

**PORT OF HOOD RIVER
RESOLUTION NO. 2015-16-7**

A resolution amending Exhibit A of Port of Hood River Resolution No. 2005-06-1. A copy of the first page of Resolution No. 2005-06-1 is attached hereto, titled "Adopting Public Contracting Rules and Rules of Procedure for Public Contracting."

WHEREAS, the Oregon Legislature and Department of Justice have made amendments to the Public Contracting Code and Model Rules since 2005 and the Port of Hood River ("Port") wishes to make the following modifications to Exhibit A of Port of Hood River Resolution No. 2005-06-1;

NOW, THEREFORE, BE IT RESOLVED:

Exhibit A of Port of Hood River Resolution No. 2005-06-1 shall be stricken and the following Exhibit A inserted in its place, as part of Resolution No. 2005-06-1:

Exhibit A

Section 1. Public Contracting Rules for the Port of Hood River ("Port")

1.1 General Provisions. Except as otherwise provided by these Rules, the powers and duties of the Port Commission as Contract Review Board ("Board" or "Commission") will be exercised by the Board and the powers and duties given or assigned to contracting agencies by Oregon statute or the Attorney General's Model Rules will be exercised by the Port Executive Director acting as the Port's agent, or the Executive Director's designee. In some cases the Executive Director may refer a decision on a particular contract to the Commission for approval, in the Executive Director's discretion. For the purpose of these rules, the Executive Director shall mean the Port Executive Director, or the Executive Director's designee.

1.2 Surplus Property.

- a. General Methods. Surplus property may be disposed of by the Executive Director by any of the following methods upon a determination by the Executive Director that the method of disposal is in the best interest of the Port. Factors that may be considered by the Executive Director include costs of sale, administrative costs, and public benefits to the Port. The Executive Director shall maintain a record of the reason for the disposal method selected, and the manner of disposal, including the name of the person to whom the surplus property was transferred. Methods of disposal of surplus property shall include:
 - b. Governments. Without competition, by transfer or sale to another public agency.
 - c. Auction. By publicly advertised auction to the highest bidder.

- d. Bids. By public advertised invitation to bid.
- e. Liquidation Sale. By liquidation sale using a commercially recognized third-party liquidator selected in accordance with rules for the award of personal services contracts or using Port staff.
- f. Fixed Price Sale. The Executive Director may establish a selling price based upon an independent appraisal or published schedule of values generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.
- g. Trade-In. By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.
- h. Donation. By donation to any organization operating within or providing a service to residents of the Port which is recognized by the Internal Revenue Service as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- i. Minimal Value. Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds may be disposed of by any means determined to be cost-effective, including by disposal as waste. The official making the disposal shall make a record of the estimated value of the item and the manner of disposal.
- j. Restriction on Sale to Port Employees. Port employees shall not be restricted from competing, as members of the public, for the purchase of publicly sold surplus property, but shall not be permitted to offer to purchase property to be sold to the first qualifying bidder until at least three days after the first date on which notice of the sale is first publicly advertised.
- k. Conveyance to Purchaser. Upon the consummation of a sale of surplus personal property, the Port shall make, execute and deliver, a bill of sale signed on behalf of the Port, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.

The foregoing notwithstanding, if the Executive Director or Port Commission negotiates with one or more private or public entities to arrange for the use, operation, maintenance or ultimate lawful disposition of personal property owned or controlled by the Port, before approving a contract, agreement or cooperative arrangement, the Port Commission shall make a finding that the contract, agreement or arrangement will promote the economic development of the Port, the Port District or another public body that performs functions similar to Port functions, as provided in ORS 279A.185(2).

1.3 Contracts Subject to Award at General Manager’s Discretion.

The following classes of contracts may be awarded by the Executive Director in any manner which the Executive Director deems appropriate to the Port’s needs, including, but not limited to, by direct appointment, purchase, private negotiation, from a qualified pool, or using a competitive process. Except where otherwise provided the

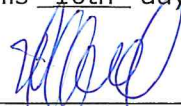
Executive Director shall make a record of the method of award.

