

Changes to Chapter 5.33 Goods and Services

1. Amend Section 5.33.020 City Council as Local Contract Review Board as follows:

A. Pursuant to ORS 279A.055 060, the City Council is designated as the Local Contract Review Board for the City. The City Council shall exercise all the powers and duties conferred upon it by State law, except to the extent that such powers and duties have been delegated by these rules, or by a separate ordinance, to others. In order to carry out its powers and duties, the City of Portland’s Purchasing Authority, Policies and Rules, PCC Chapter 5.33, and PCC Chapter 5.34 are hereby adopted by City Council.

B.–E. no changes

2. Amend Section 5.33.030 Application of Purchasing Code as follows:

A. The procurement methods stated in PCC Chapter 5.33 are applicable to the purchase of Goods or Services, or both, but are not applicable to the following:

1.–10. no changes

11. Contracts for Public Improvements, which are governed by PCC Chapter 5.34, unless expressly referenced in Chapter 5.33.

3. Amend 5.33.040 Authority of Chief Procurement Officer as follows:

A. For Contracts covered by PCC Chapters 5.33 and 5.34, the Chief Procurement Officer is authorized to:

1.–5. no changes

6. Authorize and execute amendments for Contracts, Price Agreements and Intergovernmental Agreements involving the procurement of Goods and Services that were originally executed in accordance with PCC Chapters 5.33 and 5.34 as follows:

a. Amendments not exceeding 25% of the original Contract Amount.

b. Amendments exceeding 25% of the original Contract Amount, provided that the amended Contract Amount does not exceed \$500,000 and the director of the bureau in whose behalf of the Contract was issued concurs.

c. Execute amendments to Price Agreements if the yearly estimated cost to the City is \$500,000 or less.

d. Amendments whenever an ordinance approved by the City Council grants additional authority to the Chief Procurement Officer beyond that stated in these rules.

7.–13. no changes

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- B. no change
 - C. In addition to the delegation of authority provided in Paragraph A. above, the Chief Procurement Officer is authorized to:
 - 1. Award ~~and~~, execute and amend Intergovernmental Agreements (IGAs), ~~without specific authorization by an ordinance of City Council~~, provided the cost to the City does not exceed \$5,000 ~~or as otherwise authorization by City Council~~;
 - 2. Award ~~and~~, execute and amend Revenue Generating Contracts; and
 - 3. Award, execute and amend any other Contracts, Price Agreements and IGAs when authorized by an ordinance adopted by City Council.
 - D. no change
4. **Amend Section 5.33.105 Feasibility and Cost Analysis as follows:**
- A.-B. no changes
 - C. If it is determined it is not feasible to acquire the services with the bureau's own personnel or resources, a written determination shall be made and kept in the City's procurement file. If it is determined it is feasible to acquire the services with the bureau's own personnel or resources, the bureau shall conduct a cost analysis as set forth in Subsections 5.33.105 D. – ~~X~~ F below.
 - D. no change
 - E. After estimating the bureau's costs, the bureau shall estimate the cost a potential contractor would incur in performing the services. The bureau may estimate a contractor's potential costs by any reasonable means, including, but not limited to, past bids or current information provided by contractors performing the same or similar services. In the absence of information that can be reasonably and simply obtained without the expenditure of undue time and expense, a bureau may employ employing percentage markups for overhead and profit. No matter the method, the bureau's estimate should ensure it captures the following costs:
 - 1. Average or actual salary or wage and benefit costs for contractors and employees who:
 - a. Work in the industry or business most closely involved in performing the services that the contracting agency intends to procure; and
 - b. Would be necessary and directly involved in performing the services or who would inspect, supervise or monitor the performance of the services;
 - 2. Material costs, including costs for space, energy, transportation, storage, raw and finished materials, equipment and supplies; and
 - 3. Miscellaneous costs related to performing the services, including but not limited

to reasonably foreseeable fluctuations in the costs for the items identified in this subsection over the expected duration of the procurement.

4. Profit Included. Contracting Costs include the Authorized Agency's estimate of Contractor's profit in addition to the estimate of Contractor's costs under Subsection 5.33.105 E. If the Authorized Agency, in the reasonably near past, received Bids or Proposals for the performance of the Services under consideration, or reasonably comparable services, the Authorized Agency may consider the pricing offered in those Bids or Proposals in making its estimate. Similarly, the Authorized Agency may consider what it actually paid under a Contract for the same or similar services. For the purposes of these examples, the reasonably near past is limited to Contracts, Bids or Proposals entered into or received within the five (5) years preceding the date of the cost estimate. The Authorized Agency must take into account, when considering the pricing offered in previous Bids, Proposals, or Contracts, adjustments to the pricing in light of measures of market price adjustments that apply to the Services, such as the Consumer Price Indexes.

F. no change

5. **Amend Subsection 5.33.160.B.2 Permissive Cooperative Procurements to include the following:**

2. The Administering Contracting Agency's Solicitation and Award process for the original Contract is to allow the City to establish contracts or price agreements under the terms, conditions and prices of the original contract;

6. **Amend Section 5.33.205 Multi-Step Sealed Bidding as follows:**

A. no change

B. Phased Process. Multi-step Bidding is a phased Procurement process which seeks necessary information or un-priced ~~submittals technical Offers~~ in phase one combined with and regular competitive sealed Bidding, inviting Offerors who submitted technically acceptable eligible submittals Offers in phase one, to submit competitive sealed price Bids ~~on the technical Offers in the phase two.~~ The Contract ~~shall~~ must be Awarded to the lowest Responsible Bidder. ~~If time is a factor, the City may require Offerors to submit a separate sealed price Bid during phase one to be opened after the technical evaluation.~~

C. Public Notice. ~~Whenever~~ the City uses multi-step sealed Bids for Contracts over \$150,000, Public Notice for phase one shall be given in accordance with PCC Section 5.33.300. Public Notice is not required for phase two. However, the City shall give notice of subsequent phases to all Bidders and inform Bidders of the right to protest Addenda issued after the initial Closing pursuant to PCC Section 5.33.430 and inform Bidders excluded from the subsequent phases of the right, if any, to protest their exclusion pursuant to PCC Section 5.33.720.

D. Procedures Generally. In addition to the procedures set forth in PCC Sections 5.33.300 through 5.33.340, the City shall use the procedures set forth in this rule for multi-step Bidding and in the Invitation to Bid:

1. ~~Solicitation protest. Prior to the Closing of phase one, the City shall provide an opportunity to protest the Solicitation pursuant to ORS 279B.405 and PCC Section 5.33.730.~~
2. ~~Addenda Protest. The City may provide an opportunity to protest any Addenda issued after Closing of phase one pursuant to PCC Section 5.33.430.~~
3. ~~Exclusion Protest. The City may, but is not required to, provide an opportunity for a Bidder to protest exclusion from phase two of multi-step sealed Bidding as set forth in PCC Section 5.33.720.~~
4. ~~Administrative Remedy. Bidders may submit a protest to any Addenda or to any action by the City that has the effect of excluding the Bidder from phase two of multi-step Bidding to the extent such protests are provided for in the Solicitation Document required by this section. Failure to protest shall be considered the failure to pursue an administrative remedy made available to the Bidder by the City.~~
5. ~~Award Protest. An Affected Person may protest the Notice of Intent to Award issued by the City pursuant to these rules. If the City did not provide an opportunity to protest a Bidder's exclusion from phase two or later phases of multi-step sealed Bidding or an Addendum issued following initial Closing, the Bidder may do so following the issuance of the Notice of Intent to Award within the same time frame as an Affected Person.~~

E. Procedure for Phase One of Multi-Step Sealed Bidding.

1. Form. The City shall initiate multi-step sealed Bidding by the issuing issuance of an Invitation to Bid in the form required for competitive sealed Bids except as hereinafter provided in this rule. In addition to the requirements of PCC Section 5.33.200 B., the multi-step Invitation to Bid shall must state:
 - a. ~~That the solicitation is a multi-step sealed Bid Procurement and describe the process the City will use to conduct the Procurement; un-priced technical Offers are requested;~~
 - b. That the City requests un-priced submittals and that the City will consider priced Bids only in phase two and only from those Bidders whose un-priced submittals are found eligible in phase one;
 - c. ~~wWhether priced Bidders must are to be submitted priced Bids at the same time as un-priced technical submittals and, Offers; if they are, such if so, that Bidders must submit the priced Bids shall be submitted in a separate sealed envelope; and~~
 - e. ~~that it is a multi-step sealed Bid Procurement, and priced Bids will be considered only in a subsequent phase and only from those Bidders whose un-priced technical Offers are found acceptable in phase one;~~
 - d. That the criteria to be used in the evaluation of un-priced technical Offers; submittals.

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- e. ~~that the City, to the extent it finds necessary, may conduct oral or Written discussions of the un-priced technical Offers;~~
 - f. ~~that Bidders may designate those portions of the un-priced technical Offers which contain trade secrets or other proprietary data which are to remain confidential; and~~
 - g. ~~that the Goods or Services being procured shall be furnished generally in accordance with the Bidder's technical Offer as found to be finally acceptable and shall meet the requirements of the Invitation to Bid; and~~
 - h. ~~Whether Bidders excluded from subsequent phases have a right to protest the exclusion before the notice of Intent to Award. Such information can be given or changed by Addenda.~~
2. ~~Addenda to the Invitation to Bid. After receipt of un-priced technical Offers, Addenda to the Invitation to Bid shall be distributed only to Offerors who submitted un-priced technical Offers.~~
3. ~~Receipt of Handling of Un-priced Technical Offers. Un-priced technical Offers need not be opened publicly.~~
- 2.4. ~~Evaluation of Un-priced Technical Offers. The City shall evaluate un-priced submittals technical Offers submitted by Offerors shall be evaluated solely in accordance with the criteria set forth in the Invitation to Bid. The un-priced technical Offers shall be categorized as:~~
- a. ~~Eligible;~~
 - b. ~~Potentially eligible; that is, reasonably susceptible of being made eligible; or~~
 - e. ~~Ineligible. The City shall record in Writing the basis for finding a Bid ineligible and make it part of the Procurement file. The City may initiate Phase Two of the procedure if, in the City's opinion, there are sufficient eligible un-priced technical Offers to assure effective price competition in phase two without technical discussions. If the City finds that such is not the case, the City shall issue an Addendum to the Invitation to Bid or engage in technical discussions as set forth in PCC Section 5.33.205 E.5.~~
5. ~~Discussion of Un-priced Technical Offers. Clarification of its technical Bid may be conducted by the City with any Bidder who submits an eligible, or potentially eligible, technical Bid. During the course of such discussions, the City shall not disclose any information derived from one un-priced technical Offer to any other Bidder. Once discussions are begun, any Bidder who has not been notified that its Offer has been finally found ineligible, may submit supplemental information amending its technical Offer at any time until the Closing of phase two. Such submission may be made at the request of the City or upon the Bidder's own initiative.~~

- 6. ~~Notice of Ineligible Un-priced Technical Offer. When the City determines a Bidder's un-priced technical Offer to be eligible, such Bidder shall not be afforded an additional opportunity to supplement technical Offers.~~
- 7. ~~Mistakes During Multi-Step Sealed Bidding. Mistakes may be corrected or Bids may be withdrawn during Phase One:~~
 - a. ~~before un-priced technical Offers are considered;~~
 - b. ~~after any discussions have commenced under 5.33.205 E.5; or~~
 - c. ~~when responding to any amendment of the Invitation to Bid by Addendum. Otherwise mistakes may be corrected or withdrawal permitted in accordance with PCC Section 5.33.490.~~

F. no change

G Procedure for Phase Two.

