

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of Amending the Yamhill
County Public Contracting Rules; Adopting
Findings in Support of New Class Special
Procurements; Approving Contract Signing
Authority; and Setting the Effective Date

ORDINANCE 927

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on June 22, 2023, Commissioners Lindsay Berschauer, Kit Johnston, and Mary Starrett being present.

THE BOARD ADOPTS THE FOLLOWING FINDINGS:

- A. WHEREAS, On February 16, 2023, the Board adopted Ordinance 924, which set forth the Yamhill County Public Contracting Rules (YCR) in compliance with ORS Chapters 279A, 279B, and 279C; and
- B. WHEREAS, The Board may exempt Class Special Procurements from the YCR under the authority granted to it under ORS 279B.085 if it first adopts findings that demonstrate that the exemptions:
 - 1) Are unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
 - 2) Are either:
 - a. Reasonably expected to result in substantial cost savings to the County or to the public; or
 - b. Otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with requirements of ORS 279A, 279B, 279C, and the Yamhill County Public Contracting Rules; and
- C. WHEREAS, The Board now wishes to exempt from the Yamhill County Public Contracting Rules the following Class Special Procurements:
 - 1) Background Investigators for the Sheriff's Office;
 - 2) Workplace Investigators for the County's Human Resources; and
 - 3) Ballots, Ballot Pages, and Ballot Cards, or Other Equipment, Supplies, and Materials Necessary to Conduct Elections; and
- D. WHEREAS, Pursuant to ORS 279B.085(5), the County provided public notice in the News Register of the Board's intent to approve the new class special procurements as provided in Exhibit A, attached hereto and incorporated herein; and

- E. WHEREAS, Departments will occasionally enter into Student Affiliation Agreements with both public and private universities and colleges for the purpose of providing educational opportunities for students and allowing them to gain experience in a clinical setting or an internship program provided by the County; and
- F. WHEREAS, The Board wishes to grant signing authority for all Student Affiliation Agreements, as defined in Exhibit B, directly to the Department heads to provide greater efficiency of process; and now, therefore

THE BOARD ORDAINS AS FOLLOWS:

Section 1. Amendment of Yamhill County Public Contracting Rules. The Yamhill County Public Contracting Rules (Ordinance 924) are hereby amended as provided in Exhibit B, attached hereto and incorporated herein, pursuant to the authority granted under ORS 279A.065(6)(a)(B).

Section 2. Findings for Exempt Contracts. The Board adopts the findings provided in Exhibit C, attached hereto and incorporated herein, in support of certain class exemptions identified in YCR 047-0285.

Section 3. Severability. Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 4. Emergency Clause; Effective Date. Pursuant to the provisions of ORS 203.045(4)-(9), an emergency has been declared to exist. This Ordinance shall therefore become effective immediately upon passage.

DATED this 22 day of June, 2023, at McMinnville, Oregon.

YAMHILL COUNTY BOARD OF COMMISSIONERS

ATTEST

KERI HINTON
County Clerk

By: 
Deputy CAROLINA ROOK

FORM APPROVED BY:


JODI GOLLEHON
Assistant Yamhill County Counsel


Chair LINDSAY BERSCHAUER


Commissioner KIT JOHNSTON


Commissioner MARY STARRETT

AYE NAY

X

X

X

Accepted by Yamhill County
Board of Commissioners on
6.22.23 by Board Order
B.O. 23-231

EXHIBIT A

YAMHILL COUNTY

PUBLIC NOTICE OF CLASS SPECIAL PROCUREMENT

NOTICE IS HEREBY GIVEN that Yamhill County intends to approve and otherwise exempt the following types of contracts as "Class Special Procurements" under the Yamhill County Public Contracting Rules: 1) Background Investigators for the Yamhill County Sheriff's Office; 2) Workplace Investigators for the County's Human Resources Department; and 3) Ballots, ballot pages, and ballot cards, and/or other equipment, supplies, and materials necessary to conduct elections.

