



## AGENDA

### MOLALLA CITY COUNCIL WORK SESSION

March 22, 2023

6:00 PM

Molalla Civic Center

315 Kennel Ave, Molalla, OR 97038

*Mayor Scott Keyser*

*Council President Jody Newland  
Councilor Terry Shankle  
Councilor Eric Vermillion*

*Councilor Leota Childress  
Councilor Crystal Robles  
Councilor RaeLynn Botsford*

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*In accordance with House Bill 2560, the City of Molalla adheres to the following practices:  
Live-streaming of the Molalla City Council Meetings are available on Facebook at “Molalla City Council Meetings – LIVE” and “Molalla City Council Meetings” on YouTube.  
Citizens can submit Public Comment in the following ways: attend the meeting, email the City Recorder @ [recorder@cityofmolalla.com](mailto:recorder@cityofmolalla.com) by 4:00pm on the day of the meeting, or drop it off at City Hall, 117 N. Molalla Avenue.*

#### 1. CALL TO ORDER AND ROLL CALL

#### 2. DISCUSSION ITEMS

- A. Public Procurement Policy and Procedure
- B. Civic Center – Color Scheme

#### 3. ADJOURN

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*Agenda posted at City Hall, Library, and the City Website at <http://www.cityofmolalla.com/meetings>. This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855.*



# Familiarization With Public Contracting & Purchasing

March 22, 2023



Mac Corthell, Community Development Director

# Introduction

- In the private sector, organizations are generally free to contract however and with whomever they choose.
- In the public sector, a set of laws and rules governs contracting in order to promote fair competition and transparency.
- Public sector contracts usually consist of the purchase, sale, or lease of goods or services, or contracts for the construction of public improvements.

# The Public Contracting Code

## ORS 279-279C

All public procurement and contracting is subject to the Public Contracting Code

- ORS 279 – Public Contract Miscellaneous Provisions
  - Gutted by 2005 Amendment
  - Focuses on Qualified Rehabilitation Facilities
- ORS 279A – Public Contracting General Provisions
  - Definitions, types of contracts, local rule making authority, etc.
- ORS 279B – Public Contracting Public Procurements
  - Focuses on Procurement of Goods and Services (Excluding Professional Services)
  - Permitted methods of procurement, dollar values corresponding to procurement method, etc.
- ORS 279C – Public Contracting Public Improvements and Related Contracts
  - Focuses on Procurement of Public Improvement Contracts
  - Provisions regarding public works contracts

# Public Contracting Rules

All contracting agencies in Oregon are required to establish, implement, and follow standardized procurement rules.

- ORS 279A.065 gives cities three choices to meet this requirement:
  - Follow the Model Rules adopted by the Oregon Attorney General in OAR Chapter 137, Divisions 46-49; or
  - Prescribe their own rules; or
  - **Prescribe their own rules which include portions of the Model Rules**
- Rules adopted by a contracting agency must still comply with the Public Contracting Code (ORS 279-279C)

# Common Exemptions

## Some contracts are excluded from the Public Contracting Code

- Intergovernmental Agreements
- Grants
- P&S Contracts for Real Property
- Sole-Source Expenditures when rates are set by law/ordinance
- Certain Employee Benefit contracts
- Certain expert witness contracts for potential or existing
- And more – see ORS 279A.025

# Non-Competitive & Alternative Method Procurements

The different non-competitive/alternative contracting methods below allow the contracting agency to purchase/contract under abbreviated or otherwise modified rules.

- Qualified Rehabilitation Facilities
- Cooperative Purchasing Agreements (Joint, Permissive, Interstate)
- Federal Purchasing Programs
- Transfer of Fire Protection Equipment
- **Personal Services Procurements**
  - A class of service contract requiring specialized knowledge
  - May be exempted from ORS 279B if the contracting agency adopts its own rules

# Common Procurements: Goods & Services

1. Goods and Services, ORS 279B & OAR 137-47
  1. Small Procurement - \$10,000 or less
    1. Direct Purchasing
  2. Intermediate Procurement - \$10,000 to \$150,000
    1. Three Bids
  3. Competitive Sealed Bid/Proposal (ITB or RFP) – Over \$150,000
    1. Preparation of RFP, Notice, Disclosure of Records, Evaluation & Award,
  4. Sole Source Procurement – No \$ Limitation
    1. Written Findings approved by Local Contracting Board
  5. Emergency Procurement – No \$ Limitation
    1. Written Findings approved by Local Contracting Board
  6. Special Procurement – No \$ Limitation
    1. Process proposed to and approved by Local Contracting Board
  7. Price Agreements – No \$ Limitation
    1. Set price, no minimum or maximum purchase amount



