

ORDINANCE NO. 889

AN ORDINANCE UPDATING PUBLIC CONTRACT AND PURCHASING PROCEDURES AND AMENDING CHAPTER 2.24 OF THE TROUTDALE MUNICIPAL CODE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. That the City as a State of Oregon municipality is subject to the Oregon Public Contracting Code (the "Code") Oregon Revised Statutes (ORS) 279A, 279B, and 279C.
2. That it is the policy of the City that a sound and responsive public contracting system should allow impartial, meaningful, and open competition, conducted in a cost efficient manner, preserving formal competitive selection as the standard for public contracts unless otherwise specifically exempted herein, by state law, or by subsequent ordinance or resolutions.
3. That by Ordinance No. 220 on March 16, 1976, the Troutdale City Council (Council) was designated as the Local Contract Review Board and was granted to it all the powers conferred on the board by statute and all such additional powers as authorized by state law.
4. That by Ordinance. No. 761 on February 8, 2005, the Council established the Troutdale Municipal Code (TMC), Public Contracts and Purchasing Chapter 2.24 as the City's procurement rules pursuant to ORS 279A.065(2), rather than the City be subject to the Attorney General's promulgated administrative rules known as the Model Rules.
5. That to continue to preserve, to the maximum extent allowed under State law, the city's home rule authority over public procurement, the City desires to continue to adopt its own rules of procedure rather than be subject to the Model Rules adopted by the Attorney General under ORS 279A.065(5).
6. That in order to continue to maintain its own Rules, the City must, in accordance with ORS 279A.065(6)(b), review its Public Contracting Rules, each time the Attorney General modifies its Model Rules in order to ensure that the City Rules remain consistent with applicable law.
7. That by Ordinance. No. 875 on January 25, 2022, the Council last updated the TMC Public Contracts and Purchasing Chapter 2.24.

8. That the Oregon Legislature has modified ORS 279A, 279B and 279C pertaining to public contracts and purchasing, and the Attorney General has modified the Model Rules.

9. That sitting as the Local Contract Review Board the Council is authorized to act on all such matters on behalf of the City, pursuant to ORS 279A.060, to adopt Public Contracting Rules.

10. That sitting as the Local Contract Review Board the Council has determined to make amendments to the City's public contracting rules to update them in compliance with the required Oregon Legislature amendments to the Oregon Public Contracting Code

11. That sitting as the Local Contract Review Board the Council finds it advisable and necessary to approve the updating the City Public Contracts and Purchasing Chapter 2.24 pursuant to ORS 279A.060, which will serve a valuable and necessary public purpose and is an authorized public purpose, and that doing so is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. The Public Contracts and Purchasing Chapter 2.24 of the Troutdale Municipal Code select sections are amended to read as provided in Attachment A.

Section 2. The City hereby reserves to the maximum extent allowed under State law the city's home rule authority over public procurement.

Section 3. The Council is hereby designated to continue as the Local Contract Review Board of the City pursuant to ORS 279A.060 and shall have all of the rights, powers and authority necessary to carry out the provisions of Chapters 279A, 279B, and 279C (the "Public Contracting Code") and attached Rules.

Section 4. As the designated the Local Contract Review Board, actions taken by the Council governing public contracts and purchasing shall be deemed the actions of the Local Contract Review Board.

Section 5. Sitting as the Local Contract Review Board the Council, continues to declare that pursuant to ORS 279A.065(6) that the Attorney General's promulgated administrative rules known as the Model Rules pursuant to ORS 279A.065(2) do not apply to City.

Section 6. Sitting as the Local Contract Review Board the Council, pursuant to ORS 279A.055 and 279A.070 hereby accepts, approves, and adopts this Ordinance and Attachment A collectively known as the Troutdale Public Contracting Rules (the "Rules").

Section 7. Sitting as the Local Contract Review Board the Council, pursuant to ORS 279B.085 and 279C.335 as specified in this Ordinance and Attachment A hereby accepts, approves, and adopts the classes of special procurement and public improvement contract exemptions. Local Contract Review Board finds that the continued special solicitation methods for these classes of public contracts and exemptions and the methods approved for their award (1) are unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts, and (2) the awarding of public contracts under the exemption will result in substantial cost savings to City, or otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, or 279B.070 or under any rules adopted thereunder. Unless otherwise specified in a particular exemption rule, such contracts may be awarded in any manner that the City Manager deems appropriate to City's needs, including by direct appointment or otherwise. Except as otherwise provided, the City Manager will make a record of the method of award.

