

ORDINANCE NO. 734

AN ORDINANCE MODIFYING THE PROCEDURES FOR PUBLIC CONTRACTING, AMENDING SECTION 2.24.100 OF THE TROUTDALE MUNICIPAL CODE, AND DECLARING AN EMERGENCY

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City's public contracting procedures are established in Chapter 2.24 of the Troutdale Municipal Code to comply with State law.
2. The 2003 session of the State Legislature has passed, and the Governor has signed and enacted into law, HB 3422 which makes certain changes to public contracting procedures pertaining to bid opening and subcontractor disclosure.
3. HB 3422 contained an emergency clause making it apply to public improvement contracts advertised on or after August 1, 2003.
4. This ordinance is intended to bring the City's public contracting procedures into compliance with the new law. Because the new State law was effective on August 1, 2003, the City needs to adopt this ordinance at one meeting in accordance with Section 30B of the Troutdale City Charter. The ordinance has been distributed to all Councilors at least twenty-four hours in advance of the meeting at which it is being adopted. In addition, an emergency is being declared so that the ordinance goes into effect immediately upon adoption.

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

Section 1. Section 2.24.100, Paragraph B, of the Troutdale Municipal Code is amended to read as follows:

B. All bids made to the City shall be:

1. In writing;
2. Filed with the person designated for receipt of bids by the City;
3. Opened publicly by the City immediately after the deadline for submission of bids.


Section 2. Section 2.24.100, Paragraph C, of the Troutdale Municipal Code, is amended to read as follows:


C. Subcontractor Disclosure

1. Within two working hours after the date and time of the deadline when the bids are due to the City for a public improvement, a bidder shall submit to the City a disclosure of the first-tier subcontractors that:
 - a. Will be furnishing labor or will be furnishing labor and materials in connection with the public improvement; and
 - b. Will have a contract value that is equal to or greater than five percent of the total project bid or fifteen thousand dollars, whichever is greater, or three hundred fifty thousand dollars regardless of the percentage of the total project bid.
 2. The disclosure of first-tier subcontractors shall include:
 - a. The name of each subcontractor;
 - b. The category of work that each subcontractor will be performing; and
 - c. The dollar value of each subcontract.
 3. The City shall accept the subcontractor disclosure. The City shall consider the bid of any contractor that does not submit a subcontractor disclosure to the City to be a nonresponsive bid and will not award the contract to the contractor. The City is not required to determine the accuracy or the completeness of the subcontractor disclosure.
 4. For each contract to which this subsection applies, the City shall designate a deadline for submission of bids that has a date on a Tuesday, Wednesday, or Thursday and a time between 2 p.m. and 5 p.m., except that this paragraph does not apply to public contracts for maintenance or construction of highways, bridges or other transportation facilities.
 5. This subsection shall apply only to public improvements with a contract value of more than one hundred thousand dollars.
 6. This subsection does not apply to public contracts for public improvements that have been exempted from competitive bidding requirements under Section 2.24.035.
- D. After having been opened, the bids and the subcontractor disclosure shall be filed for public inspection.
- E. A surety bond, irrevocable letter of credit issued by an insured institution as defined in ORS 706.008, cashier's check or certified check of the bidder shall be attached to all bids as bid security unless the contract for which the bid is submitted has been exempted from this requirement pursuant to Section 2.24.140. The security shall not exceed ten percent of the amount bid for the contract

Section 3. In an effort to comply as closely as possible with State Law (HB 3422) which became effective August 1, 2003, an emergency is declared and this ordinance is effective immediately upon adoption

YEAS: 5
NAYS: 0
ABSTAINED: 0


Paul A. Thalhoffer, Mayor
Dated: 8-28-03


Sarah Greif, Office Support Specialist
Adopted: August 26, 2003