

TIGARD MUNICIPAL CODE

Chapter 2.46 LOCAL CONTRACT REVIEW BOARD.

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2.46.010 Policy.

A. All public contracts shall be based upon competitive bidding except as expressly provided by state law, this chapter or the rules adopted by the board.

B. If federal funds are involved in any contract subject to this chapter, federal laws, rules and regulations shall control in the event of conflict with state law or this chapter. (Ord. 01-24 §2; Ord. 96-08; Ord. 85-05 §2).

2.46.020 Definitions.

As used in this chapter, unless the context requires otherwise:

A. “AR” means City of Tigard administrative purchasing rules adopted by the board.

B. “Board” means the City of Tigard, Local Contract Review Board.

C. “Competitive bidding” means the issuing of invitations to bid which follow the formal process for advertising, bid, and bid opening.

D. “ORS” means Oregon Revised Statutes as applicable and as amended.

E. “Personal services” means a contract for services performed by an independent contractor in a professional capacity.

F. “Public contract” means any purchase, lease or sale by the city of personal property, public improvements or services other than agreements, which are for personal services.

G. “Public improvement” means projects for construction, reconstruction or major renovation on real property by or for a public agency. “Public improvement” does not include emergency work, minor alteration, ordinary repair or maintenance necessary in order to preserve a public improvement. (Ord. 01-24 §3; Ord. 96-08; Ord. 85-05 §3).

2.46.030 Board—Powers—Authority to Adopt Rules.

A. The City Council shall be the local contract review board.

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B. The board shall have all of the powers that may be exercised in the state at large.

C. The board shall adopt rules governing the awarding of city contracts and bidding procedures. (Ord. 01-24 §4; Ord. 96-08; Ord. 85-05 §4).

2.46.040 Organization of the Board.

A. The mayor shall act as the chairperson of the board. The president of council shall act as the vice-chairperson.

B. The chairperson shall preside over the meetings and in the absence of the chairperson, or in the event a vacancy occurs, the line of succession shall be the same as the line of succession which applies to the Council. (Ord. 01-24 §5; Ord. 96-08; Ord. 85-05 §5).

2.46.050 Rules of Procedures.

A. The board shall serve with integrity, perform the duties of the position and obey the laws of the federal, state and local governments. This is required to protect the public's confidence in the integrity of their local government's fair and effective operation.

B. Council groundrules will govern proceedings of the board where they do not conflict with these rules or statutory provisions.

C. A violation of the council groundrules shall not be considered a basis for challenging the validity of any board decision.

D. A boardmember may be subject to a council resolution of censure for misconduct, nonperformance of duty and failure to obey the laws of the federal, state and local governments. Misconduct includes not honoring the provisions of the council groundrules.

E. Early recognition of the questioned conduct is encouraged. Progressive counsel may occur with the boardmember but is not required prior to passage of a council resolution of censure. (Ord. 10-16 §2; Ord. 01-24 §6; Ord. 96-08; Ord. 85-05 §6).

2.46.060 Meetings—Notice—Agenda.

A. The applicable provisions of the Public Meetings Law shall control the notice and character of meetings of the board.

B. Meetings of the board may be scheduled at any time including before, during, or after a regularly scheduled council meeting.

C. Meetings shall be called in the same manner as a council meeting.

D. Notice of the meeting shall be given as provided by state law.

E. Meetings of the board may be held by conference telephone call after required public notice. The city shall make available to the public at least one place where the public can listen to the meeting by means of a speaker telephone.

F. On urgent or perfunctory matters, the chairperson may, by telephone, poll the members of the board. Electronic transcripts of the polling calls will be made and retained. In the course of a poll, any member may request the matter be discussed by conference telephone call or deferred to a meeting.

G. Prior to conference telephone calls or telephone polls, the press and public, including persons directly interested in the subject matter of the poll, shall be given reasonable notice of a place where they can listen to the meeting or poll at the time of the meeting or poll.

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H. The agenda shall be prepared by the city recorder.

I. Routine board business may be conducted on the consent agenda of a regularly scheduled council meeting. (Ord. 01-24 §7; Ord. 96-08; Ord. 85-05 §7).

