Negotiate and Award**

A written notice issued by the City to proposers/respondents identifying the City's intent to negotiate and potentially award a contract to one or more proposers/respondents.

**Offer**

A written response to a solicitation document.

**Offeror**

A person that submits an Offer.

**Ordinance**

A formal document by which the City Council conducts its legislative, quasi-judicial, and administrative business. An ordinance carries the binding force of law. It is passed by the City Council in accordance with rules of procedure set forth by the Charter.

**Overhead**

The regular operating expenses of a business. Costs that cannot be allocated, either properly or accurately, to a specific task, but are necessary for the overall operation of the business.

**Party**

One who takes part in a transaction (i.e., *party of the first part* is the party named first in a contract - usually the owner or seller; *party of the second part* is the party named second in a contract - usually the buyer).

**Person**

An individual, corporation, business trust, estate, partnership, limited liability company, association, joint venture, government agency, public corporation or any other legal or commercial entity who has the legal capacity to enter into a contract.

**Photogrammetric mapping**

an evaluating and measuring of land that is limited to the determination of the topography, area, contours and location of planimetric features, by using photogrammetric methods or similar remote sensing technology, including but not limited to using existing ground control points incidental to the photogrammetric or remote sensing mapping process. (ref ORS 672.002)

**Portland City Code (PCC)**

The Code of the City of Portland, Oregon.

**Price Agreement**

For purposes of the QBS Manual a Price Agreement is limited to mean an agreement related to the procurement of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, or Related Services, under agreed-upon terms and conditions and possibly at a set price with:

1. No guarantee of a minimum or maximum purchase; or
2. An initial order or minimum purchase, combined with a continuing QBS consultant obligation to provide Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services in which the City does not guarantee a minimum or maximum additional purchase.

**Principal**

One who authorizes another to act on his/her behalf as an agent.

**Procurement**

The act of purchasing, leasing, renting, or otherwise acquiring goods or services. Procurement includes each function and procedure undertaken or required to be undertaken by the City to enter into a contract, administer a contract, and obtain the performance of a contract under the State Public Contracting Code.

**Professional**

A person who belongs to a learned profession or whose occupation requires a high level of education, training, and proficiency.

**Project**

All components of a City's planned undertaking that gives rise to the need for a consultant's Services under a Contract.

**Project Manager**

The authorized representative of the City assigned to administer the contract for each project.

**Proposal**

A written response to a Request for Proposal or other solicitation document.

**Proposer**

A person who submits a response or proposal in response to a solicitation document.

**Proprietary**

Of or relating to a business owner; license rights.

**Protest**

A written objection by an interested party to the specifications included in a solicitation, or a written objection to a Notice of Intent to Negotiate and Award by an aggrieved proposer.

**Qualification**

The possession of qualities, capabilities, competencies, or properties (i.e., fitness or capacity) inherently or legally necessary to perform a duty or function.

**QBS Consultant**

An Architect, Engineer, Photogrammetrist, Transportation Planner, Land Surveyor or provider of Related Services. A QBS consultant includes a business entity that employs Architects, Engineers, Photogrammetrists, Transportation Planners, Land Surveyors or providers of Related Services, or any combination of the foregoing.

**Qualification Based Selection Request for Proposal (QBS/RFP)**

Competitive Request for Proposal used for soliciting architects', engineers', photogrammetrists', transportation planners', land surveyors' services or Related Services, pursuant to PCC 5.68 and in accordance with this Manual. Emphasis in the RFP is on the qualifications of the respondents; compensation requirements will not be an element of the selection process of the RFP.

**QBS Services**

Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, or Land Surveying Services. (ref ORS279C.100-125)

**Reasonable / Reasonableness**

Fair, proper, or moderate under the circumstances; according to reason; having the faculty of reason.

**Recuse**

To remove oneself (i.e., as a judge or evaluation committee member) in a particular case because of prejudice, conflict of interest or other reasons that would prevent someone from impartially and objectively reviewing and scoring a proposal.

**Related Services**

Personal services, other than architectural, engineering, photogrammetric mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvements, including, but not limited to, landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraising services, material testing services, mechanical system balancing services, commissioning services, project management services, construction management services, and owner's representation services or land-use planning services.

**Request for Proposal (RFP)**

All documents used for soliciting proposals; pursuant to PCC Chapter 5.68 and in accordance with this Manual.

**Request for Qualifications (RFQ)**

A written document, issued by the City to prospective proposers, that seeks a description of their experience and qualifications to perform certain identified work that may or may not lead to the issuance of an RFP.

**Respondent**

A person who submits a response to a solicitation document.

**Responsible Proposer**

A person who has submitted a proposal and who meets the standards set forth in PCC Chapter 5.68, as applicable, and who has not been debarred or disqualified.

**Responsive Proposal**

A proposal that substantially complies in all material respects with applicable solicitation procedures and requirements and the solicitation document.

**Scope of Work**

A description of the services to be provided by the consultant.

**Short List**

A listing of a specified number of proposers who have been determined to be qualified under the evaluation criteria and weighting of the proposal solicitation; those proposers on the short list will be invited to move to the next level in the evaluation process.

**Sole Source**

Contract awarded without competitive solicitation; services are available from only one source.

**Solicitation**

A request by the City for prospective proposers to submit proposals or qualifications.

**Solicitation Document**

Any document issued to invite submission of proposals or qualifications from prospective proposers pursuant to PCC Chapter 5.68 and in accordance with this Manual. All documents referenced by the solicitation document are included in, and part of, the solicitation document.

**Subcontract**

A contract made by a party to another contract for carrying out the other contract, or a part of it.

**Subcontractor or Subconsultant**

A person, other than the contractor's employee, hired by the contractor to perform a portion of the work required by the contract.

**Terminate**

The act of putting an end to, or bringing to an end; to conclude.

**Transportation Planning Services**

Project-specific transportation planning involved in categorical exclusions, environmental assessments, environmental impact statements, and other documents required for compliance with the National Environmental Policy Act, 42 USC 4321 et. seq. Transportation Planning Services do not include transportation planning for corridor plans, transportation system plans, interchange area management plans, refinement plans, and other transportation plans not associated with an individual Project which will require compliance with the National Environmental Policy Act, 42 USC 4321 et. seq. Transportation Planning Services also do not include transportation planning for Projects not subject to the National Environmental Policy Act, 42 USC 4321 et. seq.

**Value Engineering**

An independent analysis of the separate functions or tasks of a project, program, service, product, building, etc. as proposed by a consultant which is directed at improving performance, quality, safety, price, life-cycle costs, outcome or reliability.

**Work**

The furnishing of all materials, equipment, labor, and incidentals necessary to successfully complete any individual item in a contract or, in context, the entire contract and the timely successful completion of all duties and obligations imposed by the contract.