- a. Concession Agreements. Contracts for concessions.
- b. Advertising. Contracts for the placing of notice or advertisements in any medium.
- c. Amendments. Contract amendments shall not be considered to be separate contracts if made in accordance with Port Public Contracting Rules, the Public Contracting Code or Model Rules.
- d. Copyrighted Materials; Library Materials. Contracts for the acquisition of materials entitled to copyright, including, but not limited to works of art and design, literature and music, or materials even if not entitled to copyright.
- e. Equipment Repair. Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.
- f. Government Regulated Items. Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.
- g. Non-owned Property. Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the Port.
- h. Specialty Goods for Resale. Contracts for the purchase of specialty goods by Port for resale to consumers.
- i. Sponsor Agreements. Sponsoring agreements, under which the Port receives a gift or donation in exchange for recognition of the donor.
- j. Structures. Contracts for the disposal of structures located on Port-owned property.
- k. Temporary Extensions or Renewals. Contracts for a single period of one year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract, other than a contract for public improvements.
- l. Used Property. The Port, for procurements up to \$10,000, upon receiving prior Commission approval, may contract for the purchase of used property by negotiation if such property is suitable for the Port's needs and can be purchased for a lower cost than substantially similar new property. For this purpose the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the Port. The Executive Director shall record the findings that support the purchase.
- l. Utilities. Contracts for the purchase of steam, power, heat, water, telecommunications services, and other utilities
- m. Insurance Contracts. Contract with insurance brokers or directly with insurance companies

ADOPTED BY THE BOARD OF COMMISSIONERS this 10th day of May, 2016.



Brian Shortt, President



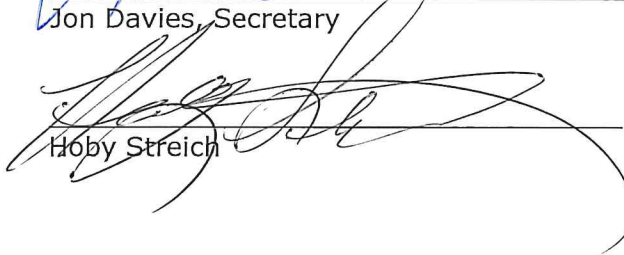
Fred Duckwall, Vice President



Jon Davies, Secretary



Richard McBride, Treasurer



Hoby Streich

**PORT OF HOOD RIVER
RESOLUTION NO. 2005-06-1**

Adopting Public Contracting Rules and Rules Of Procedure For Public Contracting

WHEREAS, the Port of Hood River ("Port") is an Oregon special district which is subject to Oregon's public contracting rules; and

WHEREAS, in 2003 the Oregon Legislature substantially revised the Oregon Public Contracting Code ("Public Contracting Code"), and most of these revisions took effect March 1, 2005; and

WHEREAS, after March 1, 2005, the Port's prior public contracting rules became void, and the Port may adopt new public contracting rules consistent with the revised Public Contracting Code; and

WHEREAS, ORS 279A.065(5) provides that a local contracting agency may adopt its own rules of procedure for public contracts that:

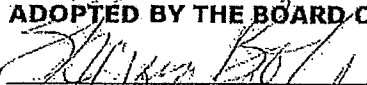
(A) Specifically state that the model rules adopted by the Attorney General do not apply to the contracting agency; and

(B) Prescribe the rules of procedure that the contracting agency will use for public contracts, which may include portions of the model rules adopted by the Attorney General;

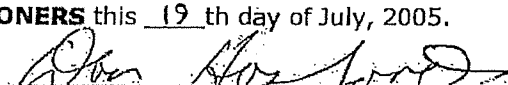
NOW, THEREFORE, BE IT RESOLVED:

1. That, except as otherwise provided herein, the Port hereby adopts the provisions of ORS 279A, 279B, and 279C (Public Contracting Code), and the Oregon Attorney General's Model Public Contracting Rules ("Model Rules") as the contracting rules for the Port, as such Model Rules and Public Contracting Code now exist or are later modified.
2. That the Port affirmatively adopts the public contracting rules described in Exhibit A, and the findings described in Exhibit B, which are attached to this Resolution and incorporated herein by reference. The Rules described in Exhibit A shall be in addition to, and shall supersede any conflicting provisions in the Model Rules unless a provision violates the Public Contracting Code.
3. That the Port shall regularly review changes in the Public Contracting Code and the Model Rules to ensure that the Rules adopted in Exhibit A are consistent with current law.

ADOPTED BY THE BOARD OF COMMISSIONERS this 19 th day of July, 2005.



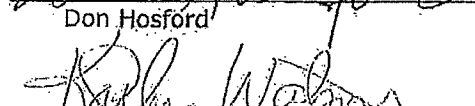
Sherry Bonn




Don Hosford



Fred Duckwall



Kathy Watson



Hobby Streich