

## ORDINANCE No. 184403 As Amended

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

The City of Portland ordains:

Section 1. The Council finds:

1. In 2003 the Oregon Legislature passed HB 2341, which repealed most of the State's purchasing statutes found in ORS 279 and adopted new chapters 279A, 279B and 279C. These changes became effective March 2005. On March 9, 2005, the City Council passed Ordinance No. 179110 that revised the City's Procurement Code to conform to these adopted state laws.
2. During the 2009 legislative session, the Oregon Legislature passed other legislation which included SB 479 making changes to state procurement laws giving Oregon agencies and local government the authority to create contracting preference opportunities for disabled veterans.
3. The attached Exhibit A (Chapter 5.33) and Exhibit B (Chapter 5.34) detail the City's revisions to its Code to take into account the newly enacted laws and technical corrections.
4. The attached Exhibit C (Chapter 5.33) and Exhibit D (Chapter 5.34) are outlines of the substantive proposed rule changes.
5. The substantive changes include the following in PCC 5.33:
  - a. Authority for Golf Concession Contracts: Clarifies that concession contracts are not subject to the procurement methods otherwise provided in PCC Chapter 5.33.
  - b. Authority for Stormwater Improvements: Provides the Director of the Bureau of Environmental Services authorization to execute contracts not to exceed \$200,000 for stormwater management improvement projects on private property consistent with Exhibit B when procured as a Special Procurement. The Director of the Bureau of Environmental Services is authorized to execute amendments to those stormwater management improvement project agreements that do not amend the agreement amount to exceed \$200,000.
  - c. Affirmative Action: Includes a provision for identifying a business enterprise that is owned or controlled by a disabled veteran as defined in ORS 408.225.
6. The substantive changes under 5.34 include:
  - a. Affirmative Action: Includes a provision for identifying a business enterprise that is owned or controlled by a disabled veteran as defined in ORS 408.225.

- b. Emergency Contracts; Bidding and Bonding Exemptions: Clarifies the emergency procurement source selection method and is changed to mirror the process under 5.33. PCC

NOW, THEREFORE, the Council directs:

- a. Code Chapter 5.33, Goods and Services, is hereby replaced with the attached Exhibit A.
- b. Code Chapter 5.34, Public Improvements and Construction Services, is hereby replaced with the attached Exhibit B.

Section 2. The Council declares that an emergency exists because these corrections will bring the City's Procurement Code into conformance with current law, prevent further confusion, add clarity to the City Procurement Code for both outside vendors and City staff, and make sure that provisions adopted by the State that are directed to state agencies are not inadvertently applied to the City; therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council: FEB 02 2011

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By *Emily Matasar*

Mayor Sam Adams  
Prepared by: Christine Moody - BG  
Date Prepared: January 19, 2011

Deputy

Agenda No. **184403** As Amended  
**ORDINANCE NO.**  
 Title

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 (Ordinance; amend Code Chapters 5.33 and 5.34)

<p align="center"><b>INTRODUCED BY</b>                  Commissioner/Auditor:  <b>MAYOR SAM ADAMS</b></p>	CLERK USE: DATE FILED <u>JAN 28 2011</u>
<p align="center"><b>COMMISSIONER APPROVAL</b></p>	<p align="center">LaVonne Griffin-Valade                  Auditor of the City of Portland</p>
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	By: <u>[Signature]</u> Deputy
<p align="center"><b>BUREAU APPROVAL</b></p>	<b>ACTION TAKEN:</b>
Bureau: Internal Business Services Bureau Head: Jeff Baer	
Prepared by: Christine Moody, CPO Date Prepared: 1/19/2011	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date 2/2/2011	
City Attorney Approval	

<p align="center"><b>AGENDA</b></p>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> 1 of 2 Total amount of time needed: <b>5-min.</b> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	