- 1. ~~Initiation. Upon After the completion of Phase One, if the City does not cancel the Solicitation, the City shall invite each eligible Bidder to submit a priced Bid. shall either:~~
 - a. ~~open priced Bids submitted in Phase One (if priced Bids were required to be submitted) from Bidders whose un-priced technical Offers were found to be eligible; or~~
 - b. ~~if priced Bids have not been submitted, technical discussions have been held, or amendments to the Invitation to Bid have been issued by Addendum, invite each eligible Bidder to submit a priced Bid.~~
- 2. ~~Conduct. Phase Two shall be conducted as any other competitive sealed Bid Procurement except:~~
 - a. ~~as specifically set forth in this rule or the Invitation to Bid; and~~
 - b. ~~no public notice need be given of the invitation to submit priced Bids because such notice was previously given.~~

7. **Amend Section 5.33.210 Competitive Sealed Proposals as follows:**

- A. The City may procure Goods and Services by Competitive Sealed Proposals as set forth in ORS 279B.060 and this rule. ~~The City shall use a Request for Proposal is used to initiate a competitive sealed Proposal Solicitation. The Request for Proposal must and shall contain the information required by ORS 279B.060(2) and PCC Section 5.33.210 paragraph B of this rule.~~ The City shall provide Public Notice of the Competitive Sealed Proposal Solicitation as provided in PCC Section 5.33.300.
- B. Mandatory provisions in RFP Solicitation Documents. The RFP shall must include the following:

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- 1 no change
2. City Need to Purchase. The character of the Goods or Services the City is purchasing including, if applicable, a description of the acquisition, Specifications, delivery or performance schedule, inspection and acceptance requirements. As required by ORS 279B.060(2)(c) ~~The City's~~ description of its need to purchase must:
 - a. Identify the scope of the work to be performed under the resulting Contract, if the eCity awards one;
 - b.-c. no change
 - d. Unless the contractor under any resulting Contract will provide architectural, engineering, photogrammetric mapping, transportation, planning or land surveying services, or related services that are subject to ORS 289C.100 to 279C.125, or the City for Good Cause specifies otherwise, the scope of work must require the Contractor to meet the highest standards prevalent in the industry or business most closely involved in providing the Goods or Services that the City is purchasing.
3. Proposal and Evaluation process.
 - a. The anticipated Solicitation schedule, deadlines, protest process, and evaluation process, if any;
 - b. ~~Evaluation criteria, including the relative value applicable to each criterion;~~
 - e.b. The City shall set forth selection criteria in the Solicitation Document in accordance with the requirements of PCC Section 5.33.210. Evaluation factors need not be precise predictors of actual future costs and performance, but to the extent possible, such factors shall be reasonable estimates based on information available to the City;
 - ~~d.c.~~ If the City's solicitation process calls for the City to establish a Competitive Range, the City shall generally describe, in the Solicitation Document, the criteria or parameters the City will apply to determine state the size of the Competitive Range in the Solicitation Document. ~~However,~~ The City may increase or decrease the number of Proposers in the Competitive Range in accordance with PCC 5.33.215A.1.b.
 - e. ~~If the City intends to Award Contracts to more than one Proposer, the City must identify in the Solicitation Document the manner in which it will determine the number of Contracts it will Award. The City shall also include the criteria it will use to determine how the City will endeavor to achieve optimal value, utility and substantial fairness when selecting a particular Contractor to provide Goods or Services from those Contractors Awarded Contracts; and~~

4. Applicable Preferences, including those described in ORS 279A.120.125(2) and for Goods manufactured from Recycled Materials under PCC Section 5.33.080 and ORS 279A.125;
5. ~~Unless otherwise provided in the Contract, the Contractor shall not assign, sell, dispose of, or transfer rights, nor delegate duties under the Contract, either in whole or in part, without the City's prior Written consent. Unless otherwise agreed by the City in Writing, such consent shall not relieve the Contractor of any obligations under the Contract. Any assignee or transferee shall be considered the agent of the Contractor and be bound to abide by all provisions of the Contract. If the City consents in Writing to an assignment, sale, disposal or transfer of the Contractor's rights or delegation of Contractor's duties, the Contractor and its surety, if any, shall remain liable to the City for complete performance of the Contract as if no such assignment, sale, disposal, transfer or delegation had occurred unless the City otherwise agrees in Writing.~~
- 6.5. All Contractual terms and conditions in the form of Contract provisions the City determines are applicable to the Procurement. The City's determination of contractual terms and conditions that are applicable to the Procurement may take into consideration, as authorized by ORS 279B.060(3), those contractual terms and conditions the City will not include in the Request for Proposal because the City either will reserve them for negotiation, or will request Proposers to offer or suggest those terms or conditions.
6. As required by ORS 279B.060(2)(h) state law, the Contract terms and conditions must specify the consequences of the Contractor's failure to perform the scope of work or to meet the performance standards established by the resulting contract. Those consequences may include, but are not limited to:
 - a.-c. no changes.
7. The City may include the applicable contract terms and conditions in the form of Contract provisions, or legal concepts to be included in the resulting Contract. Further, the City may specify that it will include or use Proposers' terms and conditions that have been pre-negotiated, but the City may only include those terms and conditions in the resulting Contract to the extent those terms and conditions do not materially conflict with the applicable contractual terms and conditions. The City shall not agree to any Proposer's terms and conditions that were expressly rejected in a solicitation protest filed by the Proposer.
8. For multiple Award Contracts the City may enter into Contracts with different terms and conditions with each Contractor to the extent those terms and conditions do not materially conflict with the applicable contractual terms and conditions. The City shall not agree to any Proposer's terms and conditions that were expressly rejected in a solicitation protest filed by the Proposer.
7. ~~Optional RFP provisions: The RFP may contain the following provisions:~~
 - a. ~~That certain identified Contractual terms or conditions that the City is reserving for negotiation with Proposers;~~

- b. ~~That Proposers propose Contractual terms and conditions that relate to subject matter reasonably identified in the Request for Proposals;~~
- e. ~~The form of Contract that the City will accept, or suggested Contract terms and conditions that nevertheless may be the subject of negotiations with Proposers;~~
- d. ~~That the method of Contractor selection may include negotiations with the highest ranked Proposers, Competitive Negotiations, multiple-tiered competition designed to identify a class of Proposers that fall within a Competitive Range or to otherwise eliminate from consideration a class of lower ranked Proposers, or any combination of these methods;~~
- e. ~~That the City may conduct site tours, demonstrations, individual or group discussions and other informational activities with Proposers before or after the Opening of Proposals for the purpose of clarification to ensure full understanding of, and responsiveness to, the Solicitation's requirements or to consider and respond to requests for modifications of the Proposal requirements.~~
- f. ~~If the optional provision in PCC Section 5.33.210 B.6.e. is used, the City shall use procedures designed to accord Proposers fair and equal treatment with respect to any opportunity for discussion and revision of Proposals.~~