The purpose of this notice is to provide information to the public and to invite interested persons an opportunity to submit written comment within seven days of the date of this public notice. A protest of the County's intent to deem these types of contracts to be "Class Special Procurements" must be provided in writing and include a detailed statement of the legal and factual grounds for the protest, a description of the resulting harm to the Affected Person, and the relief requested. Written protests must be delivered to the Yamhill County Counsel's Office no later than June 21, 2023 by 4:00 p.m. Written protests received after the closing date and time are late and will not be considered. Postmarks, facsimiles, and electronic protests will NOT be considered. Protests must be submitted in writing to the Yamhill County Counsel's Office, Attn: Jodi Gollehon, 535 NE Fifth Street, McMinnville, OR 97128. This notice is given in accordance with provisions of the Yamhill County Public Contracting Rules 047-0285, Oregon Revised Statutes 279B.085, and Oregon Administrative Rules 137-047-0285.

PUBLISHED IN THE NEWS REGISTER ON JUNE 13, 2023.

Exhibit
A

EXHIBIT B

AMENDMENTS TO THE YAMHILL COUNTY PUBLIC CONTRACTING RULES

The Yamhill County Public Contracting Rules shall be amended as follows (stricken indicates deleted language, bold and underline indicates new language). Except as otherwise identified herein, all other Yamhill County Public Contracting Rules shall remain unchanged and in full force and effect.

YCR 046-0100 Content and General Application; Federal Law Supremacy

(1) The Yamhill County Public Contracting Rules (YCR) are rules of procedure for Public Contracting as required and authorized under ORS 279A.065 and ORS 279A.070 and consist of the following four divisions:

- (a) Division 046, which is applicable to all Public Contracting;
- (b) Division 047, which describes procedures for Public Contracting for Goods, Services, and Personal Services other than Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, and Related Services;
- (c) Division 048, which describes procedures for Public Contracting for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, and Related Services; and
- (d) Division 049, which describes procedures for Public Contracting for Construction Services.

(2) In the event of conflict between rules in Division 046 and rules in Divisions 047, 048 and 049, the rules in Divisions 047, 048 and 049 take precedence over the rules in Division 046.

(3) Except as otherwise expressly provided in ORS 279C.800 through ORS 279C.870 (Prevailing Wage Rate), and notwithstanding ORS Chapters 279A, 279B, and ORS 279C.005 through 279C.670, applicable federal statutes and regulations govern when federal funds are involved, regardless of whether the federal statutes or regulations conflict with any provision of ORS Chapters 279A, 279B, and ORS 279C.005 through 279C.670 or the YCR or require additional conditions in Public Contracts.

STAT. AUTH.: ORS 279A.065

STATS. IMPLEMENTED: ORS 279A.030 & ORS 279A.065

[ADOPTED BY ORDINANCE NO. 924, ENACTED 5/17/23]

YCR 046-0110 Definitions

Unless the context of a specifically applicable definition in the Public Contracting Code requires otherwise, capitalized terms used in YCR will have the meaning set forth in the division of the YCR in which they appear, and if not defined there, the meaning set forth in YCR Division 046, and if not defined in YCR Division 046, the meaning set forth in the Public Contracting Code. The following terms, when capitalized in the YCR, shall have the meaning set forth below:

- (1) **“Addendum”** or **“Addenda”** means an addition to, deletion from, a material change in, or general interest explanation of a Solicitation Document.
- (2) **“Administering Contracting Agency”** has the meaning set forth in ORS 279A.200(1)(a) and for Interstate Cooperative Procurements includes the entities specified in ORS 279A.220(4). For purposes of the YCR, “Administering Contracting Agency” may also mean Yamhill County.
- (3) **“Amendment”** means a written modification to a contract or agreement, other than a Change Order or Task Order, that is reasonably related to the scope of the original Procurement and requires the mutual agreement between the County and the Contractor.
- (4) **“Award”** means, as the context requires, identifying the Person with whom the County intends to enter into a Public Contract following the resolution of any protest of the County’s selection of that Person and the completion

of all Contract negotiations. The award of a Contract is not binding on the County nor considered acceptance until the Contract is executed and delivered by the County.

(5) **"Bid"** means a Written Offer to an Invitation to Bid.

(6) **"Bidder"** means Person that submits a Bid.

(7) **"Board"** means the Yamhill County Board of Commissioners.