## **Section 12 BUREAU ROLES AND RESPONSIBILITIES**

(All PTE forms and procurement documents referenced in this section can be found at: <http://www.portlandoregon.gov/omf/index.cfm?c=27573>)

Following the rules and procedures set forth in this manual is essential in order to achieve a successful procurement, and it is the responsibility of the project manager to manage and ensure the integrity of the solicitation and contracting process. The following is a checklist outlining the roles and responsibilities of the soliciting bureau and project manager for non-IT related PTE Services:

- Obtain latest solicitation and contracting templates from the Procurement Services intranet webpage.
- Conduct pre-procurement data gathering specific to the project to ascertain services needed
- Obtain any bureau specific approvals necessary to conduct the procurement
- Organize the evaluation committee, paying special attention to the requirements of the Minority Evaluator Program (Resolution 36757).
- Draft the solicitation document(s)
- Prepare the issuance package for the solicitation (i.e., PTE Transmittal Form, and the appropriate RFP template). The solicitation may be posted on the City's On-Line Procurement Center
- Submit the solicitation document and issuance package to Procurement Services for review and approval as required, and for processing (for Formal solicitations only)
- Electronic advertisement of the solicitation on the City's On-Line Procurement Center not less than 14 days before the closing date for the solicitation
- If desired by the bureau, advertise in trade and/or community publications (i.e., DJC, Asian Reporter, The Skanner, Observer, and El Hispanic News); the soliciting bureau will be responsible for the cost
- Identify and conduct outreach to potential proposers, including M/W/ESB consultants
- Direct interested proposers to the [City's On-Line Procurement Center](#) to download solicitation documents for all Formal solicitations and any posted Intermediate level solicitations
- Conduct pre-submittal meeting, if applicable
- Prepare addenda in response to questions and requests for clarification
- Conduct kick-off meeting with evaluation committee
- Receive and date and time stamp proposals/responses, and store them in a secure location; **Proposals are not to be opened until the due date and time**
- Prepare the Proposal Receipt Record form for all proposals/responses received
- Review submitted proposals/responses for responsiveness, verifying compliance with mandatory requirements
- Prepare and distribute written rejection letters for non-responsive proposals/responses, if applicable
- Distribute receipt record to the evaluation committee for their determination of potential conflicts of interests, and collect Evaluators' Statement of Independence and Non-Conflict of Interest declaration forms and Evaluator Demographic Information forms
- Distribute responsive proposals to the evaluation committee
- Conduct the evaluation phase
- Obtain proposal clarifications as necessary, and provide clarifications received to the evaluation committee
- Conduct scoring meeting of written submittals with evaluation committee
- Short list proposers/respondents as applicable
- Prepare and send to Procurement Services the Notice to Short List letter as applicable. For Formal solicitations Procurement Services shall post this Notice to the City's On-Line

Procurement Center. For Intermediate solicitations the Notice to Short List must be distributed in the same manner as the original solicitation.

- If the evaluation committee clearly indicates a successful Proposer Send the Notice of Intent to Negotiate and Award to Procurement Services for review and approval or revision.
- Prepare interviews/presentations agenda and questions as applicable
- Schedule interviews/presentations as applicable, and provide finalists with agenda, logistical information and broad questions
- Conduct interviews/presentations as applicable
- Determine highest scored Proposer, and prepare a summary of final scores
- Submit Notice of Intent to Negotiate and Award (NIO) along with required documents (see next bullet point) to the Procurement Services for review and approval. The Notice of Intent to Negotiate and Award must be approved by Procurement Services in advance of any public or private notice.
- Documents required for NOI approval: copies of the signed Evaluator's Statement of Independence and Non-Conflict of Interest forms, a copy of the RFP, evaluator scoring sheets and summary, and the Proposal Receipt Record form
- Procurement Services shall review, determine approval, and shall post this Notice of Intent to Negotiate and Award to the City's On-Line Procurement Center
- Bureau may distribute the Notice of Intent to Negotiate and Award to all finalists.
- Negotiate contract with highest scored Proposer
- Prepare contract documents, ensure proposer's compliance with all contracting requirements, and collect required insurance certificate(s)
- Obtain contract signature from the awarded consultant
- Submit contract and insurance certificates to the City Attorney's office for approval
- Submit contract to Procurement Services for City signatures, along with all submitted PTE Subconsultant Disclosure Forms (Form 1), the Plan Holders List, and the insurance certificates via the PTE Intake email address.
- Prepare and file Ordinance as required
- Establish and maintain a procurement file, and prepare for potential public inspection
- Facilitate award reviews and debriefings requested by unsuccessful proposers/respondents
- Assist with protests, if necessary
- Manage contract administration and monitor insurance coverage during the life of the contract

## Section 13 CHECKLISTS

(All PTE forms and procurement documents referenced in this section can be found at: <http://www.portlandoregon.gov/omf/index.cfm?c=27573>)

The intent of this section is to help users identify key procedures outlined in this PTE Contracting Manual. Please review the full text of this PTE Contracting Manual first in order to fully understand all policies and procedures. For the procurement of IT-related PTE services, please contact Procurement Services and your BTS Technology Business Consultant.

### A. SMALL CONTRACTS (\$5,000 OR LESS)

- ☐ DETERMINE NEED AND OBTAIN BUREAU APPROVAL(S)
- ☐ ESTIMATE COSTS
- ☐ DRAFT AND SOLICIT PROPOSAL(S)  
Contact at least three (3) potential proposers via phone, email, fax, etc.  
*[including an M/W/ESB firm, if available]*  
Proposal to include:
  - Identified scope of work
  - Period of performance
  - Diversity in contracting
  - Sustainable procurement best practices
  - Consideration
  - Verbally discuss any requirements – should clarification be necessary, provide information to all who were contacted
  - Receive simple, written cost proposal from successful Proposer
  - Document on the PTE Contract Worksheet all consultants contacted
- ☐ REVIEW PROPOSALS AND SELECT MOST QUALIFIED CONSULTANT
- ☐ CONFIRM EEO CERTIFICATION, PORTLAND BUSINESS TAX REGISTRATION, INSURANCE CERTIFICATIONS, WORKERS COMPENSATION INSURANCE STATEMENT, AND VENDOR NUMBER OF THE SUCCESSFUL PROPOSER
  - Contact Procurement Services for assistance with EEO and Bureau of Revenue for business tax registration
  - Work with the successful Proposer to get insurance certificates, and signed Workers Compensation Insurance Statement and any other missing requirements
  - Work with Accounts Payable to register vendor in SAP database if needed
- ☐ OBTAIN BUREAU DIRECTOR'S/COMMISSIONER'S APPROVAL VIA THE PTE CONTRACT WORKSHEET
- ☐ PREPARE PURCHASE REQUISITION (PR TYPE) OR CONTRACT AND SUBMIT TO PROCUREMENT SERVICES *(if using contract instead of STANDARD PO, follow Checklist for Intermediate Contracts below)*
- ☐ PREPARE REQUIRED ATTACHMENTS:  
(Attach to PR requisition or to outline agreement in SAP)
  - A. Signed Evaluator's Statement of Non-Conflict of Interest and Confidentiality form
    - Individual form must be signed by each evaluator
    - If you had a Technical Advisor, you will need a signed Technical Advisor's Non-Conflict of Interest form
  - B. Bureau to complete all information requested on the PTE Contract Worksheet
    - Identify other proposers considered, or explain why this is sole source

- Include M/W/ESB information
  - If contracted with the successful Proposer before, explain reasons why the successful Proposer was selected again
  - Obtain signature of Bureau director or Commissioner
  - NOTE: only use the worksheet form provided on the Procurement Services website
- C. Successful Proposer sign Workers Compensation Insurance Statement and submit Workers Compensation Insurance Certificate, if applicable
- If successful Proposer is subject to Workers Compensation, then sign at the top of the Workers Compensation Insurance Statement (within contract template)
  - If successful Proposer is NOT subject to Workers Compensation, then complete and sign the middle section of the form and check at least four applicable items on the form (City Project Manager must read and sign at the bottom of this form)
- D. Insurance Requirements (unless waived in writing by the bureau director\*)  
\*On a case-by-case basis and upon discussion with the project manager and the City Attorney's Office the bureau director may waive certain insurance requirements based on special circumstances, limited risk exposure, or other factors. Conversely, situations may present themselves that make increased requirements appropriate.