# Common Procurements: Public Improvements

## Invitation to Bid (ITB)

### Required Contents ORS 279C.365 and OAR 137-049-0200

- A designation for or description of the public improvement project;
- The office where the specifications for the project may be reviewed;
- The date that prequalification applications must be filed and the class or classes of work for which bidders must be prequalified if prequalification is a requirement;
- The date and time after which bids will not be received, which must be at least five days after the date of the last publication of the advertisement, and may, in the sole discretion of the contracting agency, direct or permit bidders to submit and the contracting agency to receive bids by electronic means;
- The name and the title of the person designated to receive bids;
- The date on which and the time and place at which the contracting agency will publicly open the bids;
- A statement that, if the contract is for a public works project subject to prevailing rates of wage, the contracting agency will not receive or consider a bid unless the bid contains a statement by the bidder that the bidder will comply with applicable state and federal prevailing rates of wage;
- A statement that each bid must identify whether the bidder is a resident bidder;
- A statement that the contracting agency may reject a bid that does not comply with prescribed public contracting procedures and requirements and that the contracting agency may reject for good cause all bids after finding that doing so is in the public interest;
- Information addressing whether a contractor or subcontractor must be licensed for asbestos abatement; and
- A statement that the contracting agency may not receive or consider a bid unless the bidder is licensed by the Oregon Construction Contractors Board or the Landscape Contractors Board
- Bids Must Be: In writing; Filed with the person designed by the contracting agency to receive bids; and Opened publicly by the contracting agency immediately after the deadline for submitting bids.

# Common Procurements: Public Improvements

## Invitation to Bid (ITB)

### Advertisement ORS 279C.360

- The public improvement project;
- The office where the specifications for the project may be reviewed;
- The date that prequalification applications must be filed under ORS 279C.430 and the class or classes of work for which bidders must be prequalified if prequalification is a requirement;
- The date and time after which bids will not be received, which must be at least five days after the date of the last publication of the advertisement;
- The name and title of the person designated for receipt of bids;
- The date, time and place that the contracting agency will publicly open the bids; and
- If the contract is for a public works subject to ORS 279C.800 to 279C.870 or the DavisBacon Act (40 U.S.C. 3141 et seq.).

# Common Procurements: Public Improvements

## Invitation to Bid (ITB)

- Addenda, Clarification, & Contract Specific Protests
- Pre-Offer Conference
- First Tier Subcontractor Disclosure & Subcontractor Substitution
- Bid Evaluation
- Negotiations
- Offer Contents
- Mistakes
- Bid and Proposal Security
- Cancellation and Rejection of Offers
- Contract Award
- Contractor Eligibility and Responsibility

# Contract Specifications and Conditions for Public Improvements



# Summary & Conclusion

- In 2005 (Resolution 2005-03) the City of Molalla chose to “Prescribe their own rules which include portions of the Model Rules.”
- The City of Molalla’s rules effectively adopt all of the DOJ Model Rules, with the exception of Personal Service Contracts, Electronic Advertisement of Solicitations, and some sole-source procurements.
- The \$\$\$ limits contained in the City of Molalla’s rules were adopted 18 years ago and have not been updated.
  - For example, the City’s current rules limit small procurements to \$5,000, but the state law has been amended to \$10,000.
- Staff has prepared a resolution that:
  - (1) updates the dollar threshold for small procurements to meet the state statute, and
  - (2) updates the dollar threshold for personal services contracting methods to meet best practices in accordance with the League of Oregon Cities Model Procurement Policy.
- All procurements require approved budget appropriations prior to contracting.



# CITY OF MOLALLA

117 N. Molalla Avenue  
PO Box 248  
Molalla, OR 97038

## Staff Report

### Agenda Category: Work Study

**AGENDA DATE:** March 22, 2023

**From:** Ronda Lee, Planning/PW Support Specialist  
**Approved by:** Mac Corthell, Comm. Dev. Dir.

**SUBJECT:** Color for Civic Center siding

**FISCAL IMPACT:** All color and pattern choices cost the samecost.

**RECOMMENDATION/RECOMMEND MOTION:** Consensus on Siding Color

**BACKGROUND:** The Molalla Civic Center was constructed in 1981 with an addition in 1985. Until 2021 it was used as an Adult Center, operated by a non-profit, and much of the maintenance on the building has been delayed.

When the City re-occupied the building in 2021, a siding assessment was performed by Public Works staff and they noted several areas where water intrusion and years of exposure had rotted out the cedar siding, some areas even had mushrooms growing from between the cracks.

Cedar siding has a typical lifespan of 30 years or longer if properly cared for (i.e. repaint every 3-5 years). The siding on the Civic Center has been in place for some 42 years and has not been regularly painted/properly cared for. The building now has active leaks to the interior that despite best efforts to repair, will require removal and replacement of the existing siding to address. Additionally, there are likely other leaks that have not yet caused the damage necessary to reach the interior of the building, but are causing damage to the sub-structure.

Staff engaged with several siding contractors and has determined that the color fast Hardie siding is the most cost effective and least labor intensive. Recently the color choices for these materials was presented to the Beautification and Culture Committee for a recommendation:

- |      |         |       |         |
|------|---------|-------|---------|
| • #1 | 3 votes | • #6  | 1 vote  |
| • #2 | 3 votes | • #7  | 2 votes |
| • #3 | 4 votes | • #8  | 2 votes |
| • #4 | 2 votes | • #9  | 0 votes |
| • #5 | 1 vote  | • #10 | 1 vote  |





