C. Good Cause. For the purposes of this rule, "Good Cause" means a reasonable explanation for not requiring Contractor to meet the highest standards prevalent in the industry or business most closely involved in providing the Goods or Services under the Contract, and may include an explanation of circumstances that support a finding that the requirement would unreasonably limit competition or is not in the best interest of the City. The City shall document in the Procurement file the basis for the determination of Good Cause for specifying specification otherwise. The City will have Good Cause to specify otherwise when the City determines ~~under the following circumstances:~~

1.-3. no change

4. ~~Any~~ That other circumstances exist in which City's interest in achieving economy, efficiency, compatibility or availability in the procurement of the Goods or Services reasonably outweighs the City's practical need for the highest prevalent standard if the applicable or closest industry or business that supplies the Goods or Services to be delivered under the resulting Contract.

8. Amend Section 5.33.211 Procedures for Competitive Range, Multi-Tiered and Multi-Step Proposals as follows:

A. Generally. The City may use procure Goods or Services employing any combination of the methods of Contractor selection as set forth in ORS 279B.060(6)(b) and this rule to procure Goods and Services. In addition to the procedures set forth in PCC 5.33.210 through PCC 5.33.217 for methods of Contractor selection, the City may provide for a multi-tiered, or multi-step selection process that permits award to the highest ranked

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Proposer at any time or step, calls for the establishment of a Competitive Range or permits either serial or competitive simultaneous discussions with one or more Proposers. The City may ~~use employ~~ one or more or any combination of the procedures set forth in this rule for Competitive Range, multi-tiered and multi-step Proposals.

- ~~B. Solicitation Protest. Prior to the initial Closing, a City shall provide an opportunity to protest the solicitation under ORS 279B.405 and PCC 5.33.730.~~
- B. ORS 279B.060(3)(d), (e) and (8) authorize the City to use methods of Contractor selection that include, but are not limited to multi-tiered or multi-step processes that embrace:
1. The evaluation of Proposals only, including the evaluations of serial Proposals (a series of more than one Proposal from each Proposer that remains eligible in the competition at the particular tier of the competition);
 2. The use of Proposals in connection with discussions with Proposers that lead to best and final Offers;
 3. The use of Proposals in connection with serial negotiations with Proposers that lead to best and final Offers or to the Award of a Contract.
 4. The use of Proposals in connection with competitive negotiations with Proposers that lead to best and final Offers or to the Award of a Contract; and
 5. The use of Proposals in multi-tiered competition designed to identify, at each stage of the competition, a class of Proposers that fall within a Competitive Range of Proposers that have a reasonable chance of being determined the most Advantageous Proposer or, in multiple-award situations, a reasonable chance of being determined an awardee of a Public Contract. Multi-tiered and multistep competitions may use any combination or series of Proposals, discussions, negotiations, demonstrations, offers, or other means of soliciting information from Proposes that bear on the selection of a Contractor or Contractors. In multi-tiered and multi-step competitions, the City may use these means of soliciting information from prospective Proposers in any sequence or order, as determined in the discretion of the City.
- ~~C. Addenda Protest. The City may provide an opportunity to protest, pursuant PCC 5.33.430, any Addenda issued pursuant to ORS 279B.060(6)(d).—When the City’s Request for Proposals prescribes a multi-tiered or multi-step Contractor selection process, the City nevertheless may, at the completion of any stage in the competition and on determining the Most Advantageous Proposers (or, in multiple-award situations, on determining the awardees of the public Contracts), award a Contract (or Contracts) and conclude the Procurement without proceeding to subsequent stages. The City also may, at any time, cancel the Procurement pursuant to ORS 279B.100 and these Rules.~~
- D. no change
- ~~E. Administrative Remedy. Proposers may submit a protest to any Addenda or to any action by the City that has the effect of excluding the Proposer from subsequent phases of a multiple-tiered or multi-step Request for Proposals to the extent such protests are~~

~~provided for in the Solicitation Document. Failure to so protest shall be considered the Proposer's failure to pursue an administrative remedy made available to the Proposer by the City.~~

F.E. Award Protest. A City shall provide an opportunity to protest its intent to Award a Contract pursuant to ORS 279B.410 and PCC 5.33.740. An Affected Offeror Proposer may protest, for any of the bases set forth in PCC 5.33.720, its exclusion from the Competitive Range or any phase of a multi-tiered ~~from any stage of multi-tiered~~ or multi-step sealed Proposal process, or may protest an Addendum issued following initial Closing, if the City did not previously provide Proposers the opportunity to protest such the exclusion or Addendum. The failure to protest shall be considered the Proposer's failure to pursue an administrative remedy made available to the Proposer by the City.

F- Competitive Range. When the City's Solicitation process conducted pursuant to PCC Section 5.33.210 calls for the City to establish a Competitive Range at any stage in the Procurement process, the City may do so as follows:

1. Determining Competitive Range.

a. The City may establish a Competitive Range after evaluating all Responsive Proposals in accordance with the evaluation criteria in the Request for Proposals. After evaluation of all Proposals in accordance with the criteria in the Request for Proposals, the City may determine and rank the Proposers in the Competitive Range. Notwithstanding the foregoing, however, in instances in which the City determines that a single Proposer has a reasonable chance of being determined the most Advantageous Proposer, the City need not determine or rank Proposers in the Competitive Range. In addition, the City may establish a Competitive Range of all Proposers to enter into discussions to correct deficiencies in Proposals.

b. The City may establish the number of Proposers in the Competitive Range in light of whether the City's evaluation of Proposals identifies a number of Proposers who have a reasonable chance of being determined the most Advantageous Proposer, or whether the evaluation establishes a natural break in the scores of Proposers that indicates that a particular number of Proposers are closely competitive, or have a reasonable chance of being determined the most Advantageous Proposer.

2. Protesting Competitive Range. The City shall provide Written notice to all Proposers identifying Proposers in the Competitive Range. The City may provide an opportunity for Proposers excluded from the Competitive Range to protest the City evaluation and determination of the Competitive Range in accordance with PCC Section 5.33.720.