**Required on ALL certificates (additional items are listed below):**

- **Must include valid effective and expiration dates**
- **Limits of coverage in accordance with the contract**
- **30-day cancellation notice**
- **City listed as additional insured**

General Liability Insurance Certificate

- Endorsement naming City as additional insured

Auto Liability Insurance Certificate

- Most important when operation of a motorized vehicle is specifically required within the scope of work

Professional Liability Insurance Certificate

Technology E&O Liability Insurance Certificate  
(if applicable)

- ☐ PURCHASE ORDER OR CONTRACT EXECUTED BY PROCUREMENT SERVICES
- ☐ NOTIFY CONSULTANT TO BEGIN WORK AFTER PURCHASE ORDER HAS BEEN ISSUED OR CONTRACT HAS BEEN EXECUTED

B. INTERMEDIATE CONTRACTS – Standard & On-Call (\$5,000.01 up to and including \$100,000)

- ☐ DETERMINE NEED AND OBTAIN BUREAU APPROVAL(S)
- ☐ ESTIMATE COSTS
- ☐ WRITE/COMPLETE THE INTERMEDIATE REQUEST FOR PROPOSAL TEMPLATE  
(Use of the Intermediate RFP template is required)
- ☐ For solicitations in the Intermediate range, competitive proposals must be solicited from at least four (4) qualified consultants in order to obtain a sufficient number of proposals, and at least 50% of the consultants solicited must be certified M/W/ESB firms, if a sufficient number of M/W/ESB firms are available.
  - Issue addendum for responses to substantive questions
  - Establish evaluation committee per Section 4 of this Manual
  - Securely store all proposals received (do not open until after RFP closes)
- ☐ COMPLETE THE PROPOSAL RECEIPT RECORD FORM  
**(If IRFP was posted to the City's On-Line Procurement Center, forward this completed form to Procurement Services for posting to the City's On-Line Procurement Center)**
- ☐ PROJECT MANAGER EVALUATES PROPOSALS FOR RESPONSIVENESS  
(Follow all steps outlined in this Manual from receipt of proposals to selection of consultant)
- ☐ EVALUATION COMMITTEE EVALUATES PROPOSALS RECEIVED
- ☐ SELECT HIGHEST SCORED PROPOSER AND NEGOTIATE A TOTAL NOT-TO-EXCEED COST WITH CONSULTANT
- ☐ SUBMIT NOTICE OF INTENT TO NEGOTIATE AND AWARD TO PROCUREMENT SERVICES FOR APPROVAL BEFORE RELEASE TO PUBLIC. INCLUDE THE FOLLOWING:
  - A. Evaluator's Statement of Independence and Non-Conflict of Interest (Signed)
    - Individual form must be signed by each evaluator
    - If you had a Technical Advisor, you will need a signed PTE Technical Advisor's Non-Conflict of Interest form
  - B. Proposal Receipt Record form
  - C. Copy of RFP solicitation
  - D. Evaluator Score sheets and Scoring Summary
- ☐ AFTER APPROVAL BY PROCUREMENT, ISSUE THE NOTICE OF INTENT TO NEGOTIATE AND AWARD TO ALL PROPOSERS
  - **If IRFP was posted on the City's On-Line Procurement Center, Procurement Services will post Notice of Intent to Negotiate and Award to the City's On-Line Procurement Center**
- ☐ CONFIRM EEO CERTIFICATION, PORTLAND BUSINESS TAX REGISTRATION, INSURANCE CERTIFICATIONS, WORKERS COMPENSATION INSURANCE STATEMENT, AND VENDOR NUMBER OF THE CONSULTANT
  - Contact Procurement Services for assistance with EEO and contact Bureau of Revenue for business tax registration
  - Work with the successful Proposer to get insurance certificates, signed Workers Compensation Insurance Statement and any other missing requirements
  - Work with Accounts Payable to register vendor in SAP database if needed
- ☐ OBTAIN BUREAU DIRECTOR'S/COMMISSIONER'S APPROVAL VIA THE

PTE CONTRACT WORKSHEET

- ☐ PREPARE THE PTE MODEL CONTRACT  
(Consult with Procurement Services and/or City Attorney for assistance)
- Complete all areas of the template with options
  - Complete the Scope of Work and Payment Schedule
- ☐ PREPARE REQUIRED ATTACHMENTS (Attach to outline agreement in SAP)
- A. Successful Proposer sign Workers Compensation Insurance Statement and submit Insurance Certificate, if applicable
- If successful Proposer is subject to Workers Compensation, then sign at the top of the Workers Compensation Insurance Statement (within contract template)
  - If successful Proposer is NOT subject to Workers Compensation, then complete and sign the middle section of the form and check at least four applicable items on the form (City Project Manager must read and sign at the bottom of this form)
- B. Insurance Requirements (unless waived by the Bureau Director\*)  
\*On a case-by-case basis and upon discussion with the project manager and the City Attorney's Office, the bureau director may waive certain insurance requirements based on special circumstances, limited risk exposure, or other factors. Conversely, situations may present themselves that make increased requirements appropriate.
- Required on ALL certificates (additional items are listed below):**
- **Must include valid effective and expiration dates**
  - **Limits of coverage in accordance with the contract**
  - **30-day cancellation notice**
  - **City listed as certificate holder**
- General Liability Insurance Certificate
- Endorsement naming City as additional insured
- Auto Liability Insurance Certificate
- Most important when operation of a motorized vehicle is specifically required within the scope of work
- Professional Liability Insurance Certificate
- Technology E&O Liability Insurance Certificate  
(if applicable)
- C. PTE Contract Worksheet: bureau to complete **ALL** information requested
- Identify other consultants considered, or explain why this is sole source
  - Include M/W/ESB information
  - Include evaluation committee info
  - Explain how award was determined (should be based on highest score)
  - If contracted with this consultant before, explain reasons why this consultant was selected again
  - Obtain signature of bureau director, designee, or Commissioner
  - NOTE: only use the worksheet form provided on Procurement Services website
- D. Plan Holders List
- E. All PTE Subconsultant Disclosure Forms (Form 1) received
- ☐ ROUTE FOR SIGNATURE AS FOLLOWS:
- A. Via Hard Copy (paper signature routing)
- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
  - **Successful Proposer** prints and signs one copy of the PDF that was sent to them and returns to contract administrator – preferably a hard copy.

- **City Attorney's Office** "Approves as to Form" the contract and insurance certificates.
- **Chief Procurement Officer** signs contract when contracting requirements are met.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "08," and releases the outline agreement.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

B. Via SAP (electronic signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
- **Successful Proposer** prints and signs one copy of the PDF that was sent to them and returns to contract administrator – preferably a hard copy.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "05," and releases the outline agreement. SAP will automatically route to the City Attorney's Office, the Chief Procurement Officer, and the City Auditor's Office for their signatures.
- **City Attorney's Office** electronically releases the contract and insurance certificates as "Approved as to Form."
- **Chief Procurement Officer** electronically releases contract when contracting requirements are met.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

