

A BILL FOR AN ORDINANCE AMENDING ) Ordinance Bill Number 19  
CHAPTER 3.04 OF THE LEBANON ) for 2006  
MUNICIPAL CODE, PUBLIC CONTRACTS ) Ordinance Number 2710

THE PEOPLE OF THE CITY OF LEBANON ORDAIN AS FOLLOWS:

Section 1. Section 3.04.010 of the Lebanon Municipal Code is hereby amended to read as follows:

3.04.010 City council designated as local contract review board.

- A. The Lebanon city council is designated as the local contract review board under the State of Oregon Public Contracting Code. The contract review board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Model Rules, or the Lebanon Municipal Code. The city administrator, or his/her designated purchasing agent, is designated as the city's "contracting agency" for purposes of contracting powers and duties assigned to the city of Lebanon as a "contracting agency" under the State of Oregon Public Contracting Code or the Model Rules. The City Administrator shall cause a review of all contracts no later than six months prior to the contracts' scheduled termination. The purpose of the review shall be to evaluate the performance of the contractor and make any appropriate recommendations to the City Council concerning the contract.
- B. A written report shall be prepared and presented by the City Administrator to the City Council in January and July of each calendar year detailing the status of any then-pending contracts between the City and each respective contractor.

Section 2. Section 3.04.070 of the Lebanon Municipal Code is hereby amended to read as follows:

3.04.070 Personal services contracts.

- 1. Personal services contracts (other than personal services contracts for architectural or engineering services), are subject to the rules established by this section:
  - A. Personal service contracts will be used to retain the services of independent contractors, other than architects or engineers. Nothing in this section shall apply to the employment of regular city employees.
  - B. Unless otherwise approved by the city administrator, all personal service contracts shall require the contractor to defend, indemnify, and hold harmless the city, 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 and shall include a waiver of contractor's right to ORS 30.285 and ORS 30.287 indemnification and defense.

C. Unless otherwise approved by the city administrator, city personal service contracts shall contain a provision requiring the person or entity providing the service to obtain and maintain liability insurance coverage in at least the amount of the city's tort liability limits, naming the city as an additional named insured, during the life of the contract.

D. All city personal service contracts shall contain all contract provisions mandated by State law. These provisions may be incorporated in the personal service contract by reference to State law, unless State law provides otherwise. The city attorney's office will prepare model contract provisions for use in city personal service contracts.

E. The following procedure shall be observed in the selection of personal service contractors:

1. For personal service contracts involving an anticipated fee of twenty-five thousand dollars or less per annum, the city administrator or his or her designated officer may negotiate a contract for such services with any qualified contractor of his or her selection;

(a) Unless otherwise directed by the City Council, all personal service contracts will be entered into with a contractor at an actual dollar amount and not as a percentage of any anticipated revenue from an income source.

2. For personal service contracts involving an anticipated fee of more than twenty-five thousand dollars per annum, the city administrator or his or her designated officer shall solicit at least three 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. In the event that the city administrator or the designee cannot procure at least three prospective contractors, the selection process may proceed, but the city administrator shall document the reasons why three contractors have not been successfully solicited;

3. The city administrator or his or her designated officer may arrange for any or all interested prospective contractors to be interviewed for the assignment by an appropriate city employee or by an interview committee;

4. Following a review of the qualifications and interview, where conducted, of the interested prospective contractors, the city administrator or his or her designated officer shall select the prospective contractor, and shall prepare a personal service contract.

F. The above provisions regarding selection procedures do not apply to amendments, modifications or supplements to executed personal service contracts.

G. The following criteria shall be considered in the evaluation and selection of a personal service contractor:

1. Specialized experience in the type of work to be performed.

2. Capacity and capability to perform the work, including any specialized services within the time limitations for the work.

3. Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable; and

4. Availability to perform the assignment and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable.

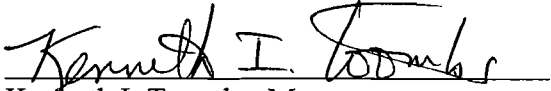
5. Any other factors relevant to the particular contract.

H. The selection procedures described in this section may be waived by the city administrator, at his or her discretion where an emergency exists that could not have been reasonably foreseen and requires such prompt execution of a contract to remedy the situation that there is not sufficient time to permit utilization of the selection procedures.

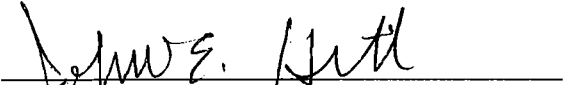
I. The city administrator is delegated the authority to sign all personal service contracts.

J. Nothing contained in this section shall preclude the city from complying with provisions of Federal or State law that require the city to utilize a different selection or contracting procedure.

Passed by the City Council for the City of Lebanon by a vote of 6 for and 0 against on this 14th day of May, 2006.

  
Kenneth I. Toombs, Mayor

ATTEST:

  
John E. Hitt, City Recorder