(8) **"Change Order"** means a Written order, signed by an authorized County representative, directed to the Contractor that requires a change in the Work within the general scope of the original Contract, adjusts the Contract Price, and/or alters the completion date of a Public Improvement Contract.

(9) **"Closing"** means the date and time announced in a Solicitation Document as the deadline for submitting Offers.

(10) **"Code"** or **"Public Contracting Code"** means ORS Chapters 279A, 279B and 279C.

(11) **"Competitive Range"** means the Proposers with whom the County intends to conduct discussions or negotiations with if the County intends to conduct discussions or negotiations in accordance with YCR 047-0267 or YCR 049-0650. The size of the Competitive Range will be stated in the Solicitation Document. The size of the Competitive Range will be decreased if the number of Proposers that submit Proposals is less than the specified number and may be increased by the County in accordance with YCR 047-0262 or 049-0650.

(12)

(13) **"Construction Services"** means the services provided under a Public Improvement Contract.

(14) **"Contract"** or **"Public Contract"** has the meaning set forth in ORS 279A.010. "Contracts" also includes Purchase Orders.

(15) **"Contract Price"** means, as the context requires, (i) the maximum monetary obligations that the County either will or may incur under a Contract, including bonuses, incentives, and contingency amounts, if the Contractor fully performs under the Contract, (ii) the maximum not-to-exceed total cost specified in the Contract, or (iii) the unit prices for Goods or Services or Personal Services as set forth in the Contract.

(16) **"Contract Review Authority"** means the Yamhill County Board of Commissioners or its delegatee as otherwise provided under law.

(17) **"Contracting agency"** has the meaning set forth in ORS 279A.010(b). For the purposes of the YCR, "contracting agency" may also mean Yamhill County.

(18) **"Contractor"** means the Person, including a Consultant as defined in YCR 048-0110(2), with whom the County enters into a Contract.

(19) **"County"** means Yamhill County.

(20) **"Cooperative Procurement"** means a Procurement conducted on behalf of more than one governmental body.

(21) **"Cooperative Procurement Group"** means a group of governmental bodies joined through an intergovernmental agreement for the purpose of facilitating cooperative procurements.

(22) **"Days"** means calendar days.

(23) **"Debar"** or **"Debarment"** means the disqualification of a Person from consideration for Award of a Public Contract.

(24) **"Descriptive Literature"** means the materials submitted in response to a Solicitation Document to provide additional information concerning an Offer or Bid.

(25) **"Disqualification"** means a disqualification, suspension, or Debarment pursuant to ORS 200.065, 200.075, 279A.110, 279B.130, 279C.440, and/or these rules.

(26) **"Electronic Advertisement"** means the County's Solicitation Document, Request for Quotes, request for information, or other document inviting participation in the County's Procurements available over the Internet via: (a) the World Wide Web or some other Internet protocol; or (b) the County's Electronic Procurement System.

- (27) **“Electronic Offer”** means a response to the County’s Solicitation Document or Request for Quotes submitted to the County via: (a) email; (b) the World Wide Web or some other Internet protocol; or c) through the County’s Electronic Procurement System.
- (28) **“Electronic Procurement”** means the use of an Electronic Procurement System to conduct a Procurement.
- (29) **“Electronic Procurement System”** means an information system that Persons may access through the Internet using the World Wide Web or some other Internet protocol, or that Persons may otherwise remotely access using a computer, that enables Persons to send Electronic Offers and the County to post Electronic Advertisements, receive Electronic Offers, and conduct other activities related to a Procurement.
- (30) **“Emergency”** means circumstances that create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety, and require the prompt execution of a Contract to remedy the condition.
- (31) **“Goods”** has the meaning set forth in 279A.010(I)
- (32) **“Goods and Services”** or **“Goods or Services”** means any combination of Goods and/or Services.
- (33) **“Intermediate Procurement”** has the meaning as set forth in either YCR 047-0257 or YCR 049-0160.
- (34) **“Interstate Cooperative Procurement”** means a Permissive Cooperative Procurement in which one or more of the participating governmental bodies are located outside the state of Oregon.
- (35) **“Intergovernmental Agreement”** means an agreement formed under ORS 190.010.
- (36) **“Invitation to Bid”** or **“ITB”** means the Solicitation Document issued to invite Bids from prospective Contractors in accordance with either ORS 279B.055 or 279C.335.
- (37) **“Joint Cooperative Procurement”** means a Cooperative Procurement in which the County is identified in the Solicitation Document as a participating governmental body, and the County’s contract requirements, or estimated contract requirements, are included in the Solicitation Document.
- (38) **“Model Rules”** means the Attorney General’s model rules of procedure for Public Contracting as required under ORS 279A.065, which are set forth in OAR Chapter 137, Divisions 046, 047, 048 and 049.
- (39) **“Nonresident Bidder”** has the meaning as set forth in ORS 279A.120(a).
- (40) **“Offer”** means a Written offer submitted in response to a Solicitation Document.
- (41) **“Offeror”** means a Person who submits an Offer.
- (42) **“Opening”** means the date, time and place specified in the Solicitation Document for the public opening of Offers or Bids.
- (43) **“Permissive Cooperative Procurement”** means a Cooperative Procurement in which the County was not identified in the Solicitation Document as a participating governmental body.
- (44) **“Person”** means any of the following with legal capacity to enter into a Contract: individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.
- (45) **“Personal Services”** means the services or type of services performed under a Personal Services Contract.
- (46) **“Personal Services Contract”** or **“Contract for Personal Services”** means a contract or member of a class of contracts, other than a contract for the services of an Architect, Engineer, Land Surveyor, or Provider of Related Services (as defined in YCR 048-0110), that predominantly requires specialized skills, knowledge, and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic, or management discretion or judgment, and that the Board has designated as a Personal Services pursuant to ORS 279A.055. See YCR 047-910 for a full list of those services designated to be Personal Services.
- (47) **“Procurement”** has the meaning as set forth in ORS 279A.010(1)(w).
- (48) **“Product Sample”** means the exact Goods, or a representative portion of the Goods, offered in an Offer, or the Goods requested in the Solicitation Document as a sample. Unless otherwise provided in the Solicitation Document, the Product Sample shall be the exact product, or a representative portion of that product, offered by the Offeror.
- (49) **“Proposal”** means a Written response to a Request for Proposals.

- (50) **"Proposer"** means a Person that submits a Proposal.
- (51) **"Public Contracting"** means Procurement activities described in the Public Contracting Code and the YCR relating to obtaining, modifying or administering public contracts or price agreements.
- (52) **"Public Improvement"** has the meaning as set forth in YCR 049-0120(11).
- (53) **"Purchase Order"** means a Written order, produced by the County Accounting system and signed by an authorized County representative, directed to a Contractor, committing the County to purchase specific Goods or Services.
- (54) **"Recycled Materials"** means recycled paper (as defined in ORS 279A.010(1)(gg)), recycled PETE products (as defined in ORS 279A.010(1)(hh)), and other recycled plastic resin products and recycled products (as defined in ORS 279A.010(1)(ii)).
- (55) **"Request for Proposals"** or **"RFP"** means the Solicitation Document issued to invite Proposals in accordance with ORS.279B.060, 279C.110, 279C.337, or 279C.400.
- (56) **"Request for Qualifications"** or **"RFQ"** means a Written document issued by the County to which Contractors respond in Writing by describing their experience with and qualifications for the Services, Personal Services, or Architectural, Engineering or Land Surveying Services, or Related Services (as defined in YCR 048-0110), described in the document.
- (57) **"Request for Quotes"** means a Written or oral request for prices, rates, or other conditions under which a potential Contractor would provide Goods or perform Services, Personal Services or Public Improvements described in the request.
- (58) **"Responsible Offeror"** (also, **"Responsible Bidder"** or **"Responsible Proposer"**, as applicable) means a Person that has submitted an Offer and meets the standards set forth in YCR 047-0500 or YCR 049-0390(2), and that has not been debarred or disqualified by the County under YCR 047-0575 or YCR 049-0370. When used alone, "Responsible" or "Responsibility" means meeting the aforementioned standards.
- (59) **"Responsive Offer"** (also, **"Responsive Bid"** or **"Responsive Proposal"**, as applicable) means an Offer that substantially complies in all material respects with applicable solicitation requirements. When used alone, "Responsive" means having the characteristic of substantially complying in all material respects with applicable solicitation requirements.
- (60) **"Signed"** or **"Signature"** or **"Signing"** means any mark, word or symbol attached to or logically associated with a document and executed or adopted by a Person with the intent to be bound.
- (61) **"Services"** mean services, other than Personal Services as so designated under YCR 047-0910 or A&E Consultant services as defined in YCR 048-0110.
- (62) **"Solicitation Document"** means a Request for Quotes, an Invitation to Bid, Request for Proposals or other document issued to invite Offers from prospective Contractors pursuant to ORS Chapter 279B or ORS Chapter 279C. The following are not Solicitation Documents unless they invite Offers from prospective Contractors: a Request for Qualifications, a prequalification of bidders, a request for information, a Sole-source Procurement notice, an approval of a Special Procurement, or a request for product prequalification. A project-specific selection document under a Price Agreement that has resulted from a previous Solicitation Document is not itself a Solicitation Document.
- (63) **"Specification"** means any description of the physical or functional characteristics, or of the nature of, Goods, Services, Personal Services, or Public Improvement, including any requirement for inspecting, testing or preparing a Goods, Services, Personal Services, or Public Improvement for delivery and the quantities or qualities of materials to be furnished under a Contract. Specifications generally will state the result to be obtained and may, on occasion, describe the method and manner of doing the Work to be performed.
- (64) **"Student Affiliation Agreement" means an agreement between the County and an educational institution for the purpose of providing an opportunity for students to gain experience in a clinical setting or an internship program as provided by the County.**