☐ NOTIFY CONSULTANT TO BEGIN WORK AFTER CONTRACT HAS BEEN EXECUTED  
OR TASK ORDER HAS BEEN ISSUED FOR ON-CALL CONTRACTS

C. FORMAL CONTRACTS - Standard & On-Call (more than \$100,000)

- ☐ DETERMINE NEED AND OBTAIN BUREAU APPROVAL(S)
- ☐ ESTIMATE COSTS
- ☐ SELECT & COMPLETE THE APPROPRIATE REQUEST FOR PROPOSAL TEMPLATE  
(Use of correct RFP template is required)
- ☐ FORWARD TO PROCUREMENT SERVICES FINAL RFP DRAFT FOR REVIEW AND APPROVAL BY THE CHIEF PROCUREMENT OFFICER  
**[RFP's estimated to be over \$100,000 requires review and approval of Chief Procurement Officer].**  
Attach these documents:
  - Final RFP draft and all attachments
  - PTE Transmittal Form
- ☐ SOLICIT AND OBTAIN PROPOSALS
  - Procurement Services will post your solicitation on the City's On-Line Procurement Center
  - Advertise in other local papers as your budget permits (e.g., *DJC, Skanner Observer, El Hispanic News, Asian Reporter*, etc.)
  - Notify consultants already known to have interest in this type of work (refer them to the City's On-Line Procurement Center)
  - Seek out Oregon certified consultants (e.g., minority-owned, woman-owned)
  - Issue addendum for responses to substantive questions via **the City's On-Line Procurement Center**
  - Establish evaluation committee per Section 4 of this Manual  
**(NOTE: Must meet PTE requirements and requirements of Resolution 36757 )**
  - Securely store all proposals received (do not open until after RFP closes)
- ☐ PRE-SUBMITTAL MEETING [if stated in the RFP]
  - Project manager to develop the Pre-submittal Meeting Agenda
  - Copy of agenda to be filed with Procurement File
  - Issue an addendum containing the attendee list and clarifications deemed substantive by the project manager
- ☐ COMPLETE THE PROPOSAL RECEIPT RECORD FORM  
**(Forward to Procurement Services for posting to the City's On-Line Procurement Center)**
- ☐ PROJECT MANAGER EVALUATES PROPOSALS FOR RESPONSIVENESS  
(Follow all steps outlined in this Manual from receipt of proposals to selection)
- ☐ EVALUATION COMMITTEE EVALUATES PROPOSALS RECEIVED
  - Follow procedures outlined in the Evaluator's Guide and Section 4 of this Manual
  - Evaluation must be based solely upon criteria established in RFP
  - Check references (if required or specified in the RFP)
    - Develop list of questions to ask all references
    - Project Manager or one designated person calls all references
    - Share information with evaluation committee members
  - Determine if interviews are required or issue Notice of Intent to Negotiate and Award
  - Schedule time for interviews, scoring, and evaluation
- ☐ ISSUE NOTICE TO SHORT LIST IF INTERVIEWS ARE NEEDED
  - **Allow time for Proposers who did not make the Short List to protest**
  - **Forward to Procurement Services via the PTE Intake email address**
    - **Notice to Short List for posting to web and distribution**
- ☐ PROVIDE FORMAT OF INTERVIEWS TO SHORT LISTED PROPOSERS

- ☐ CONDUCT INTERVIEWS WITH SHORT-LISTED PROPOSERS
- ☐ SELECT HIGHEST SCORED PROPOSER
- ☐ SUBMIT NOTICE OF INTENT TO NEGOTIATE AND AWARD TO PROCUREMENT SERVICES FOR APPROVAL BEFORE RELEASE TO PUBLIC. INCLUDE THE FOLLOWING:
  - A. Evaluator's Statement of Non-Conflict of Interest and Confidentiality (Signed)
    - Individual form must be signed by each Evaluator
    - If you had a Technical Advisor, you will need a signed Technical Advisor's Non-Conflict of Interest form
  - B. Proposal Receipt Record form
  - C. Evaluator Score Sheets and Scoring Summary
  - D. Planholders List
- ☐ AFTER APPROVAL BY PROCUREMENT, ISSUE THE NOTICE OF INTENT TO NEGOTIATE AND AWARD TO ALL PROPOSERS NOT YET GIVEN AN OPPORTUNITY TO PROTEST
  - **Procurement will post NOI on the City's On-Line Procurement Center**
  - **Allow time for unsuccessful Proposers to protest**
- ☐ NEGOTIATE A TOTAL NOT-TO-EXCEED COST WITH CONSULTANT
- ☐ CONFIRM EEO CERTIFICATION, PORTLAND BUSINESS TAX REGISTRATION, INSURANCE CERTIFICATIONS, WORKERS COMPENSATION INSURANCE STATEMENT, EQUAL BENEFITS DECLARATION AND VENDOR NUMBER OF THE SUCCESSFUL PROPOSER
  - Contact Procurement Services for assistance with EEO, EBO, and contact Bureau of Revenue for business tax registration
  - Work with the successful Proposer to get insurance certificates, and signed Workers Compensation Insurance Statement, and any other required documents
  - Work with Accounts Payable to register vendor in SAP database if needed
- ☐ OBTAIN BUREAU DIRECTOR/COMMISSIONER APPROVAL VIA THE PTE CONTRACT WORKSHEET
- ☐ PREPARE THE PTE MODEL CONTRACT  
(Consult with Procurement Services and/or City Attorney for assistance)
  - Complete all areas of the template with options
  - Complete the Scope of Work and Payment Schedule
  - **If contract is up to and including \$100,000 (ordinance is not required)**
  - **If contract is over \$100,000 (ordinance is required)**
- ☐ PREPARE REQUIRED ATTACHMENTS:  
(Attach to outline agreement in SAP)
  - A. PTE Contract Worksheet - Bureau to complete **ALL** information requested
    - Identify other consultants considered, or explain why this is sole source
    - Include M/W/ESB information
    - Include evaluation committee info
    - Explain how award was determined (should be based on highest score)
    - If bureau has contracted with this consultant previously, explain reasons why this consultant was selected again
    - Obtain signature of bureau director or Commissioner
    - NOTE: only use the worksheet form provided on Procurement Services website
  - B. All PTE Subconsultant Disclosure Forms (Form 1) received

C. The Plan Holders List

D. Successful Proposer sign Workers Compensation Insurance Statement and submit Insurance Certificate, if applicable

- If successful Proposer is subject to Workers Compensation, then sign at the top of the Workers Compensation Insurance Statement (within contract template)
- If successful Proposer is NOT subject to Workers Compensation, then complete and sign the middle section of the form and check at least four applicable items on the form (City Project Manager must read and sign at the bottom of this form)

E. Insurance Requirements (unless waived in writing by the bureau director\*)

\*On a case-by-case basis and upon discussion with the project manager and the City Attorney's Office the bureau director may waive certain insurance requirements based on special circumstances, limited risk exposure, or other factors. Conversely, situations may present themselves that make increased requirements appropriate.

Required on ALL certificates (additional items are listed below):

- **Must include valid effective and expiration dates**
- **Limits of coverage in accordance with the contract**
- **30-day cancellation notice**
- **City listed as certificate holder**

General Liability Insurance Certificate

- Endorsement naming City as additional insured

Auto Liability Insurance Certificate

- Most important when operation of a motorized vehicle is specifically required within the scope of work

Professional Liability Insurance Certificate

Technology E&O Liability Insurance Certificate  
(if applicable)

F. Equal Benefits Ordinance compliance completed on the City's On-Line Procurement Center



ROUTE FOR SIGNATURE AS FOLLOWS:

A. Via Hard Copy (paper signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
- **Successful Proposer** prints and signs one copy of the PDF that was sent to them and returns to contract administrator – preferably a hard copy.
- **City Attorney's Office** "Approves as to Form" the contract and insurance certificates.
- **Bureau contract administrator** files ordinance if contract is over \$100,000, otherwise forwards to **Chief Procurement Officer** with all required attachments.
- **Chief Procurement Officer** signs contract when contracting requirements are met.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "08," and releases the outline agreement.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

B. Via SAP (electronic signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
- **Successful Proposer** prints and signs one copy of the PDF that was sent to them and returns to Bureau Contract Administrator – preferably a hard copy.
- **Bureau contract administrator** files ordinance if contract is over \$100,000.

- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "05" if contract is \$100,000 or less, or the correct City Signatory code per the ordinance. Then bureau contract administrator releases the outline agreement. SAP will automatically route to the City Attorney's Office, the Chief Procurement Officer or designated signatory per the ordinance, and the City Auditor's Office for their signatures.
- **City Attorney's Office** electronically releases the contract and insurance certificates as "Approved as to Form."
- **Chief Procurement Officer or designated signatory per the ordinance** electronically releases contract when contracting requirements are met.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

- ☐ NOTIFY CONSULTANT TO BEGIN WORK AFTER CONTRACT HAS BEEN EXECUTED OR TASK ORDER HAS BEEN ISSUED FOR ON-CALL SERVICES CONTRACTS

D. QUALIFICATION BASED SELECTION CONTRACTS (QBS)

- ☐ DETERMINE NEED AND OBTAIN BUREAU APPROVAL(S)
- ☐ ESTIMATE COSTS
- ☐ COMPLETE THE QUALIFICATION BASED SELECTION RFP TEMPLATE
- ☐ FORWARD TO PROCUREMENT SERVICES FINAL QBS RFP DRAFT FOR REVIEW AND APPROVAL BY THE CHIEF PROCUREMENT OFFICER  
The Chief Procurement Officer may forward the final copy of the document to City Attorney's Office for additional review and approval. Any changes made by the CPO or the City Attorney **MUST** be included in the posted document.  
Attach these documents:
  - Final QBS RFP draft and all attachments
  - PTE Transmittal Form
- ☐ SOLICIT AND OBTAIN PROPOSALS
  - Procurement Services will post your solicitation on the City's On-Line Procurement Center
  - Advertise in *other local papers as your budget permits* (e.g., DJC, *Skanner, Observer, El Hispanic News, Asian Reporter, etc.*)
  - Notify consultants already known to have interest in this type of work (refer them to the City's On-Line Procurement Center)
  - Seek out Oregon certified M/W/ESB consultants
  - Issue addendum for responses to substantive questions via the City's On-Line Procurement Center
  - Establish evaluation committee per Section 4 of this Manual  
**(Must meet PTE requirements and requirements of Resolution 36757)**
  - Securely store all proposals received (do not open until after RFP closes)
- ☐ PRE-SUBMITTAL MEETING [if stated in the QBS RFP]
  - Project Manager to develop the Pre-submittal Meeting Agenda
  - Copy of agenda to be filed with Procurement File
  - Issue an addendum containing the attendee list and clarifications deemed substantive by the project manager
- ☐ COMPLETE THE PROPOSALS RECEIPT RECORD FORM  
**(Forward to Procurement Services for posting to web and distribution)**
- ☐ PROJECT MANAGER EVALUATES PROPOSALS FOR RESPONSIVENESS  
(Follow all steps outlined in this Manual from receipt of proposals to selection)
- ☐ EVALUATION COMMITTEE EVALUATES PROPOSALS RECEIVED
  - Follow procedures outlined in the Evaluator's Guide and Section 4 of this Manual
  - Evaluation must be based solely upon criteria established in QBS RFP
  - Check references (if required or specified in the QBS RFP)
    - Develop listing of questions to ask all references
    - Project Manager or one designated person calls all references
    - Share information with evaluation committee members
  - Determine if interviews are required
  - Schedule time for interviews, scoring, and evaluation
- ☐ ISSUE NOTICE TO SHORT LIST IF INTERVIEWS ARE NEEDED
  - **Allow for Respondents who did not make the Short List to protest**
  - **Forward to Procurement Services via the PTE Intake email address**
    - **Notice to Short List for posting to web and distribution**

- ☐ PROVIDE FORMAT OF INTERVIEWS TO SHORT LISTED RESPONDENTS
- ☐ CONDUCT INTERVIEWS WITH SHORT-LISTED RESPONDENTS [if required]
- ☐ SELECT HIGHEST SCORED RESPONDENT AND NEGOTIATE A TOTAL NOT-TO-EXCEED COST, SCOPE, AND SCHEDULE WITH CONSULTANT
- ☐ SUBMIT NOTICE OF INTENT TO NEGOTIATE AND AWARD TO PROCUREMENT SERVICES FOR APPROVAL. INCLUDE THE FOLLOWING:
  - A. Signed Evaluator's Statement of Independence and Non-Conflict of Interest
    - Individual form must be signed by each evaluator
    - If you had a Technical Advisor, you will need a signed Technical Advisor's Non-Conflict Of Interest form
  - B. Evaluator Score Sheets and Scoring Summary
  - C. Proposal Receipt Record form
- ☐ AFTER PROCUREMENT APPROVAL, ISSUE THE NOTICE OF INTENT TO NEGOTIATE AND AWARD TO ALL RESPONDENTS NOT YET GIVEN AN OPPORTUNITY TO PROTEST
  - **Procurement will post NOI on the City's On-Line Procurement Center**
  - **Allow time for unsuccessful Respondents to protest**
- ☐ CONFIRM EEO CERTIFICATION, VALID PORTLAND BUSINESS TAX REGISTRATION, INSURANCE CERTIFICATIONS, WORKERS COMPENSATION INSURANCE STATEMENT, EQUAL BENEFITS DECLARATION AND VENDOR NUMBER OF THE CONSULTANT
  - Contact Procurement Services for assistance with EEO, EBO, and business tax registration
  - Work with the consultant to get insurance certificates, and signed Workers Compensation Insurance Statement, and any other missing requirements
  - Work with Accounts Payable to register vendor in SAP database if needed
- ☐ OBTAIN BUREAU DIRECTOR'S/COMMISSIONER'S APPROVAL VIA THE PTE CONTRACT WORKSHEET
- ☐ PREPARE THE PTE MODEL CONTRACT  
(Consult with Procurement Services and/or City Attorney for assistance)
  - Complete all areas of the template with options
  - Complete the Scope of Work and Payment Schedule
  - Prepare ordinance
- ☐ PREPARE REQUIRED ATTACHMENTS:  
(Attach to outline agreement in SAP)
  - A. PTE Contract Worksheet - Bureau to complete **ALL** information requested
    - Identify other consultants considered, or explain why this is sole source
    - Include M/W/ESB information
    - Include evaluation committee info
    - Explain how award was determined (should be based on highest score)
    - If contracted with this consultant before, explain reasons why this consultant was selected again
    - Obtain signature of bureau director or Commissioner
    - NOTE: only use the worksheet form provided on Procurement Services website
  - B. All PTE Subconsultant Disclosure Forms (Form 1) received
  - C. The Plan Holders List

- D. Successful Proposer sign Workers Compensation Insurance Statement and submit Workers Compensation Insurance Certificate, if applicable
- If successful Proposer is subject to Workers Compensation, then sign at the top of the Workers Compensation Insurance Statement (within contract template)
  - If successful Proposer is NOT subject to Workers Compensation, then complete and sign the middle section of the form and check at least four applicable items on the form (City Project Manager must read and sign at the bottom of this form)
- E. Insurance Requirements (unless waived in writing by the bureau director\*)  
\*On a case-by-case basis and upon discussion with the project manager and the City Attorney's Office the bureau director may waive certain insurance requirements based on special circumstances, limited risk exposure, or other factors. Conversely, situations may present themselves that make increased requirements appropriate.

