

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 17- 4814 FOR THE PURPOSE OF ADOPTING CONTRACTING AND PROCUREMENT ADMINISTRATIVE RULES

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Date: May 31, 2017

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## BACKGROUND

A comprehensive set of administrative procurement rules including Local Contract Review Board Administrative Rules (the “LCRB Contracting Rules”), Personal Services Contracting Rules, and Equity in Contracting Rules has been in effect at Metro on an interim basis since April 6, 2017. A public comment period that ran from April 7 through May 31, 2017 concluded with no comments received.

Informal feedback from staff and external stakeholders has been positive, with the Equity in Contracting rules especially well-received. An important goal of these rules was to fill gaps between current Metro policy and state law and reduce the need for staff to interpret contracting and procurement law. Procurement staff has had positive interactions with internal customers in using the rules to address issues that were formerly gray areas.

During the interim review period, staff made two substantive changes to the rules: 1) removal of LCRB Contracting Rule 47-0253, which would have required an internal cost and feasibility analysis for certain contracts; and 2) the inclusion of a new class of contracts in Section XI of the Personal Services Contract Rules (Exemptions from Competitive Procurement Requirements). The basis for removing Rule 47-0253 is that the state law requiring such a process is not applicable to Metro. The reason for including the new class exemption in the Personal Services Contracting Rules is that it mirrors the already existing special procurement category set forth in LCRB Contracting Rule 47-0288(21). These two minor changes ensure consistency within Metro’s procurement administrative rules and Oregon law.

The LCRB Contracting Rules, Personal Services Contracting Rules and Equity Contracting Rules will be posted on Metro’s website for ease of staff and stakeholder access.

## ANALYSIS/INFORMATION

1. **Known Opposition:** None
2. **Legal Antecedents** Metro Code 2.04, State of Oregon Revised Statutes (ORS) Chapters 279A, 279B and 279C
3. **Anticipated Effects:** None
4. **Budget Impacts:** None

## RECOMMENDED ACTIONS

Local Contract Review Board formal adoption of the LCRB Contracting Rules; Personal Services Contracting rules; and Equity in Contracting Rules.