

Marion County Housing Authority

Public Contracting Rules

Effective December 12, 2023

PREFACE

Marion County Housing Authority Public Contracting Rules are adopted by the Marion County Housing Authority's Governing Body, operating as the Marion County Housing Authority's local contract review board, pursuant to the authority set forth in ORS Chapters 279, 279A, 279B, and 279C to govern the Marion County Housing Authority's procedures for purchasing, contracting and the competitive process.

The 1999 Oregon Legislature enacted several bills that modified and added provisions to the public contracting laws. House Bill 2024 made it mandatory for all public contracting agencies to follow the Oregon Attorney General's Model Rules of Procedures or opt-out and adopt their own rules. These Model Rules govern procedural matters concerning the preparation, submission, receipt, and award of bids and proposals.

The 2003 Oregon Legislature adopted House Bill 2341, which reorganized and modified the public contracting laws. The revision of the public contracting laws applicable to state and local public procurement became operative March 1, 2005.

In response to the legislative changes, the Oregon Attorney General's Model Rules were revised and filed on September 1, 2004.

The Marion County Housing Authority previously adopted its own public contracting rules, in the form of a Procurement Policy on December 2, 2014.

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Section 10 General Provisions

10-0100 Purpose and Statutory Authority

- (1) These Rules set forth policy and procedure for public contracting for the Marion County Housing Authority. These Rules consist of the following five sections:
- (a) Section 10, which is applicable to all public contracting;
 - (b) Section 20, which describes procedures for public contracting for goods or services, as defined in ORS 279B.005, and for personal services other than architectural, engineering and land surveying services and related services;
 - (c) Section 30, which describes procedures for public contracting for architectural, engineering and land surveying services and related services;
 - (d) Section 40, which describe procedures for public contracting for construction services; and
 - (e) Section 50, which contains other uncategorized rules.
- (2) In the event of conflict between Rules in this Section 10 and Rules in Sections 20, 30 and 40, the Rules in Sections 20, 30 and 40 take precedence over the Rules in this Section 10.
- (3) Except as otherwise expressly provided in ORS 279C.800 through ORS 279C.870, and notwithstanding ORS Chapters 279A, and 279B, and ORS 279C.005 through 279C.670, applicable federal statutes and regulations govern when federal funds are involved if the federal statutes or regulations conflict with any provision of ORS Chapters 279A, and 279B, and ORS 279C.005 through 279C.670 or these rules, or require additional conditions in public contracts not authorized by ORS Chapters 279A, and 279B, and ORS 279C.005 through 279C.670 or these rules.
- (4) The Marion County Housing Authority Governing Body shall serve as the local contract review board for the Marion County Housing Authority.

10-0105 Rules; Exceptions

The public contracting rules for the Marion County Housing Authority shall be the existing public contracting rules for Marion County, as they are amended from time to time, subject to the following exceptions:

- (1) The following definitions shall be changed in or added to section 10-0110 – Definitions/Glossary:

Contract Review Board: The Governing Body of the Marion County Housing Authority.

Housing Authority: The Marion County Housing Authority.

Executive Director: The person appointed by the Governing Body of the Marion County Housing Authority to serve as the Executive Director from time to time.

Governing Body: The group assigned statutory authority over the Marion County Housing Authority.

Public Contract Review Board: The Governing Body of the Marion County Housing Authority serving as the local contract review board (LCRB) pursuant to ORS 279A.060.

- (2) Unless the context requires otherwise, any reference to “the county” or “the soliciting department” in the public contracting rules of Marion County shall be understood to be a reference to the “the Housing Authority” in these rules.

(3) Unless the context requires otherwise, any reference to "Marion County" in the public contracting rules of Marion County shall be understood to be a reference to the Marion County Housing Authority in these rules.

(4) Unless the context requires otherwise, any reference to "the Board" or the "Marion County Board of Commissioners" in the public contracting rules of Marion County shall be understood to be a reference to the Governing Body of the Marion County Housing Authority in these rules.

(5) Unless the context requires otherwise, any reference to the "Chief Administrative Officer," "CAO," "Deputy Chief Administrative Officer," or "DCAO" in the public contracting rules of Marion County shall be understood to be a reference to the Executive Director.

(6) Unless the context requires otherwise, any reference to the "Finance Department" in the public contracting rules of Marion County shall be understood to be a reference to the Marion County Finance Department.

(7) Unless the context requires otherwise, any reference to "Risk Management" in the public contracting rules of Marion County or in these rules shall be understood to be a reference to the Risk Management Division within the Marion County Department of Business Services.

(8) Unless the context requires otherwise, any reference to "Legal Counsel" in the public contracting rules of Marion County or in these rules shall be understood to be a reference to the Marion County Office of Legal Counsel.