**Required on ALL certificates (additional items are listed below):**

- **Must include valid effective and expiration dates**
- **Limits of coverage in accordance with the contract**
- **30-day cancellation notice**
- **City listed as certificate holder**

General Liability Insurance Certificate

- Endorsement naming City as additional insured

Auto Liability Insurance Certificate

- Most important when operation of a motorized vehicle is specifically required within the scope of work

Professional Liability Insurance Certificate

Technology E&O Liability Insurance Certificate  
(if applicable)

Equal Benefits Ordinance compliance completed on the City's On-Line Procurement Center



ROUTE FOR SIGNATURE AS FOLLOWS:

- A. Via Hard Copy (paper signature routing)
- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
  - **Successful Proposer** prints and signs one copy of the PDF that was sent to them and returns to contract administrator – preferably a hard copy.
  - **City Attorney's Office** "Approves as to Form" the contract and insurance certificates.
  - **Bureau contract administrator** files ordinance if contract is over \$100,000, otherwise forwards to **Chief Procurement Officer** with all required attachments.
  - **Chief Procurement Officer** signs contract when contracting requirements are met.
  - **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "08," and releases the outline agreement.
  - **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
  - **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.
- B. Via SAP (electronic signature routing)
- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
  - **Successful Proposer** prints and signs one copy of the PDF that was sent to them and returns to bureau contract administrator – preferably a hard copy.
  - **Bureau contract administrator** files ordinance if contract is over \$100,000.

- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "05" if contract is \$100,000 or less, or the correct City Signatory code per the ordinance. Then bureau contract administrator releases the outline agreement. SAP will automatically route to the City Attorney's Office, the Chief Procurement Officer, or designated signatory per the ordinance, and the City Auditor's Office for their signatures.
- **City Attorney's Office** electronically releases the contract and insurance certificates as "Approved as to Form."
- **Chief Procurement Officer or designated signatory per the ordinance** electronically releases contract when contracting requirements are met.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

☐ NOTIFY CONSULTANT TO BEGIN WORK AFTER CONTRACT HAS BEEN EXECUTED

## E. SOLE SOURCE CONTRACTS

**The nature of the work is unique enough that the consultant is clearly and justifiably the only source to provide the services. Contracting by this method requires complete explanation and justification.**

- ☐ DETERMINE NEED AND OBTAIN BUREAU APPROVAL(S)
- ☐ ESTIMATE COSTS
- ☐ RESEARCH TO DETERMINE WHY THIS WORK SHOULD BE SOLE SOURCED
- ☐ **DO NOT INITIATE WORK UNTIL THE SOLE SOURCE REQUEST HAS BEEN APPROVED AND THE CONTRACT HAS BEEN FULLY EXECUTED BY THE CITY**
- ☐ ROUTING PROCESS FOR SUBMITTAL FOR REVIEW AND APPROVAL
  - A. SOLE SOURCE CONTRACT AMOUNT IS \$100,000 OR LESS
    - Must complete and submit Sole Source form to Procurement Services for approval by the Chief Procurement Officer, along with the PTE Transmittal Form

**NOTE: For sole source contracts over \$25,000, Procurement Services will post the Sole Source Posting Notice to the City's On-Line Procurement Center to allow for community response and/or protest.**
  - B. SOLE SOURCE CONTRACT AMOUNT IS OVER \$100,000
    - Must have approval from Council via the Ordinance process
    - Must include the following verbiage in the Ordinance

**"This sole source contract is being acquired as an exception to the competitive process identified in PCC 5.68 and the PTE Services Contracting Manual."**
- ☐ NEGOTIATE TOTAL NOT-TO-EXCEED COST WITH CONSULTANT
- ☐ CONFIRM EEO CERTIFICATION, VALID PORTLAND BUSINESSTAX REGISTRATION INSURANCE CERTIFICATIONS, WORKERS COMPENSATION INSURANCE STATEMENT, EQUAL BENEFITS COMPLIANCE, AND VENDOR NUMBER OF THE CONSULTANT
  - Contact Procurement Services for assistance with EEO, EBO, and business tax registration
  - Work with the consultant to get insurance certificates, and signed Workers Compensation Insurance Statement, and any other missing requirements
  - Work with Accounts Payable to register vendor in SAP database if needed
- ☐ OBTAIN BUREAU DIRECTOR'S/COMMISSIONER'S APPROVAL VIA THE PTE CONTRACT WORKSHEET
- ☐ IF CONTRACT AMOUNT IS \$5,000 OR LESS, YOU MAY USE A STANDARD PO (OTHERWISE, FOLLOW THE CONTRACT PROCESS)
  - Create the standard purchase requisition (PR Type) in SAP
  - Attach to the PR requisition the following items:
    - Completed and signed PTE Contract Worksheet
    - Successful Proposer sign Workers Compensation Insurance Statement and submit Workers Compensation Insurance Certificate, if applicable
      - If successful Proposer is subject to Workers Compensation, then sign at the top of the Workers Compensation Insurance Statement (within contract template)
      - If successful Proposer is NOT subject to Workers Compensation, then complete and sign the middle section of the form and check at least four applicable items on the form

(City Project Manager must read and sign at the bottom of this form)

  - Project Manager signed Evaluator's Statement of Non-Conflict of Interest and Confidentiality
  - Insurance Requirements (unless waived in writing by the bureau director\*)

\*On a case-by-case basis and upon discussion with the project manager and the City Attorney's Office the bureau director may waive certain insurance requirements based on special circumstances, limited risk exposure, or other factors. Conversely, situations may present themselves that make increased requirements appropriate.

**Required on ALL certificates (additional items are listed below):**

- **Must include valid effective and expiration dates**
- **Limits of coverage in accordance with the contract**
- **30-day cancellation notice**
- **City listed as certificate holder**

**> General Liability Insurance Certificate**

- Endorsement naming City as additional insured

**> Auto Liability Insurance Certificate**

- Most important when operation of a motorized vehicle is specifically required within the scope of work

**> Professional Liability Insurance Certificate**

**> Technology E&O Liability Insurance Certificate** (if applicable)

- **Procurement Services will convert the PR requisition into a standard purchase order (PO) once all documents are confirmed and validated**

- ☐ **PREPARE THE PTE MODEL CONTRACT**  
(Consult with Procurement Services and/or City Attorney for assistance)

- Complete all areas of the template with options
- Complete the Scope of Work and Payment Schedule

- ☐ **PREPARE REQUIRED ATTACHMENTS:**  
(Attach to outline agreement in SAP)

**A. Evaluator's Statement of Independence and Non-Conflict of Interest (Signed)**

- Form must be signed by the Individual or individuals selecting this firm
- If you had a Technical Advisor, you will need a signed Technical Advisor's Non-Conflict of Interest form

**B. PTE Contract Worksheet - Bureau to complete ALL information requested**

- Explain briefly why this is a sole source
- Include M/W/ESB information
- Explain how award was determined (Sole Source)
- If contracted with this consultant before, explain reasons why this consultant was selected again
- Obtain signature of bureau director or Commissioner
- NOTE: only use the worksheet form provided on Procurement Services website

**C. Successful Proposer sign Workers Compensation Insurance Statement and submit Workers Compensation Insurance Certificate, if applicable**

- If successful Proposer is subject to Workers Compensation, then sign at the top of the Workers Compensation Insurance Statement (within contract template)
- If successful Proposer is NOT subject to Workers Compensation, then complete and sign the middle section of the form and check at least four applicable items on the form (City Project Manager must read and sign at the bottom of this form)

**D. Insurance Requirements unless waived in writing by the bureau director\***

\*On a case-by-case basis and upon discussion with the project manager and the City Attorney's Office the bureau director may waive certain insurance requirements based on special circumstances, limited risk exposure, or other factors. Conversely, situations may present themselves that make increased requirements appropriate.