(65) “**Task Order**” means a Written order, signed by an authorized County representative, issued to a Consultant under a Price Agreement established pursuant to YCR 048-0270 that sets forth the agreed-upon scope of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services to be provided by the Consultant, in addition to the not-to-exceed price, hourly rates, and any additional terms and conditions required for an individual project.

(66) “**Work**” means the furnishing of all materials, equipment, labor, and incidentals necessary to successfully complete any individual item in a Contract and successful completion of all duties and obligations imposed by the Contract.

(67) “**Written**” or “**Writing**” means letters, characters and symbols inscribed on paper by hand, print, type or other method of impression, intended to represent or convey particular ideas or meanings. “Writing,” when required or permitted by law, or required or permitted in a Solicitation Document, also means letters, characters and symbols made in electronic form and intended to represent or convey particular ideas or meanings. It also includes electronic transmissions or facsimile documents when required by applicable law or permitted by a Solicitation Document or Contract.

(68) “**Yamhill County Public Contracting Rules**” or “**YCR**” means the rules of procedure for Contracting established for Yamhill County by the Yamhill County Board of Commissioners which are set forth herein.

STAT. AUTH.: ORS 279A.065

STATS. IMPLEMENTED: ORS 279A.065

[ADOPTED BY ORDINANCE NO. 924, ENACTED 5/17/23; **AMENDED BY ORDINANCE NO. XXX, ENACTED XX/XX/XX**]

...

YCR 046-0520 Contract Signing Authority

(1) Contract Price not-to-exceed \$10,000. A Contract committing the County to expend less than \$10,000 may be executed by a County department head without prior Board approval if the following conditions are satisfied:

- (a) Funding for the Contract is contained in the department’s approved budget for the fiscal year in which the Contract is executed, and the expected expenditure is to be made;
- (b) County Counsel has approved the Contract as to form, if any; and
- (c) All Procurement rules and procedures required hereunder have been complied with.

(2) Contract Price between \$10,000 and \$100,000. A Contract committing the County to expend between \$10,000 and \$100,000 may be approved by the County Administrator without prior Board approval so long as County Counsel first approves the Contract as to form and all Procurement rules and procedures required hereunder have been complied with.

(3) Contract Price exceeding \$100,000. A Contract committing the County to expend \$100,000 or more shall be approved by the Board prior to execution. Where permitted, County Counsel shall approve the Contract as to form. All Procurement rules and procedures required hereunder have been complied with.

(4) Intergovernmental Agreements. All Intergovernmental Agreements, and any Amendments thereto, shall be approved by the Board prior to execution.

(5) Student Affiliation Agreements. All Student Affiliation Agreements, and any Amendments thereto, may be executed by a County department head without prior Board approval if County Counsel has approved the agreement as to form.