G. Discussions.

1. The City may initiate oral or Written discussions with all "eligible Proposers" on the subject matter within the general scope of the Request for Proposals.

a. In conducting discussions, the City:

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- (1) Shall treat all eligible Proposers fairly and shall not favor any eligible Proposer over another;
- (2) May disclose other eligible Proposers' Proposals or discussions only in accordance with ORS 279B.060(68)(b) or (c)(a)(B) or (C);
- (3) May adjust the evaluation of a Proposal as a result of a discussion under this section discussions. The conditions, terms, or price of the Proposal may be altered or otherwise changed during the course of the discussions provided the changes are within the Scope of the Request for Proposals.

b. At any time during the time allowed for discussions, the City may:

- (1) Continue discussions with a particular eligible Proposer;
- (2) Terminate discussions with a particular eligible Proposer and continue discussions with other eligible Proposers; or
- (3) Conclude discussions with all remaining eligible Proposers and provide to the then-eligible Proposers, notice pursuant to PCC Section 5.33.215 D. requesting best and final Offers.

H. Negotiations.

1. The City may commence serial negotiations with the highest-ranked eligible Proposer or commence simultaneous negotiations with all eligible Proposers;

a. The City may negotiate:

- (1) The statement of work;
- (2) The Contract Price as it is affected by negotiating the statement of work other terms and conditions authorized for negotiation in the Request for Proposals or Addenda thereto; and
- (3) Any other terms and conditions reasonably related to those authorized for negotiation in the Request for Proposals or Addenda thereto. Proposers shall not submit for negotiation, and the City shall not accept, alternative terms and conditions that are not reasonably related to those authorized for negotiation in the Request for Proposals.

I. Terminating Negotiations. At any time during discussions or negotiations that the City conducts under this rule the City may terminate discussions or negotiations with the highest-ranked Proposer, or the eligible Proposer with whom it is currently discussing or negotiating, if the City reasonably believes that:

1. The eligible Proposer is not discussing or negotiating in good faith; or

2. Further discussions or negotiations with the eligible Proposer will not result in the parties agreeing to the terms and conditions of a final Contract in a timely manner.
 3. Continuing Serial Negotiations. If the City is conducting serial negotiations and the City terminates negotiations with an eligible Proposer., the City may then commence negotiations with the next highest scoring eligible Proposer in the Competitive Range, and continue the sequential process described in PCC Section 5.33.215 C. until the City has either:
 - a. Determined to Award the Contract to the Proposer with whom it is currently discussing or negotiating; or
 - b. Decided to cancel the Procurement pursuant to ORS 279B.100.
 4. Competitive Simultaneous Negotiations. If the City chooses to conduct Competitive Negotiations, the City may negotiate simultaneously with competing Proposers. The City:
 1. Shall treat all Proposers fairly and shall not favor any Proposer over another;
 2. May disclose other Proposers' Proposals or the substance of negotiations with other Proposers only if the City notifies all of the Proposers with whom the City will engage in negotiations of the City's intent to disclose before engaging in negotiations with any Proposer.
 5. Any oral modification of a Proposal resulting from negotiations under this Section must be reduced to Writing by the Proposer.
- J. Best and Final Offers. If best and final Offers are required, the City shall establish a common date and time by which eligible Proposers must submit best and final Offers. If the City is dissatisfied with the best and final Offers The City may make a Written determination that it is in the City's best interest to conduct additional discussions, negotiations or change the City's requirements and require another submission of best and final Offers. The City shall inform all eligible Proposers that if they do not submit notice of withdrawal or another best and final Offer, their immediately previous Offer will be construed as their best and final Offers. The City shall evaluate Offers as modified by the best and final Offer. The City shall conduct the evaluations as described in PCC Section 5.33.610. The City may not modify evaluation factors or their relative importance after the date and time that best and final Offers are due.
- K. Multi-step Sealed Proposals. The City may procure Goods and Services by using multi-step Competitive Sealed Proposals pursuant to ORS 279B.060 (8)(b)(g).
- The use of multi-step Proposals is a phased process that seeks necessary information, or un-priced technical Proposals, in phase one and in the second phase, invites Proposers who submitted technically qualified Proposals, to submit competitive sealed price Proposals on the technical Proposals. The City must award the Contract to the Responsible Proposer submitting the most Advantageous Proposal in accordance with the terms of the Solicitation Document applicable to the second phase.

1. Public Notice. Whenever the City uses multi-step sealed Proposals, the City shall give public notice for phase one in accordance with PCC Section 5.33.300. Public notice is not required for phase two. However, the City shall give notice of the subsequent phases to all Proposers and inform any Proposers excluded from the subsequent phases of the right, if any, to protest exclusion pursuant to PCC Section 5.33.720.
2. Procedure for Phase One of Multi-Step Sealed Proposals. The City must initiate a multi-step sealed Proposals procurement by issuing a Request for Proposal in the form and manner required for competitive sealed Proposals except as provided by this rule. In addition to the requirements set forth in PCC Section 5.33.215, the multi-step Request for Proposal must state:
 - a. that un-priced technical Proposals are requested;
 - b. that the Solicitation is a multi-step sealed Proposal Procurement, and that, in the second phase, priced Proposals will be accepted only from those Proposers whose un-priced technical Proposals are found qualified in phase one;
 - c. the criteria for the evaluation of un-priced technical Proposals; and
 - d. that the Goods or Services being procured shall be furnished generally in accordance with the Proposer's technical Proposal as found to be finally qualified and shall meet the requirements of the Request for Proposals.
3. Addenda to the Request for Proposals. After receipt of un-priced technical Proposals, Addenda to the Request for Proposal shall be distributed only to Proposers who submitted un-priced technical Proposals.
4. Receipt and Handling of Un-priced Technical Proposals. Un-priced technical Proposals need not be opened publicly.
5. Evaluation of Un-Priced Technical Proposals. The un-priced technical Proposals submitted by Proposers shall be evaluated solely in accordance with the criteria set forth in the Request for Proposals.
6. Discussion of Un-priced Technical Proposals. The City may seek clarification of a technical Proposal of any Proposer who submits a qualified, or potentially qualified, technical Proposal. During the course of such discussions, the City shall not disclose any information derived from one un-priced technical Proposal to any other Proposer.
7. Methods of Contractor Selection for Phase One. In conducting phase one, the City may employ any combination of the methods of Contractor selection that call for the establishment of a Competitive Range or include discussions, negotiations or best and final Offers as set forth in this rule PCC 5.33.211.
8. Procedure for Phase Two. On the completion of phase one, the City shall invite each qualified Proposer to submit price Proposals.