(9) Unless the context requires otherwise, any reference to "Business Services Department" in the public contracting rules of Marion County or in these rules shall be understood to be a reference to the Marion County Department of Business Services.

(10) Section 10-0170 is amended to read as follows:

10-0170 Delegation of Authority

(1) This Rule clarifies responsibilities and implements the Code.

(2) The Governing Body may delegate its authority to enter into certain contract(s) as follows:

(A) The Executive Director may authorize contracts and agreements, intergovernmental agreements, memoranda of understanding, grants, grant applications and proposals, reciprocal services, capital purchase agreements, and/or classroom/training opportunities that involve the receipt, expense, or appropriation of \$50,000 or less during the term of the contract. The Executive Director may also authorize contracts that obligate or commit the Housing Authority to a particular lawful activity, course of action or behavior but do not involve the receipt, expense, or appropriation of funds. The Executive Director shall regularly report all authorized contracts to the Governing Body.

(B) If a contract involves the receipt, expense, or appropriation of more than \$50,000 during the term of the contract, then the contract shall be authorized by the Governing Body unless specifically delegated or exempted by Governing Body action.

(3) Only those persons authorized to do so, pursuant to these Rules, may enter into a binding agreement or contract, including a purchase order, for the purchase or sale of goods or services on the part of the Housing Authority.

- (A) The delegated purchase authority for Housing Authority Program Managers is \$2,499.99
- (B) The delegated purchase authority for all other authorized employees is \$249.99

(11) Section 10-0556 is amended to read as follows:

10-0556 Procurement File

The Housing Authority will maintain a procurement file in the contract management system for each procurement made by the Housing Authority. The file must at a minimum, include a solicitation document, contract, amendments thereto, work order, change order, and documentation of communications between county and offeror.

(1) The Executive Director or designee is responsible for maintaining and uploading into the Housing Authority's electronic contract management system all intermediate solicitation files and all contract administration files, and if applicable, all formal solicitation files.

(2) The Executive Director or designee is responsible for maintaining all formal solicitation files and all contracts, intergovernmental agreements and grants executed by the Housing Authority.

(12) Section 20-0265 is amended to read as follows:

20-0265 Small Procurements/Micro Purchases

(a) When the amount of a purchase of goods or services is not more than \$10,000, the county may award a contract in any manner deemed practical or convenient by the county, including direct selection or award. Competitive quotes may be used when feasible.

(b) Personal service contracts pursuant to section 10-335(7)(b) that are not more than \$10,000 may be made as a small procurement/micro purchase and awarded in any manner deemed practical or convenient by the county, including direct selection or award.

(13) Section 50-0200 is amended to read as follows:

50-0200 County Contract Review and Feasibility Determination/Cost Analysis

(1) Generally. Contracts shall be completed, executed and approved, as required by these rules before any contractor or provider shall provide materials or services to the Housing Authority.

(2) Responsibility.

(A) The Executive Director is responsible for the review of all contracts, subcontracts, agreements, grants, leases, amendments, and other documents reflecting Housing Authority commitments.

(B) The Finance Department may assist with the administration of these documents. The Finance Department may provide assistance to the Housing Authority in the development of contracts.

The Housing Authority will be:

- (i) The document custodian throughout the document review process.
- (ii) The central depository for copies of all contracts and will be responsible for helping the public to obtain copies.

(C)The Governing Body may direct Legal Counsel to prepare contracts and documents outside the contract review process for unique and specialized matters.

(3) Procedures.

(A) Contracts with a value of more than \$25,000 will require Legal Counsel review as to form.

(B) Contracts not using and/or meeting standard county indemnification language or requiring additional insurance requirements will require Legal Counsel review.

(C) Contracts not using and/or meeting standard county insurance requirements or requiring additional insurance requirements will require Risk Management review.

(14) Section 50-0500 is amended to read as follows:

50-0500 Surplus Personal Property Disposition

(1) All personal property owned by the Housing Authority and identified as surplus property shall be transferred, sold, or disposed of in accordance with applicable Federal, state, and local laws and regulations.

(a) If the property is declared surplus, the Housing Authority shall arrange for the pickup and disposition of the property.

(b) If the property is to be used as a trade for purchase or acquisition of other personal property, the Executive Director shall provide authorization to do so prior to the purchase or acquisition of new equipment.

(2) No Housing Authority employee directly responsible for the storage, sale or disposition of surplus shall obtain or authorize purchase of said property unless specifically authorized by the Governing Body.

10-0115 Applicability of Marion County Finance Department policies and procedures

Unless the context requires otherwise, all policies, procedures, methods, and controls of the Marion County Finance Department referenced in the public contracting rules of Marion County shall apply to the Housing Authority as if the Housing Authority itself had adopted said policies, procedures, methods, and controls.