**Required on ALL certificates (additional items are listed below):**

- **Must include valid effective and expiration dates**
- **Limits of coverage in accordance with the contract**
- **30-day cancellation notice / 10-day non-payment notice**

- **City listed as certificate holder**

General Liability Insurance Certificate

- Endorsement naming City as additional insured

Auto Liability Insurance Certificate

- Most important when operation of a motorized vehicle is specifically required within the scope of work

Professional Liability Insurance Certificate

Technology E&O Liability Insurance Certificate (if applicable)

Equal Benefits Ordinance compliance completed on the City's On-Line Procurement Center (if contract is greater than \$5,000)

☐ ROUTE FOR SIGNATURE AS FOLLOWS:

A. Via Hard Copy (paper signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP.  
Put this number on the contract and send PDF to successful Proposer.
- **Consultant** prints and signs one copy of the PDF that was sent to them and returns to contract administrator – preferably a hard copy.
- **City Attorney's Office** "Approves as to Form" the contract and insurance certificates.  
**Bureau contract administrator** reviews original ordinance if contract is over \$100,000 to see who is authorized to sign this contract, **otherwise forwards to Chief Procurement Officer** with all required attachments.
- **Chief Procurement Officer** signs contract when contracting requirements are met.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "08," and releases the outline agreement.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

B. Via SAP (electronic signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP.  
Put this number on the contract and send PDF to successful Proposer.
- **Consultant** prints and signs one copy of the PDF that was sent to them and returns to bureau contract administrator – preferably a hard copy.
- **Bureau contract administrator** reviews the original ordinance if contract is over \$100,000 to find who was designated to sign this contract.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "05" if contract is \$100,000 or less, or the correct City Signatory code per the ordinance. Then bureau contract administrator releases the outline agreement. SAP will automatically route to the City Attorney's Office, the Chief Procurement Officer, or designated signatory per the ordinance, and the City Auditor's Office for their signatures.
- **City Attorney's Office** electronically releases the contract and insurance certificates as "Approved as to Form."
- **Chief Procurement Officer or Designated signatory per the ordinance** electronically releases contract when contracting requirements are met.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

☐ NOTIFY CONSULTANT TO BEGIN WORK AFTER CONTRACT HAS BEEN EXECUTED  
(OR WHEN PO IS ISSUED FOR SOLE SOURCE CONTRACT \$5,000 OR LESS)

## F. EMERGENCY CONTRACTS

**An emergency procurement is used to accommodate a “circumstance creating a substantial risk of loss, damage, interruption of services or threat to public health or safety that could not have been reasonably foreseen and requires prompt award and execution of a contract to remedy the situation.”**

- ☐ ASSESS EMERGENCY TO MAKE SURE IT FITS WITHIN CITY CODE REQUIREMENTS FOR AN EMERGENCY
- ☐ **EMERGENCY DECLARED IN WRITING BY THE BUREAU DIRECTOR OR BY THE COMMISSIONER-IN-CHARGE**
- ☐ DOCUMENT NATURE OF EMERGENCY AND METHOD OF CONSULTANT SELECTION
- ☐ CONSULTANT MAY BEGIN WORK TO ALLEVIATE THE EMERGENCY
- ☐ IF CONTRACT IS \$100,000 OR LESS, NOTIFY PROCUREMENT SERVICES AND SUBMIT A WRITTEN EMERGENCY JUSTIFICATION TO THE CHIEF PROCUREMENT OFFICER FOR APPROVAL
- ☐ IF CONTRACT IS MORE THAN \$100,000, BUREAU MUST PREPARE AND FILE AN ORDINANCE TO BE HEARD AT THE NEXT AVAILABLE COUNCIL SESSION THAT AUTHORIZES THE EMERGENCY DECLARATION
- ☐ WORK MUST CEASE IMMEDIATELY IF DECLARATION IS NOT APPROVED BY THE CHIEF PROCUREMENT OFFICER OR THE CITY COUNCIL  
(City will compensate consultant for work done up to that point)
- ☐ CONFIRM EEO CERTIFICATION, VALID PORTLAND BUSINESSTAX REGISTRATION INSURANCE CERTIFICATIONS, WORKERS COMPENSATION INSURANCE STATEMENT, EQUAL BENEFITS DECLARATION (if over \$5,000), AND VENDOR NUMBER OF THE CONSULTANT
  - Contact Procurement Services for assistance with EEO, EBO, and business tax registration
  - Work with the consultant to get insurance certificates, and signed Workers Compensation Insurance Statement form, and any other missing requirements
  - Work with Accounts Payable to register vendor in SAP database if needed
- ☐ OBTAIN BUREAU DIRECTOR'S/COMMISSIONER'S APPROVAL VIA THE PTE CONTRACT WORKSHEET
- ☐ IF CONTRACT AMOUNT IS \$5,000 OR LESS, BUREAU MAY USE A STANDARD PO (OTHERWISE, FOLLOW THE CONTRACT PROCESS)
  - Create the standard purchase requisition (PR Type) in SAP
  - Attach to the PR requisition the following items:
    - Completed and signed PTE Contract Worksheet
    - Successful Proposer sign Workers Compensation Insurance Statement and submit Workers Compensation Insurance Certificate, if applicable
      - If successful Proposer is subject to Workers Compensation, then sign at the top of the Workers Compensation Insurance Statement (within contract template)
      - If successful Proposer is NOT subject to Workers Compensation, then complete and sign the middle section of the form and check at least four applicable items on the form  
(City Project Manager must read and sign at the bottom of this form)
    - Project Manager signed Evaluator's Statement of Independence and Non-Conflict of Interest
    - Insurance Requirements (unless waived in writing by the bureau director\*)

\*On a case-by-case basis and upon discussion with the project manager and the City Attorney's Office the bureau director may waive certain insurance requirements based

on special circumstances, limited risk exposure, or other factors. Conversely, situations may present themselves that make increased requirements appropriate.

**Required on ALL certificates (additional items are listed below):**

- **Must include valid effective and expiration dates**
- **Limits of coverage in accordance with the contract**
- **30-day cancellation notice**
- **City listed as certificate holder**

> General Liability Insurance Certificate

- Endorsement naming City as additional insured

> Auto Liability Insurance Certificate

- Most important when operation of a motorized vehicle is specifically required within the scope of work

> Professional Liability Insurance Certificate

> Technology E&O Liability Insurance Certificate (if applicable)

- **Procurement Services will convert the PR requisition into a standard purchase order (PO) once all documents are confirmed and validated**



**PREPARE THE PTE MODEL CONTRACT**

(Consult with Procurement Services and/or City Attorney for assistance)

- Complete all areas of the template with options
- Complete the Scope of Work and Payment Schedule



**PREPARE REQUIRED ATTACHMENTS: (Attach to outline agreement in SAP)**

A. Evaluator's Statement of Non-Conflict of Interest and Confidentiality (Signed)

- Form must be signed by the Individual or individuals selecting this firm

B. PTE Contract Worksheet - Bureau to complete ALL information requested

- Identify other consultants considered, or explain why this was selected
- Include M/W/ESB information
- Explain how award was determined (Emergency)
- If contracted with this consultant before, explain reasons why this consultant was selected again
- Obtain signature of bureau director or Commissioner
- NOTE: only use the worksheet form provided on Procurement Services website

C. Successful Proposer sign Workers Compensation Insurance Statement and submit Workers Compensation Insurance Certificate, if applicable

- If successful Proposer is subject to Workers Compensation, then sign at the top of the Workers Compensation Insurance Statement (within contract template)
- If successful Proposer is NOT subject to Workers Compensation, then complete and sign the middle section of the form and check at least four applicable items on the form (City Project Manager must read and sign at the bottom of this form)

D. Insurance Requirements (unless waived in writing by the bureau director)

\*On a case-by-case basis and upon discussion with the project manager and the City Attorney's Office the bureau director may waive certain insurance requirements based on special circumstances, limited risk exposure, or other factors. Conversely, situations may present themselves that make increased requirements appropriate.

