

**Changes to Chapter 5.68 Professional, Technical and Expert Services**

1. Amend Section 5.68.010 as follows:  
For the purposes of this Chapter, “professional, technical and expert” refers to 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. 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. Such contracts may include incidental materials such as written reports, architecture or engineering renderings, and similar supplemental materials. The ~~Purchasing Agent~~ Chief Procurement Officer has authority to classify services not specifically addressed in this provision as professional services if those services require professional advice in a field of special knowledge or training similar to those listed above.
  
2. Amend Section 5.68.015 as follows:  
The ~~Purchasing Agent~~ Chief Procurement Officer of the ~~Bureau of Purchases Procurement Services~~ shall create and publish a Professional, Technical and Expert (PTE) Services Manual that shall govern selection and award of PTE contracts. The ~~Purchasing Agent~~ Chief Procurement Officer may amend the PTE Manual to ensure that the interests of the public and PTE contractors are fully served and that the process promotes accountability and competition among all segments of the citizens of Portland. The PTE Manual shall include procedures providing for adequate notice of contract award to potential contractors and shall provide the exclusive means by which selection decisions may be protested before the contract is executed.
  
3. Amend Subsection 5.68.020 B through F as follows:  
  - ~~B. Procurements of the~~ The following services are exempt from the selection process outlined in the City’s Professional, Technical and Expert Services Manual and can be made by direct appointment:  
    - 1 -4. No change.
  
  - C. If any emergency as defined in the PTE Manual exists the ~~Purchasing Agent~~ Chief Procurement Officer may authorize selection of a contractor without following the requirements of this Chapter.
  
  - D. If the services or expertise required for a project are only available from a “sole source” as defined in the PTE Manual, then the ~~Purchasing Agent~~ Chief Procurement Officer may authorize selection of a contractor without following these requirements.
  
  - E. The ~~Purchasing Agent~~ Chief Procurement Officer shall include all emergency and sole source contracts in periodic reports to the City Council.

F. If professional, technical or expert services are required in conjunction with the acquisition of goods, services, public improvements, construction services or some combination thereof, the ~~Purchasing Agent~~ Chief Procurement Officer may permit the acquisition of such services through the provisions of Chapter 5.33 or 5.34 of this Code instead of this Chapter.

4. Amend Section 5.68.030 as follows:

The Professional, Technical and Expert Services Manual shall set forth the procedures to be followed by all bureaus in announcing and advertising City PTE solicitations. The procedures in the Manual shall be designed to make information about such solicitations readily available to interested PTE contractors, including state certified minority, women and emerging small business (M/W/ESB) firms and Disabled Veteran owned or controlled firms as defined in ORS408.225. From time to time, the City may adopt programs designed to promote competition, enhance economic opportunity and stimulate hiring among all of Portland's citizens. When such programs are adopted, the ~~Purchasing Agent~~ Chief Procurement Officer shall take steps to ensure that PTE contractors wishing to enter into contracts with the City are aware of their requirements.

5. Amend Subsections 5.68.035 A through C. as follows:

A. All professional, technical or expert services contracts or purchase orders shall be in writing in a form approved by the City Attorney as provided in Section 5.68.050. The ~~Purchasing Agent~~ Chief Procurement Officer, or designee, is authorized to execute contracts for PTE services required by the City in any amount not exceeding \$100,000 without the need for an ordinance specifically authorizing the contract if the contract is included within the current fiscal year budget of the bureau seeking the contract.

B. The ~~Purchasing Agent~~ Chief Procurement Officer has authority to execute amendments to such contracts, provided the amendments do not, in the aggregate, exceed 25 percent of the original contract amount. Otherwise, the original contract or contract amendment must be approved by the City Council. Except for contracts executed with outside counsel, contracts executed pursuant to Subsection 5.68.020 B.4. may be amended in excess of 25 percent without Council approval provided the City Attorney and the ~~Purchasing Agent~~ Chief Procurement Officer both approve the amendment. Periodic reports of such actions shall be provided to City Council by the City Attorney's Office.

C. The ~~Purchasing Agent~~ Chief Procurement Officer is authorized, but not required, to waive any procedural irregularities in the PTE selection process provided the irregularities had no material effect on the selection of the proposed contractor.

6. Amend Section 5.68.050 Review by City Attorney and ~~Purchasing Agent~~ Chief Procurement Officer.

## Exhibit A

A. The City Attorney and the ~~Purchasing Agent~~ Chief Procurement Officer shall review and approve the form of all Requests for Proposals, Requests for Qualifications and other similar solicitation documents for all PTE contracts estimated to exceed \$100,000, prior to issuance.

B. No change.

7. Amend Subsections 5.68.060 A.2 through A.3 as follows:

2. The ~~Purchasing Agent~~ Chief Procurement Officer has the authority to sign and approve contracts and contract amendments for outside counsel to the same extent as other contracts for professional, technical and expert services. However, all billings and invoices for outside legal counsel's services shall be directed to the City Attorney for review and approval prior to payment.

3. The ~~Purchasing Agent~~ Chief Procurement Officer shall not process any purchase requisition for outside legal services without the written approval of the City Attorney or designee.

8. Amend Subsection 5.68.090 C. as follows:

C. The City may use a qualifications based selection process in circumstances other than those required by Subsection 5.68.090 A. if the ~~Purchasing Agent~~ Chief Procurement Officer determines that such a selection process will best serve the public interest.

9. Amend Subsection 5.68.100 C. as follows:

C. The ~~Purchasing Agent~~ Chief Procurement Officer shall determine when Subsection 5.68.100 B. is applicable.

**PORTLAND CITY CODE CONTRACT RULES  
Substantive Rule Changes  
Proposed for PCC 5.68 (2011)**

- 1. Changes applicable to entire Chapter**
  - The organizational changes previously enacted by City Council have been incorporated within PCC 5.68. All references to “Purchasing Agent” have been changed to “Chief Procurement Officer” and likewise, references to the “Bureau of Purchases” have been changed to “Procurement Services”.
  - Correct typographical errors where required
  
- 2. PCC 5.68.030 Public Announcement of Requirements.**
  - Adds new language identifying a business enterprise that is owned or controlled by a disabled veteran as defined in ORS 408.225.