2.46.070 Attendance—Quorum—Voting.

Attendance of at least three boardmembers shall be required in order for the board to take any action. All actions of the board shall require a majority vote of the boardmembers present and voting. (Ord. 01-24 §8; Ord. 96-08; Ord. 85-05 §8).

2.46.080 Decisions by the Board.

A. The board shall exercise its rulemaking power in the same manner that it exercises its legislative power.

B. The board shall exercise its adjudicative power in the manner provided by state law. (Ord. 01-24 §9; Ord. 96-08; Ord. 85-05 §9).

2.46.090 Records.

A. The city recorder or designee shall be present at all meetings and shall provide for the recording of all meetings and shall maintain minutes of all meetings as required by law including any vote taken.

B. The director of finance or designee shall maintain the records and prepare findings and reports as required by the board and the rules adopted by the board.

C. Staff reports shall be provided to each boardmember in advance of the date the item is scheduled for review. (Ord. 01-24 §10; Ord. 96-08; Ord. 85-05 §10).

2.46.100 Administrative Authority to Obligate City.

The board shall approve all public contracts, personal services contracts or any other type of contract let by the city except as otherwise provided by Section 2.46.110. (Ord. 01-24 §11; Ord. 96-08; Ord. 85-05 §11).

2.46.110 Delegation of Authority to Obligate the City.

The city manager or designee shall have the authority to obligate the city without specific board approval provided as follows:

A. The obligation has been appropriated in an adopted budget.

B. The rules adopted by the board have been complied with as indicated by written findings and records.

C. The public contract, personal services contract, public improvement contract or any other type of contract let by the city does not exceed \$100,000.

D. The obligation is for a single complete item or contract and not a part or component of a project. (Ord. 11-08 §1; Ord. 05-05; Ord. 01-24 §12; Ord. 96-08; Ord. 85-05 §12).

2.46.120 Authorization to Advertise.

The city manager or designee shall have the authority to approve advertising for all bids. (Ord. 01-24 §13; Ord. 96-08; Ord. 85-05 §13).

2.46.130 Petty Cash.

(Repealed by Ord. 01-24 §14)

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2.46.140 Limitation to Expenditures.

The delegated authority to obligate the city shall be subject to the following limitations:

A. The expenditure shall be for a single complete item or contract; and

B. The expenditure shall not be a component of a project with a total cost in excess of \$100,000, except in the case of a project which involves a personal services contract and a public contract. If a project involves a personal service contract and a public contract, the two contracts shall be considered separate projects. (Ord. 11-08 §1; Ord. 05-05; Ord. 01-24 §15; Ord. 96-08; Ord. 85-05 §15).

2.46.150 Duties of the City Manager.

A. The city manager or designee shall establish and maintain a centralized system for the purchase, contract and sale of property and services.

B. The city manager or designee shall prepare a manual which sets forth the procedures and forms to be used in the award of public contracts, personal service contracts, construction contracts, and the sale of property for adoption by the board by resolution.

C. The city manager or designee shall implement the procedures set forth in the manual and, as necessary, shall recommend amendments to the manual to the board. (Ord. 01-24 §16; Ord. 96-08; Ord. 85-05 §16).

2.46.160 Duties of the Finance Director.

(Repealed by Ord. 01-24 §17)

2.46.170 Purchasing from City Employees.

A. The purchase of any supplies, materials, equipment, labor or services, including personal, professional, technical and expert services from any city employee, or any business with which a city employee is associated shall be subject to prior written approval by the city manager and approval shall be based upon findings that:

1. The purchase will be at the least cost to the city;

2. The purchase will result in the most efficient method to accomplish the city's purpose;

3. The purchase could not lead to any alleged violations of the personnel rules;

4. The approval of the purchase could not lead to an adverse employer-employee relationship should the contract be unsatisfactorily performed; and

5. All rules adopted by the board have been satisfied.

B. For purposes of this section "any business with which a city employee is associated" means any business for which the employee is a director, officer, owner or employee, or any corporation in which the city employee owns or has owned ten percent or more of any class of stock at any time in the preceding calendar year. (Ord. 01-24 §18; Ord. 96-08)

Note: The Tigard City Council directs the city recorder to file any revisions of Chapter 2.46 with the Washington County Board of Commissioners pursuant to ORS 279.055. ■