Section 8. These amended provisions of Chapter 2.24 of the Troutdale Municipal Code shall apply to any public contract of the City which is in a procurement process as of the effective date of this ordinance. Contracting and purchasing actions that are first advertised, but if not advertised then entered into, prior to the effective date of this ordinance shall be administered under the provisions of the Troutdale Municipal Code in effect at the time those actions are finalized. This ordinance applies to any public contract solicited or advertised after the effective date of this ordinance.

Section 9. This Ordinance amends, restates, supersedes, replaces portions the Public Contracts and Purchasing Chapter 2.24 of the Troutdale Municipal Code, and supersedes and repeals any and all ordinances, resolutions, and/or policies in conflict with this Ordinance. The Council may amend the Public Contracting Rules at any time in the same manner as that required for the Council to adopt an ordinance.

Section 10. In accordance with ORS 279A.065(6)(b), the City shall review its Public Contracting Rules, adopted herein, each time the Attorney General modifies its Model Rules in order to ensure that the Rules remain consistent with applicable law.

Section 11. The City Manager, Ray Young, and Chief Purchasing Officer and Finance Director, Erich Mueller, (each an "City Official"), or designee, are designated to act on behalf of and in the best interest of the City, and without further action by the Council or Local Contract Review Board, the City Official is hereby authorized, empowered and directed to execute and implement, on behalf of the City, this Ordinance and may exercise

all authorities, powers and duties granted to a Contracting Agency under the Public Contracting Code and attached Rules, unless otherwise established by City policy, and to execute any and all other required and necessary documents to implement the intent of this Ordinance.

Section 12. Provisions of this Ordinance shall amend the Public Contracts and Purchasing Chapter 2.24 of the Troutdale Municipal Code, and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word and the sections of the Ordinance may be renumbered, or re-lettered, the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 13. This Ordinance shall be effective February 9, 2024.

YEAS: 7
NAYS: 0
ABSTAINED: 0



Randy Lauer, Mayor
Date: January 10, 2024



Sarah Skroch, City Recorder
Adopted: January 9, 2024

**Attachment "A" to
Ordinance #889**

Select Sections of the Troutdale Municipal Code,
Chapter 2.24 PUBLIC CONTRACTS AND PURCHASING

(. . .)

2.24.080 Small procurement.

A. Any procurement of goods or services not exceeding twenty five thousand dollars, and any procurement of construction, public improvement or public works not exceeding twenty five thousand dollars, and any procurement of personal services not exceeding one hundred thousand dollars, may be awarded in any manner deemed practical or convenient by the DPO, including by direct selection or award.

B. A contract awarded under this section may be amended to exceed the dollars limitations of Section A. only upon approval of the city manager or chief purchasing officer (CPO).

C. A procurement may not be artificially divided or fragmented so as to constitute a small procurement under this section.

(Ord. 769 § 1 Att. A (part), 2006)

(Ord. No. 875, § 1(Att. A), 1-25-2022)

(. . .)

2.24.090 Intermediate procurement.

A. Any procurement of goods or services exceeding twenty five thousand dollars but not exceeding two hundred and fifty thousand dollars, and any procurement of construction, public improvement or public works exceeding twenty five thousand dollars but not exceeding one hundred thousand dollars, and any procurement of personal services exceeding one hundred thousand dollars but not exceeding two hundred and fifty thousand dollars, may be awarded after seeking three informally solicited competitive price quotes or competitive proposals from prospective bidders. If three quotes or proposals are not reasonably available, fewer will suffice but the DPO shall make a written record of the efforts to obtain the quotes or proposals.

B. A contract awarded under this section may be amended to exceed the dollar limitations of Section A. only upon approval of the city manager or CPO.

C. A procurement may not be artificially divided or fragmented so as to constitute an intermediate procurement under this section.

(Ord. 769 § 1 Att. A (part), 2006)

(Ord. No. 875, § 1(Att. A), 1-25-2022)

(. . .)

2.24.100 Formal procurement and exemptions.

A. Any procurement of goods or services, and any procurement of personal services exceeding two hundred and fifty thousand dollars, and any procurement of construction, public improvement or public works exceeding one hundred thousand dollars, shall be awarded only after a formal competitive solicitation process unless otherwise provided for in this chapter.

(. . .)

2.24.105 Chief purchasing officer (CPO) duties.

A. Subject to the direction and control of the city manager, and except as otherwise specifically provided by these rules, the CPO shall administer these rules.

B. The CPO duties shall include:

(. . .)