

**A BILL FOR AN ORDINANCE AMENDING)
CHAPTER 3.04 OF THE LEBANON)
MUNICIPAL CODE, PUBLIC CONTRACTING)
PROCEDURES CONCERNING THE SELECTION)
OF PERSONAL SERVICES CONTRACTS FOR)
ARCHITECTURAL, ENGINEERING, LAND)
SURVEYING AND RELATED SERVICES)**

**Ordinance Bill No. 8
for 2005**

Ordinance Number 2377

WHEREAS, ORS 279C.110 (3) allows local contracting agencies to create procedures for the screening and selection of consultants to perform architectural, land surveying and/or engineering services; and

WHEREAS, the selection of candidates for performing such architectural, land surveying and/or engineering services is within the sole discretion of the local contracting agency; and

WHEREAS, the City of Lebanon desires to codify the factors to be considered in selecting consultants for the purpose of providing such services to the city;

NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:

SECTION 1. There is hereby created a new section of the Lebanon Municipal Code, Section 3.04.075, Selection of Consultants for Architectural, Engineering, Land Surveying Services and Related Services, which shall read as follows:

3.04.075 Selection of Consultants for Architectural, Engineering Services, Land Surveying and Related Services.

A. Subject to state law, the selection of a candidate to perform consulting architectural, engineering, land surveying or related services for the city shall be within the sole discretion of the city, and may be adjusted to accommodate the project's scope, schedule and budget objectives for a particular project. Adjustments to accommodate the city's objectives may include provision for the direct appointment of a consultant if the value of the project does not exceed the threshold amount of \$ 70,000. Screening and selection procedures may include a consideration of each candidate's:

- (1) Specialized experience, capabilities and technical competence that may be demonstrated by the proposed approach and methodology to meet the project requirements;
- (2) Resources available to perform the work and the proportion of the candidate staff's time that would be spent on the project, including any specialized services, within the applicable time limits;
- (3) Record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration;

- (4) Ownership status and employment practices regarding minority, women and emerging small businesses or historically underutilized businesses;
- (5) Availability to the project locale;
- (6) Familiarity with the project locale; and
- (7) Proposed project management techniques.

B. If the screening and selection procedures created in this section result in the determination by the city administrator or his designate that two or more candidates are equally qualified, the city may select a candidate through any process adopted by the city administrator.

C. The city administrator or his designate and the selected candidate shall mutually discuss and refine the scope of services for the project and shall negotiate conditions, including but not limited to compensation level and performance schedule, based on the scope of services. The compensation level paid must be reasonable and fair to the city as determined solely by the city. Authority to negotiate a contract under this section does not supersede any provision of State law.

D. If the city and the selected candidate are unable for any reason to negotiate a contract at a compensation level that is reasonable and fair to the city, the city shall, either orally or in writing, formally terminate negotiations with the selected candidate. The city administrator or his designate agency may then negotiate with another candidate. The negotiation process may continue in this manner through successive candidates until an agreement is reached or the city terminates the consultant contracting process.

E. For the purposes of this section, the following definitions apply:

- (1) "Architect" means a person who is registered and holds a valid certificate in the practice of architecture in the State of Oregon, and includes, without limitation, the terms "architect," "licensed architect" and "registered architect".
- (2) "Engineer" means a person who is registered and holds a valid certificate in the practice of engineering in the State of Oregon.
- (3) "Land surveyor" means a person who is registered and holds a valid certificate in the practice of land surveying in the State of Oregon.
- (4) "Personal Services" mean the services of a person or persons that are designated by the city's contract review board as personal services. "Personal services" includes architectural, engineering, land surveying and related services procured under this chapter.
- (5) "Related services" means personal services, other than architectural, engineering and land surveying services, that are related to the planning, design, engineering or oversight of public improvement projects or components thereof, including but not limited to landscape architectural services, facilities planning services,

energy planning services, space planning services, environmental impact studies, hazardous substances or hazardous waste or toxic substances testing services, wetland delineation studies, wetland mitigation studies, Native American studies, historical research services, endangered species studies, rare plant studies, biological services, archaeological services, cost estimating services, appraising services, material testing services, mechanical system balancing services, commissioning services, project management services, construction management services and owner's representative services or land-use planning services.

This ordinance was passed by the Lebanon City Council on the 25 day of May, 2005 by a vote of 5 for and 0 against.

Kenneth I. Toombs
Mayor

ATTEST:

John E. Hill
City Recorder