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- a. Phase two shall be conducted as any other competitive sealed Procurement except as set forth in this rule.
9. **Repeal Section 5.33.215 Negotiations, Discussions within the Competitive Range for Multi-Tiered or Multi-Step Sealed Proposals.**
10. **Repeal Section 5.33.217 Multi-Step Proposals.**
11. **Amend Section 5.33.220 Special Procurements as follows:**
 - A.-C. no change
 - D. The City Council declares the following as classes of Special Procurements:
 - 1.-9. no change
 10. Renegotiations of Existing Contracts with Incumbent Contractors.
 - a. Authorization. The City may renegotiate and amend existing Contracts with incumbent Contractors only if it is in the best interest of the City and has the approval of the Chief Procurement Officer prior to negotiation.
 - b. no change
 11. no change
 12. Software and Hardware Maintenance, Licenses, and Upgrades. The City may directly enter into a Contract or renew existing Contracts for information technology hardware or software maintenance, licenses, and upgrades without Competitive Solicitation where the maintenance, and upgrades, and licenses are either available from only one source or, if available from more than one provider, are obtained from the City's current provider in order to utilize the pre-existing knowledge of the vendor regarding the specifics of the City's hardware or software system. The City shall document in the Procurement File the facts that justify either that maintenance, license(s), and upgrades were available from only one source or, if from more than one source, from the current vendor.
 - 13-21. no changes
 - E.-F. no changes
11. **Amend Section 5.33.625 Contract Preferences as follows:**
 - A. Award When Offers Identical. Under ORS 279A.120, When the City receives Offers identical in price, fitness, availability and quality, and chooses to Award a Contract, the City shall Award the Contract based on the following order of precedence:
 1. The City shall Award the Contract to the Offeror among those submitting identical Offers who is offering Goods or Services, or both, ~~that have been~~ are manufactured, ~~or produced,~~ or to be performed in Oregon.

2. If two or more Offerors submit identical Offers, and they all offer Goods or Services, or both, manufactured or produced in Oregon, the City shall Award the Contract by drawing lots among the identical Offers offering Goods or Services that ~~have been~~ are manufactured, or produced, or to be performed in Oregon. The City shall provide to the Offerors who submitted the identical Offers notice of the date, time and location of the drawing of lots and an opportunity for those Offerors to be present when the lots are drawn.

 3. If the City receives identical Offers, and none of the identical Offers offer Goods or Services, or both, that ~~have been~~ are manufactured, or produced, or to be performed in Oregon, then the City shall Award the Contract by drawing lots among the identical Offerors. The City shall provide to the Offerors that submitted the identical Offers notice of the date, time and location of the drawing of lots and an opportunity to be present when the lots are drawn.
- B. no change
- C. Determining if Goods or Services are Manufactured or Produced in Oregon. In applying For the purposes of complying with PCC Section 5.33.625 A., the City shall determine whether a Contract is predominantly for Goods or Services and then use the predominant purpose to determine if the Goods or Services are manufactured, or produced or performed in Oregon. The City may request in a Solicitation Document, following Closing, or at any other time determined appropriate by the City, any information the City may need to determine if the Goods or Services are manufactured or produced in Oregon. The City may use any reasonable criteria to determine if Goods or Services are manufactured or produced in Oregon, provided that the criteria reasonably relate to that determination, and provided that the same criteria apply equally to each Offeror.
- D. no change
- E. Discretionary Preference and Award. Under ORS 279A.128, the City may provide, in a Solicitation Document for Goods or Services, a specified percentage preference of not more than ten percent for Goods fabricated or processed entirely in Oregon or Services performed entirely in Oregon. When the City provides for a preference under this Section, and more than one Offeror qualifies for the preference, the City may give a further preference to a qualifying Offeror that resides in or is headquartered in Oregon. The City may establish a preference percentage higher than ten percent if the Chief Procurement Officer makes a written determination that good cause exists to establish the higher percentage and explains the City's reasons and evidence of good cause. The City may not apply the preferences described in this Paragraph in a Procurement for emergency work, minor alterations, ordinary repairs or maintenance of public improvements, or construction work that is described in ORS 279C.320.

**Changes to Chapter 5.34 Public Improvements
and Construction Services**

1. **Amend Subsection 5.34.040A Affirmative Action as follows:**
 - A. Pursuant to ORS 279A.100, the City may limit competition on Contracts ~~with an estimated cost of \$50,000 or less~~ to carry out affirmative action policies, in accordance with policies and procedures established by the City.

2. **Amend Section 5.34.510 as follows:**
 - A. **Prequalification Application Forms.** Application forms may be obtained from the Chief Procurement Officer. Information required on the application form shall be supplied fully and completely, unless patently inapplicable, and the Person in whose name the application is submitted, or the Authorized Representative of the corporation or association submitting the application, shall verify the information before a notary. Any prospective Bidder ~~or Proposer~~ shall supply further information or detail as the City may require to clarify a Prequalification application. All Prequalification applications shall be filed with or sent to the Chief Procurement Officer unless a Solicitation Document for a specific project otherwise provides.

 - B. **Prequalification.** Prequalification applications submitted without designation for a specific project shall be considered as general Prequalification applications and processed pursuant to ORS 279C.430. The City may require Prequalification of Bidders ~~or Proposers~~ for specific projects on application forms prescribed by the City. The City shall indicate in the Solicitation Document if it will require Prequalification. Prequalification means the City conditions a Bidder's ~~or Proposer's~~ submission of a Bid ~~or Proposal~~ upon the Bidder's ~~or Proposer's~~ Prequalification. The City shall not consider a Bid ~~or Proposal~~ from a Bidder ~~or Proposer~~ that is not Prequalified if the City required Prequalification.

