

ORDINANCE NO. 891

AN ORDINANCE OF THE CITY OF WILSONVILLE REPEALING AND REPLACING WILSONVILLE CODE SECTIONS 2.310-2.319 REGARDING PUBLIC CONTRACTS.

WHEREAS, Wilsonville Code Sections 2.310 through 2.319 contain rules regarding public contracting activity; and

WHEREAS, City Council has determined that these portions of City Code should be updated and revised; and;

WHEREAS, City Council desires to have public contracting rules that are consistent with state public contracting rules, that are clear and internally coherent, and that provide appropriate safeguards for the City's use of public funds.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Findings. The above-stated recitals and the staff report accompanying this Ordinance are incorporated as the City Council's findings to support the consideration and adoption of this Ordinance.

Section 2. The City Council hereby repeals Wilsonville Code Sections 2.310 through 2.319 regarding public contracts, and adopts the code provisions attached hereto and incorporated by reference as **Exhibit A**.

Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 6th day of May, 2024, and scheduled the second reading on the 20th day of May, 2024 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

ENACTED by the City Council on the 20th day of May, 2024, by the following votes:

Yes: 4 No: 0

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 20th day of May 2024.

DocuSigned by:
[Signature]
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JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Berry	Yes
Councilor Dunwell	Excused
Councilor Linville	Yes

EXHIBIT:

- A. Wilsonville Code Sections 2.308 through 2.312

Exhibit A to Ordinance No. 891

2.308. Short Title

WC 2.308 through 2.312 may be cited as the City of Wilsonville's "City Public Contracting Code."

2.309. Definitions

- (1) "City" or "Wilsonville" means the City of Wilsonville, Oregon.
- (2) "City Council" means the Council of the City of Wilsonville, Oregon.
- (3) "City Manager" means the City of Wilsonville City Manager or designee.
- (4) "Model Rules" means the rules of procedure prepared and maintained by the Oregon Attorney General pursuant to ORS 279A.065, which are currently numbered Divisions 47 through 49 of Chapter 137 of the Oregon Administrative Rules, as may be amended or renumbered from time to time.
- (5) "Oregon Public Contracting Code" means Oregon Revised Statutes chapters 279A, 279B, and 279C. Unless specifically defined below, terms used in the City of Wilsonville's Public Contracting Code shall have the meaning set forth in the Oregon Public Contracting Code.
- (6) "Original Contract Value" means the aggregate project value specifically approved by City Council, or the face value of a contract if no such value is specifically approved by City Council.

2.310. Local Contract Review Board.

- (1) Designation. The Wilsonville City Council is designated as the Local Contract Review Board under the Oregon Public Contracting Code.
- (2) Authority.
 - a. In its capacity as the Local Contract Review Board, the Wilsonville City Council shall have all the powers and authority granted under the Oregon Public Contracting Code, including, but not limited to the power to:
 - i. Require any notice publication beyond what is required under the Oregon Public Procurement Code or Model Rules;
 - ii. Require pre-qualification for persons desiring to bid for public improvement contracts;
 - iii. Grant exemptions from the bid security and performance bond required on contracts for public improvements; or
 - iv. Make alternate arrangements for retainage pursuant to the Oregon Public Contracting Code.
 - b. In its capacity as the Local Contract Review Board, the Wilsonville City Council, from time to time, may delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Model Rules, or the Wilsonville Code.
- (3) Rules of Procedure. In its capacity as the Local Contract Review Board, the Wilsonville City Council is authorized to adopt rules necessary to carry out the City of Wilsonville's Public Contracting Code.
 - a. WC 2.003 will govern proceedings of the Local Contract Review Board, *except that*: (i) the Mayor will serve as the chair of the Local Contract Review Board, and (ii) the chair of the Local Contract Review Board will preside over meetings of the Local Contract Review Board, and in the absence of the chair, the line of succession will be the same as the line of succession that applies to City Council.

- b. A violation of the rules of procedure in WC 2.003 may not be considered a basis for challenging the validity of any decision by the Local Contract Review Board.
- c. Routine business of the Local Contract Review Board may be conducted on the consent agenda of a regularly schedule City Council Meeting.

2.311. Application of State Law.

- (1) The City's Procurement Activities must be conducted in accordance with the rules of procedure set forth in the Oregon Public Contracting Code, Model Rules, the City of Wilsonville's Public Contracting Code, and all City policies and rules.
- (2) In the event of a conflict between any provision of the Model Rules and the City of Wilsonville's Public Contracting Code, the provisions of the City of Wilsonville's Public Contracting Code shall control.

2.312. Administrative Authority.

- (1) City Manager. The City Manager is authorized to engage in the following Procurement activity without City Council's prior approval:
 - a. Approve any Public Contracting activity, including change orders or contract amendments, notwithstanding Section 2.312(1)(c), so long as: (i) the aggregate value (i.e., the face value of a contract plus the value of any proposed change orders or contract amendments) does not exceed \$250,000; and, (ii) the expenditure is within a budget that has been approved by City Council;
 - b. Approve any Procurement activity that is not a Public Contract so long as: (i) the aggregate consideration to be paid by any party under the contract or agreement does not exceed \$100,000; and (ii) any expenditure to be incurred by the City is within a budget that has been approved by City Council;
 - c. Execute one or more change order or contract amendment that: (i) is reasonably related to the scope of work under the original contract, (ii) together have an aggregate value not exceeding 25 percent of the Original Contract Value, and (iii) the related expenditure is within the project budget that has been approved by City Council;
 - d. Extend or renew a contract so long as the total contract value, after the renewal term, does not exceed the amount stated in Sections 2.312(1)(a) or 2.312(1)(b), or, if amended, the amount stated in Section 2.312(1)(c), so long as the related expenditure is within the project budget that has been approved by City Council;
 - e. Adopt forms, procedures, and administrative policies applicable to City Procurement or Public Contracting activities; or,
 - f. The City Manager may delegate the City Manager's powers and responsibilities consistent with the Oregon Public Contracting Code, the Model Rules, or the Wilsonville Code.
- (2) Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, and Land Surveying Services. Procurement of architectural, engineering, photogrammetric mapping, transportation planning, and land surveying services, and/or related services requires the following approval:
 - a. A contract with a value of less than or equal to \$150,000 requires the prior approval of the Community Development Director, and
 - b. A contract with a value of between \$150,000.01 and \$250,000 requires the prior approval of the City Manager.