**Required on ALL certificates (additional items are listed below):**

- **Must include valid effective and expiration dates**
- **Limits of coverage in accordance with the contract**
- **30-day cancellation notice**

- **City listed as certificate holder**

General Liability Insurance Certificate

- Endorsement naming City as additional insured

Auto Liability Insurance Certificate

- Most important when operation of a motorized vehicle is specifically required within the scope of work

Professional Liability Insurance Certificate

Technology E&O Liability Insurance Certificate  
(if applicable)

- E. Equal Benefits Ordinance compliance completed on the City's On-Line Procurement Center (if contract is greater than \$5,000)



ROUTE FOR SIGNATURE AS FOLLOWS:

A. Via Hard Copy (paper signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
- **Consultant** prints and signs one copy of the PDF that was sent to them and returns to contract administrator – preferably a hard copy.
- **City Attorney's Office** "Approves as to Form" the contract and insurance certificates.
- **Bureau contract administrator** reviews original ordinance if contract is over \$100,000 to see who is authorized to sign this contract, **otherwise forwards to Chief Procurement Officer** with all required attachments.
- **Chief Procurement Officer** signs contract when contracting requirements are met.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "08," and releases the outline agreement.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

B. Via SAP (electronic signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
- **Consultant** prints and signs one copy of the PDF that was sent to them and returns to bureau contract administrator – preferably a hard copy.
- **Bureau contract administrator** reviews the original ordinance if contract is over \$100,000 to find who was designated to sign this contract.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "05" if contract is \$100,000 or less, or the correct City Signatory code per the ordinance. Then bureau contract administrator releases the outline agreement. SAP will automatically route to the City Attorney's Office, the Chief Procurement Officer, or designated signatory per ordinance, and the City Auditor's Office for their signatures.
- **City Attorney's Office** electronically releases the contract and insurance certificates as "Approved as to Form."
- **Chief Procurement Officer or Designated signatory per the Ordinance** electronically releases contract when contracting requirements are met.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

G. DIRECT CONTRACTS – (\$1 up to and including \$50,000)

- ☐ DETERMINE NEED AND OBTAIN BUREAU APPROVAL(S)
- ☐ ESTIMATE COSTS AND VERIFY COMPLIANCE WITH DIRECT CONTRACTING LIMITS
- ☐ LOCATE A CURRENTLY CERTIFIED OREGON M/W/ESB FIRM AND VERIFY AVAILABILITY AND ABILITY TO PERFORM THE SCOPE OF WORK REQUIRED
- ☐ SUBMIT NOTICE OF INTENT TO NEGOTIATE AND AWARD TO PROCUREMENT SERVICES FOR APPROVAL. INCLUDE THE FOLLOWING:
  - A. Evaluator's Statement of Independence and Non-Conflict of Interest (Signed)
    - From Project Manager or individual responsible for selection of M/W/ESB firm
  - B. PTE Transmittal Form
  - C. PTE Contract Worksheet (signed)
- ☐ AFTER APPROVAL BY PROCUREMENT, ISSUE THE NOTICE OF INTENT TO M/W/ESB FIRM AND NEGOTIATE CONTRACT SCOPE OF WORK AND COST
- ☐ CONFIRM EEO CERTIFICATION, PORTLAND BUSINESS TAX REGISTRATION, INSURANCE CERTIFICATIONS, WORKERS COMPENSATION INSURANCE STATEMENT AND VENDOR NUMBER OF THE CONSULTANT
  - Contact Procurement Services for assistance with EEO and contact Bureau of Revenue for business tax registration
  - Work with M/W/ESB firm to get insurance certificates, signed Workers Compensation Insurance Statement and any other requirements
  - Work with Accounts Payable to register vendor in SAP database if needed
- ☐ PREPARE THE PTE MODEL CONTRACT  
(Consult with Procurement Services and/or City Attorney for assistance)
  - Complete all areas of the template with options
  - Complete the Scope of Work and Payment Schedule
- ☐ PREPARE REQUIRED ATTACHMENTS: (Attach to outline agreement if using SAP)
  - A. MWESB signs Workers Compensation Insurance Statement and submit Workers Compensation Insurance Certificate, if applicable
    - If successful Proposer is subject to Workers Compensation, then sign at the top of the Workers Compensation Insurance Statement (within contract template)
    - If successful Proposer is NOT subject to Workers Compensation, then complete and sign the middle section of the form and check at least four applicable items on the form (City Project Manager must read and sign at the bottom of this form)
  - B. Insurance Requirements (unless waived by the Bureau Director\*)  
\*On a case-by-case basis and upon discussion with the project manager and the City Attorney's Office, the bureau director may waive certain insurance requirements based on special circumstances, limited risk exposure, or other factors. Conversely, situations may present themselves that make increased requirements appropriate.  
  
**Required on ALL Insurance certificates (additional items are listed below):**
    - **Must include valid effective and expiration dates**
    - **Limits of coverage in accordance with the contract**
    - **30-day cancellation notice**
    - **City listed as certificate holder**  
**General Liability Insurance Certificate**
    - Endorsement naming City, its employees, etc as additional insured

Auto Liability Insurance Certificate

- Most important when operation of a motorized vehicle is specifically required within the scope of work

Professional Liability Insurance Certificate

Technology E&O Liability Insurance Certificate (if applicable)



ROUTE FOR SIGNATURE AS FOLLOWS:

A. Via Hard Copy (paper signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
- **Consultant** prints and signs one copy of the PDF that was sent to them and returns to contract administrator – preferably a hard copy.
- **City Attorney's Office** "Approves as to Form" the contract and insurance certificates.
- **Chief Procurement Officer** signs contract when contracting requirements are met.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "08," and releases the outline agreement.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.

B. Via SAP (electronic signature routing)

- **Bureau contract administrator** creates an outline agreement in SAP. Put this number on the contract and send PDF to successful Proposer.
- **Consultant** prints and signs one copy of the PDF that was sent to them and returns to contract administrator – preferably a hard copy.
- **Bureau contract administrator** attaches the signed contract, exhibits, and all required attachments to the outline agreement in SAP, selects City Signatory "05," and releases the outline agreement. SAP will automatically route to the City Attorney's Office, the Chief Procurement Officer, and the City Auditor's Office for their signatures.
- **City Attorney's Office** electronically releases the contract and insurance certificates as "Approved as to Form."
- **Chief Procurement Officer** electronically releases contract when contracting requirements are met.
- **City Auditor's Office** electronically releases the Outline Agreement, pulls the signed contract and pertinent exhibits and attachments, and uploads to E-file (TRIM).
- **Bureau contract administrator** pulls the executed contract and pertinent exhibits and attachments from E-file (TRIM) for procurement file and contract file, and sends a copy to the consultant.



NOTIFY CONSULTANT TO BEGIN WORK AFTER CONTRACT HAS BEEN EXECUTED

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