 - C.-D. no changes

 - E. **Prequalification Presumed.** If a Bidder ~~or Proposer~~ is currently Prequalified by either the Oregon Department of Transportation or the Oregon Department of Administrative Services to perform Contracts, the Bidder ~~or Proposer~~ shall be rebuttably presumed qualified to perform similar Work for the City upon submission of proof of such Prequalification. If a Bidder ~~or Proposer~~ submits proof of Prequalification, then the Bidder ~~or Proposer~~ is rebuttably presumed qualified. Nothing contained in this paragraph shall waive the City requirements for Prequalification, the City's authority to require additional information or detail, or prior approval as otherwise set forth in this rule.

 - F. **Time for Filing Prequalification Applications.** Prequalification applications shall be received by the Chief Procurement Officer at least nine (9) business Days prior to the date of Bid ~~or Proposal~~ Opening unless specifically stated otherwise in the Solicitation Document. Prequalification applications received less than nine (9) business Days prior to the Bid Opening may be processed or rejected in the City's sole discretion. If the application is not approved, notice shall be given by the City as provided by PCC Section 5.34.510 H. at least three (3) business Days prior to the Bid ~~or Proposer~~ Opening date.

Exhibit B

- G. Standards for Prequalification. A Bidder ~~or Proposer~~ may prequalify by demonstrating to the City's satisfaction that it is a Responsible Bidder ~~or Proposer~~. The Bidder ~~or Proposer~~ shall demonstrate that it is a Responsible Bidder ~~or Proposer~~ based on the criteria set forth in Section 5.34.500.
- H. Scope of Prequalification. The Chief Procurement Officer shall determine whether the applicant for Prequalification shall be considered Prequalified for City Bids ~~or Proposals~~, and the extent of Prequalification if approved. The Chief Procurement Officer may limit the types of Work, materials or services on which Bids ~~or Proposals~~ shall be accepted from the applicant, may restrict the size or cost of project Bids to be received by the City from the applicant, or may impose any other restrictions which the Chief Procurement Officer finds appropriate under the circumstances. Thereafter, if the Bidder ~~or Proposer~~ has Prequalified, Bids ~~or Proposals~~ may be received from the Bidder ~~or Proposer~~ only within the limitations and restrictions imposed by the Prequalification decision.
1. Unless otherwise specified by the Chief Procurement Officer, any Bidder ~~or Proposer~~ whose application for Prequalification has been wholly disapproved may resubmit an application for a Prequalification no sooner than three months after the Chief Procurement Officer's notice of disapproval. A Bidder ~~or Proposer~~ whose application has been approved in part or who seeks a broadening of its Prequalification, or elimination of any restriction, may resubmit an application at any time provided a change of circumstances has occurred and the Bidder ~~or Proposer~~ submits new information to support its re-application.
 2. With or without a request from the Prequalified Bidder ~~or Proposer~~, the Prequalification standing and any limitation on class of Work or size of project may be reviewed further by the Chief Procurement Officer and broadened or restricted as determined by the Chief Procurement Officer to be appropriate.
- I. Notice. If a Bidder's ~~or Proposer's~~ Prequalification is not approved in whole or in part, or is restricted or revoked, the City shall notify the Bidder ~~or Proposer~~, specify the reasons, and inform the Bidder ~~or Proposer~~ of the right to a hearing before the Chief Procurement Officer, who shall exercise the powers of the City Council for this purpose. The Chief Procurement Officer has discretion, however, to refer this matter to the Board of Appeals.
- J. no change
- K. Clarification. A Bidder ~~or Proposer~~ may seek clarification of a Prequalification decision by Written request received by the Chief Procurement Officer no later than 10 Days following issuance of a determination by the Chief Procurement Officer.
- 3. Amend Section 5.34.645A.1 Rejection of Offers as follows**
- A. Rejection of an Offer.
1. The City may reject any Offer upon finding that to accept the Offer may impair the integrity of the Solicitation process or that rejecting the Offer is in the public interest. An example of rejection in the public interest is the City's determination that any of the unit Bid prices are significantly unbalanced to the City's potential detriment.

4. Amend Section 5.34.850 Requests for Proposals (RFP) as follows:

A. no change

B. Solicitation Documents. In addition to the Solicitation Document requirements of PCC Section 5.34.300, this rule applies to the requirements for Requests for Proposals. RFP Solicitation Documents shall conform to the following standards:

1. The City shall set forth selection criteria in the Solicitation Document. Examples of evaluation criteria include price or cost, quality of a product or service, past performance, management, capability, personnel qualification, prior experience, compatibility, reliability, operating efficiency, expansion potential, experience of key personnel, adequacy of equipment or physical plant, financial wherewithal, sources of supply, references and warranty provisions. See PCC Section 5.34.840. Evaluation factors need not be precise predictors of actual future costs and performance, but to the extent possible, such factors shall be reasonable estimates based on information available to the City. Subject to ORS 279C.410(4) the Solicitation Document may provide for discussions with Proposers to be conducted for the purpose of Proposal evaluation prior to award or prior to establishing any Competitive Range;

2.-4. no changes

C.-E. no changes

F. Negotiations.

1.-2. no changes

~~3. Terminating Negotiations. At any time during discussions or negotiations that the City conducts in accordance with this rule, the City may terminate discussions or negotiations with the highest ranked Proposer, or the Proposer with whom it is currently discussing or negotiating, if the City reasonably believes that:~~

- ~~a. The Proposer is not discussing or negotiating in good faith; or~~
- ~~b. Further discussions or negotiations with the Proposer will not result in the parties agreeing to the terms and conditions of a final Contract in a timely manner.~~

3.4. Continuing Negotiations. If the City terminates discussions or negotiations with a Proposer, the City may then commence negotiations with the next highest scoring Proposer in the Competitive Range, and continue the process described in this rule until the City has either:

- a. Determined to Award the Contract to the Proposer with whom it is currently discussing or negotiating; or
- b. Completed one round of discussions or negotiations with all Proposers in the Competitive Range, unless the City provided for more than one round

Exhibit B

of discussions or negotiations in the Request for Proposals, in which case the Contracting Agency may proceed with any authorized further rounds of discussions or negotiations.

