

RESOLUTION NO. 92-R-540

A RESOLUTION ADOPTING A PERSONAL SERVICE CONTRACTING POLICY FOR THE CITY OF BROOKINGS.

BE IT RESOLVED AS FOLLOWS:

A. Personal Service Contracts

- (1) Personal service contracts are those exclusively for the rendering of services where the particular skill or experience of the contractor is of the essence, or which involves a relation of special trust and confidence between the City of Brookings and the contractor. These contracts may be let without competitive bidding as per ORS 279.015.**
- (2) Personal service contracts shall not be used to engage persons who would be deemed City of Brookings employees, rather than independent contractors.**
- (3) Unless otherwise approved by the City Manager, all personal service contracts shall require the contractor to defend, indemnify, and hold harmless the City of Brookings, its officers, agents and employees against and from any and all claims or demands for damages of any kind arising out of or connected in any way with the contractor's performance thereunder.**
- (4) The City Manager shall ensure that the insurance requirements for particular services can be checked in order to protect the City of Brookings interest prior to tentative selection of a contractor.**

B. Selection of Personal Service Contractors

In compliance with ORS 279.051, the following procedure shall be observed in the selection of personal service contractors:

- (1) For personal service contracts involving an anticipated fee of \$500 or less per annum or per contract term, the City Manager or his/her designated officer may negotiate a contract for such services with any qualified contractor of his or her selection.**

(2) Personal service contracts greater than \$500 but less than \$3,000:

- (a) For personal service contracts involving an anticipated fee of more than \$500 but less than \$3,000 per annum or per contract term, and for retainer-type contracts, the City Manager or his/her designated officer shall solicit at least three (3) prospective contractors who shall appear to have at least minimum qualifications for the proposed assignment, notify each prospective contractor in reasonable detail of the proposed assignment, and determine the prospective contractor's interest and ability to perform the proposed assignment.**
- (b) The City Manager or his/her designated officer may arrange for any or all interested prospective contractors to be interviewed for the assignment by an appropriate City of Brookings employee, or by an interview committee.**
- (c) Following a review of the qualifications and interviews, where conducted, of the interested prospective contractors, the City Manager or his/her delegate shall select the prospective contractor, and shall prepare a personal service contract.**
- (d) The above provisions regarding selection procedures do not apply to amendments, modifications or supplements to executed personal service contracts except when the amendment, modification or supplement involves additional fees of 20% of the originally approved contract, and except when the total aggregate of amendments, modifications or supplements exceed 50% of the originally approved contract.**

(3) Personal service contracts greater than \$3,000:

- (a) For personal service contracts involving an anticipated fee of more than \$3,000 per annum or per contract term, the process shall be the same as for personal service contracts involving an anticipated fee of more than \$500 but less than \$3,000, except that the City Council shall, after a recommendation from the City Manager, award the contract to the appropriate party.**


- (4) The following criteria shall be considered in the evaluation and selection of personal service contractor:**
- (a) Specialized experience in the type of work to be performed.**
 - (b) Capacity and capability to perform the work, including any specialized services within the time limitations for the work.**
 - (c) Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality or work, ability to meet schedules, and contract administration, where applicable.**
 - (d) Availability to and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable.**
 - (e) Any other factors relevant to the particular contract.**
- (5) The selection procedures described in B(2) may be waived by the City council at their discretion, for any of the following reasons:**
- (a) An emergency exists which could not have been reasonably foreseen and which requires such prompt execution of a contract to remedy the situation that there is not sufficient time to permit utilization of the selection procedures: or**
 - (b) The contractor is the only person within a reasonable area who performs this kind of work.**
 - (c) When good cause is demonstrated to the City Council such that they believe award of the contract without utilizing the selection procedures is in the public's interest.**
- (6) The City Manager is delegated the authority to sign all personal service contracts for \$3,000 or less. Contracts in excess of \$3,000 shall be executed by the city council.**

PASSED by the council and signed by the mayor this 10th day
of August, 1992.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder