

PORT OF HOOD RIVER

RESOLUTION NO. 2000-01-5

ESTABLISHING RULES OF PROCEDURE  
FOR PUBLIC CONTRACTS AND  
PERSONAL SERVICES CONTRACTS

WHEREAS, by Resolution No. 1984-85-1 the Port of Hood River ("Port") designated itself as the Port Local Contract Review Board and;

WHEREAS, under ORS 279.049 the Port has been subject to the State of Oregon Attorney General's Model Public Contract Rules governing procedure for matters involving public contracts and personal services contracts; and,

WHEREAS, the Port wishes to establish its own rules of procedure for Port public contracts and its own rules governing Port personal services contracts under ORS 279.049(5);

THEREFORE, IT IS RESOLVED THAT:

1. The model rules adopted by the Oregon Attorney General under ORS 279.049(1) and (2) shall not apply to the Port because the Port elects to establish its own rules of procedure for public contracts and for personal services contracts.

2. Notwithstanding the language in Section 1. of this Resolution, Oregon Attorney General's Model Public Contract Rules, Division 30, "Public Procurement Rules", OAR 137-030.000 through OAR 137-040-0590, are adopted in their entirety, and shall govern Port public contracts procedure.

3. Personal services contracts, as defined hereafter, entered into by the Port will be governed by the following procedures for the screening and selection of persons to perform personal services:

A. Personal Services Contracts Definition:

A contract for "personal services" is a contract that calls for specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.

Personal services contracts may include, but are not limited to, the following:

(a) contracts for services performed in a professional capacity including services of an accountant, attorney, insurance agent of record, physician or dentist, information technology consultant, environmental consultant, or broadcaster;

(b) contracts for services as an artist, photographer, film maker, weaver, or sculptor;

(c) contracts for services that are specialized, creative and research oriented;

(d) contracts for services as a consultant;

(e) contracts for educational services.

Personal service contracts include those contracts which the Port has legal authority to consider as personal services contracts under the provisions of ORS 279.051.

B. Screening and Selection Procedures for Personal Services Contract.

The Port may select a person, firm or group to perform a personal services contract on the basis of availability, cost or qualifications to perform the type of service required, or a combination of those factors, in the Port's discretion. When entering into a personal services contract the Port shall describe the scope of work, work schedule, and cost parameters. Screening and selection procedures may include a consideration of the following factors:

(a) specialized experience, capabilities or technical competence available to meet project requirements;

(b) resources available to perform the work, including any specialized services, within the applicable time limit;

(c) record of past performance, including but not limited to price and cost experience from previous projects, quality of work, ability to meet schedules, cost control and contract administration;

(d) availability to perform the work in a timely manner;

(e) familiarity with the project locale;

(f) proposed project management techniques.

The Port may select an individual, firm or group satisfactory to the Port without considering more than one personal services contract provider, in the Port's discretion. In such case, the compensation level paid must be reasonable and fair to the Port, as determined solely by the Port.

Notwithstanding the language in Section 1. of this Resolution, the Port may use, but shall not be required to use, the selection procedure set forth in the Oregon Attorney General's Model Public Rules, Division 35, OAR 137-035-000 through OAR 137-035-0090, to select a personal services contract provider on a competitive basis. The Port may utilize parts or all of such selection procedures in the Port's discretion, and irrespective of the estimated costs of the personal services contract which will be entered into. If the informal selection procedure (OAR 137-035-0050) is utilized, solicitations may be sent to two or more personal services providers, notwithstanding other language in OAR 137-035-0050(2).

If competitive proposals are received for personal services contracts, qualifications to perform the contract shall be of primary importance. If the Port determines that the services offered by two or more individuals or firms are equally able to meet the Port's needs and are of equal value, the Port should award the contract to the individual or firm offering the service at the lowest price.

If a competitive solicitation process for personal services contracts is utilized and the Port references the protest procedures set forth in OAR 137-035-0070 in the solicitation document, the protest procedures and time limits of OAR 137-035-0070 shall apply to protests.

ADOPTED: January 9, 2001.

PORT OF HOOD RIVER COMMISSION



Nancy Moller,  
Port Commission President

c:\porthr\contract.res/ks