4. Terminating Discussions or Negotiations. At any time during discussions or negotiations conducted in accordance with this Rule, the City may terminate discussions or negotiations with the Proposer with whom it is currently conducting discussions or negotiations if the City reasonably believes that:

- a. The Proposer is not discussing or negotiating in good faith; or
- b. Further discussions or negotiations with the Proposer will not result in the parties agreeing to the terms and conditions of a final Contract in a timely manner that will be in the best interests of the City. The determination of a timely manner and the best interests of the City are matters solely within the discretion of the City.

5. **Amend Section 5.34.940 Public Works Contracts as follows:**

- A. no changes
- B. Requirements for Specifications. The Specifications for every Public Works Contract, consisting of the procurement package (such as the Project Manual, Bid or Proposal Booklets, Request for Quotations or similar Procurement Specifications), must contain the following provisions:
 - 1. The state prevailing state rate of wage, and, if applicable, the federal prevailing rate of wage, as required by ORS 279C.830(1)(a) either:
 - a – c no changes
 - 2. If both state and federal prevailing rates of wage apply, a requirement that the contractor shall pay the higher of the applicable state or federal prevailing rate of wage to all workers. If applicable, the federal prevailing rate of wage and information concerning whether the state or federal rate is higher in each trade or occupation in each locality, as determined by BOLI in a separate publication. The same options for inclusion of wage rate information stated in PCC Section 5.34.940 B.1. apply.

Changes to Chapter 5.68 Professional, Technical and Expert Service Contracts

1. Amend Section 5.68.010 Definition as follows:

- A. 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 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.

- B. “QBS Consultant” means 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.

- C. “Estimated Fee” means City’s reasonably projected fee to be paid for a QBS 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.

- D. “Price Agreement”, for purposes of the QBS Rules 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.

- E. “Project” means all components of a City’s planned undertaking that gives rise to the need for a QBS Consultant’s Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, or Related Services, under a Contract.

- F. “Transportation Planning Services” include 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

Exhibit C

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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.

G. “Related Services” means 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.

2. **Repeal Section 5.68.090 Selection of Architectural, Engineering and Land Surveying Consultants for PTE Contracts.**
3. **Repeal Section 5.68.100 Direct Contracts with Architects, Engineers and Land Surveyors.**
4. **Repeal Section 5.68.110 Two-Tiered Selection Process as follows:**

889331

EXHIBIT D

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PORTLAND CITY CODE CONTRACT RULES Substantive Rule Changes Proposed for PCC 5.33 (2012)

Changes applicable to entire division

- Corrects typographical or grammatical errors where required

PCC 5.33.020 City Council as Local Contract Review Board

- Corrects ORS reference.

PCC 5.33.030 Application of Purchasing Code

- Clarifies governance of PCC Chapter 5.34 and 5.33.

PCC 5.33.040 Authority of Chief Procurement Officer.

- Clarifies the authority of the Chief Procurement Officer regarding executing amendment to Price Agreements.
- Clarifies that the Chief Procurement Officer (CPO) may amend Intergovernmental Agreements (IGAs) that do not exceed \$5,000 or when authorized by ordinance and adopted by City Council.

PCC 5.33.105 Feasibility and Cost Analysis

- Deletes the use of the contractor's profit when estimating the Contractor's costs based upon previous bids, proposals or contracts for the feasibility and cost analysis.

PCC 5.33.160 Permissive Cooperative Procurements

- Corrects grammatical error.

PCC 5.33.205 Multi-Step Sealed Bidding

- Clarifies the multi-step sealed bidding process.
- Provides for technical clarification of the multi-step sealed bidding process.

PCC 5.33.210 Competitive Sealed Proposals

- Clarifies the competitive sealed proposal process.
- Provides for technical clarification of the competitive sealed bidding process.

PCC 5.33.211 Procedures for Competitive Range, Multi-Tiered and Multi-Step Proposals

- Further clarifies the methods or combination of methods to procure Goods and Services.
- Incorporates negotiations, discussions within the competitive range, multi-tiered or multi-step proposals.
- Clarifies the phasing requirements of the multi-tiered or multi-step proposal processes.

PCC 5.33.215 Negotiations, Discussions within the Competitive Range for Multi-Tiered or Multi-step Proposals

- Repeals entire Section.

PCC 5.33.217 Multi-Step Sealed Proposals.

- Repeals entire Section.

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PCC 5.33.220 Special Procurements

- Clarifies the requirement for the Chief Procurement Officer's approval prior to negotiation or amending existing contracts.
- Incorporates licenses as a special procurement.

PCC 5.33.625 Contract Preferences

- Incorporates legislative changes regarding discretionary preference and award for the procurement of Goods fabricated or processed entirely in Oregon and Services performed entirely in Oregon.

EXHIBIT E

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PORTLAND CITY CODE CONTRACT RULES Substantive Rule Changes Proposed for PCC 5.34 (2012)

PCC 5.34.510 Affirmative Action.

- Eliminates any dollar limitation on carrying out affirmative action policies.

PCC 5.34.510 Prequalification of Offerors

- Clarified the prequalification of offerors to the competitive bid process.

PCC 5.34.645 Rejection of Offers

- By example, clarifies the rejection of offers due to significantly unbalanced bid.

PCC 5.34.850 Requests for Proposals (RFP)

- Revises the process for discussion and negotiation efforts.
- Clarifies the competitive sealed proposal process.

PCC.5.34.940 Public Works Contracts

- Clarifies use and application of the state or federal prevailing rate of wage to all workers.

EXHIBIT F

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PORTLAND CITY CODE CONTRACT RULES Substantive Rule Changes Proposed for PCC 5.68 (2012)

PCC 5.68.00 Definition

- Includes definitions as provided by legislative action in reference to the Qualification Based Section (QBS) process.

PCC 5.68.090 Selection of Architectural, Engineering and Land Surveying Consultants for PTE Contracts

- Repeal entire Section with more detailed procedures described in the PTE Manual.

PCC 5.68.100 Direct Contracts with Architects, Engineers and Land Surveyors

- Repeal entire Section with more detailed procedures described in the PTE Manual.

PCC 5.68.110 Two-Tiered Selection Process

- Repeal entire Section with more detailed procedures described in the PTE Manual.