



LTD RESOLUTION NO. 2021-09-15-048
A RESOLUTION AMENDING THE PUBLIC CONTRACTING PROCEDURES AND OTHER
RELATED PROCUREMENT POLICIES

WHEREAS, the Lane Transit District (“LTD” or “District”) Board of Directors (“Board”) acts as the LTD Contract Review Board;

WHEREAS, the Board, acting as the LTD Contract Review Board, may adopt rules by Resolution;

WHEREAS, the LTD Contract Review Board previously adopted the Oregon Model Rules, Division 46, 47, 48, and 49, adopted by the Attorney General under Oregon Revised Statutes (“ORS”) 279A, 279B, and 279C, as they may be amended from time to time, as LTD’s Public Contracting Rules;

WHEREAS, in 2018, the federal government through the Office of Management and Budget (OMB) increased the Simplified Acquisition Threshold from \$150,000 to \$250,000;

WHEREAS, in 2020, the state of Oregon through the Oregon Revised Statutes (ORS) increased their small purchase threshold to \$250,000;

WHEREAS, this change will improve efficiencies at LTD while continuing to maintain adequate financial controls; and

WHEREAS, adoption of this resolution would supersede Resolution 2017-03-15-011.

NOW, THEREFORE, BE IT RESOLVED that the LTD Board of Directors, acting as the LTD Contract Review Board, passes a Resolution as follows:

1. Levels of Contracting Authority. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve, negotiate and execute procurements and contracts which do not exceed \$249,999.
2. Routine Annual Procurements. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve, negotiate, and execute routine annual procurements and contracts, regardless of amount, for operational goods and services including but not limited to diesel, fuel, gasoline, engine oil and lubricants, tires, bus batteries, bus and facilities parts, printing, proprietary software, and facilities maintenance.
3. Contract Amendments and Change Orders. For those contracts authorized by the LTD Board of Directors, the LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve and execute contract amendments and change orders as may be necessary. Individual or cumulative contract amendments and change orders cannot exceed ten-percent (10%) of the initial contract without General Manager’s prior approval, provided the change order and initial contract amount combined does not exceed \$249,999.
4. Contract Documents. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve and execute all contract documents including purchase orders, blanket purchase orders, contracts, contract amendments, and change orders after any necessary authorization by the Board of Directors.
5. Sole Source. The LTD Contract Review Board hereby delegates to the General Manager the authority and responsibility to approve all sole source contracts up to \$249,999, provided sufficient and justified determination has been provided and approved by the General Manager or designee.
6. Budget and Policies. All authority delegated herein shall be exercised consistent with the adopted LTD budget and established policies and approved projects of LTD.

7. Intergovernmental Agreements. Subject to the limits set forth in Paragraphs 1 and 2, Intergovernmental Agreements shall be presented to the Board of Directors prior to entering into. "Intergovernmental Agreements" shall include any contract between governmental entities that is not a Real Property Agreement.
8. Real Property Agreements. Real Property Agreements shall be presented to the Board of Directors prior to entering into. "Real Property Agreements" shall include:
 - a. Agreements for the sale or purchase of real property;
 - b. Agreements for the granting of an easement or other encumbrance on real property; and
 - c. Lease agreements that exceed those limits set forth in Paragraphs 1 and 2, or that have a lease term of ten years or more.
9. Levels of Review for Non-Standard Procurements. The Procurement Manager and General Manager must approve, in writing, any non-standard procurement before it is solicited and/or published. "Non-standard procurement" is intended to include procurements other than Invitations for Bid and Requests for Proposals solicited using full and open competition. Micro-purchases and small procurements shall be excluded from this definition of "non-standard procurements."
10. Contracting Actions Requiring Board Authorization. For those contracts authorized by the LTD Board of Directors, the Board shall do the following concurrent with contract award:
 - a. Identify the "Project Closeout Team" for the project, such team being responsible for ensuring project milestones (substantial completion, final completion, acceptance) are met in accordance with the contract terms;
 - b. Authorize the payment plan for the contract; and
 - c. Identify the reporting, if any, the Board expects to receive on the project.
11. Delegated Authority Report. A report regarding the General Manager's delegated authority, pursuant to Paragraphs 1 and 2 of this Resolution, shall be presented to the Board of Directors at its monthly meeting in the form of a report in a format satisfactory to the Board. The report shall include all routine annual procurements that exceed \$10,000 and all other contracting actions that exceed \$10,000 but are below \$249,999. The report will be approved by the Board in the consent agenda portion of its meeting.
12. Delegation. The General Manager may delegate in writing any of the authorities granted under this Resolution; provided, however, any such authority delegated to staff shall not exceed the authority delegated herein to the General Manager.
13. Liquidated and Delinquent Debt. Additional language to include LTD's requirement, as part of an evaluation on a bid or proposal, to determine if the bidder or proposer owes a liquidated and delinquent debt to the State of Oregon.
14. Retainage. Clarify that LTD may retain amounts from progress payments for Public Improvement Projects.
15. Other. Other minor changes consistent with applicable authorities, as set forth in the ORS, OAR, and FTA C.4220.1F.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 15th DAY OF September, 2021.

Caitlin Vargas

Caitlin Vargas (Sep 20, 2021 21:14 PDT)

Board President, Caitlin Vargas