STAT. AUTH.: ORS 279A.065

STATS. IMPLEMENTED: ORS 279A.065

[ADOPTED BY ORDINANCE NO. 924, ENACTED 5/17/23; **AMENDED BY ORDINANCE NO. XXX, ENACTED XX/XX/XX**]

...

YCR 047-0285 Special Procurements

(1) Generally. The County may Award a Contract or class of Contracts as a Special Procurement pursuant to the requirements of ORS 279B.085.

(2) Authorization of a Special Procurement. Special Procurements may be authorized by the Board in the following manner:

(a) The Board receives a Written request for a Special Procurement that describes the proposed contracting procedure, the goods or services or class of goods or services to be acquired through the Special Procurement, and the circumstances that justify the use of a Special Procurement; and

(b) The Board finds that the Special Procurement requested will:

(A) Not encourage favoritism in the awarding of Public Contracts or substantially diminish competition for Public Contracts; and

(B) Result in substantial cost savings to the County or to the public; or

(C) Otherwise substantially promote the public interest in a manner that could not be practicably realized by complying with ORS 279B.065, 279B.060, 279B.065 or 279B.070 or the YCR.

(3) Public Notice. The County shall give public notice of the County's approval of a Special Procurement in the same manner as public notice of competitive sealed Bids under ORS 279B.055(4) and YCR 047-0300. The public notice shall describe the Goods or Services or class of Goods or Services to be acquired through the Special Procurement. The County shall give Affected Persons at least seven (7) days from the date of the notice of approval of the Special Procurement to protest the Special Procurement.

(4) Protest. An Affected Person may protest the request for approval of a Special Procurement in accordance with ORS 279B.400 and YCR 047-0700.

(5) Class Special Procurements. The Yamhill County Board of Commissioners declares the following as Class Special Procurements:

(a) *Advertisements*. The County may purchase advertising in newspapers and written publications, web-based Internet sites, and other electronic formats without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 761.)

(b) *Ballots, Ballot Pages, and Ballot Cards, and/or Other Equipment, Supplies, and Materials Necessary to Conduct Elections*. The County may purchase the printing of ballots, including ballot pages and labeling of ballot cards, and/or other equipment, supplies, and materials necessary to conduct elections without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 924XXX.)

(c) *COTS Software*. The County may purchase commercially-available off-the-shelf (COTS) software without using the methods of source selection described in the YCR. The COTS software must not be in any way modified from the form in which it is sold in the commercial marketplace. (Authorized by Ordinance No. 924.)

(d) *Copyrighted Materials*. The County may purchase copyrighted materials where there is only one known supplier available for such goods without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 924.)

(e) *Employee Benefit Contracts*. The County may purchase employee benefit insurance without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 761.)

(f) *Equipment Maintenance, Repair, Conversion, and Overhaul*. The County may enter into a Contract for equipment maintenance, repair, conversion, or overhaul without using the methods of source selection described in the YCR, subject to the following conditions:

(A) Service and/or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing;

(B) Service and/or parts required are for sophisticated equipment which is only available through one source; and/or

- (C) Specially trained personnel are required for the efficient utilization of the equipment, and such personnel are available from only one source. (Authorized by Ordinance No. 761.)
- (g) *Financial Services*. The County may purchase services for the purpose of investment of public funds, the borrowing of funds, or banking without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 761.)
- (h) *Food Service Contracts*. The County may purchase food services without using the methods of source selection described in the YCR if the total contract value is less than \$50,000. For the purposes of this rule, "food services" means the purchase, preparation, and service of meals and related services. (Authorized by Ordinance No. 924.)
- (i) *Gasoline, Diesel Fuel, Heating Oil, Lubricants, Asphalt, and Rock*. The County may purchase gasoline, diesel fuel, heating oil, lubricants, asphalt, and rock from a vendor or supplier without using the methods of source selection described in the YCR if:
- (A) The County seeks competitive quotes;
 - (B) Makes its purchase from the least expensive source; and
 - (C) Retains Written justification for the purchase made. (Authorized by Ordinance No. 761.)
- (j) *Insurance Contracts*. The County may purchase Contracts for insurance directly from an insurer without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 761.)
- (k) *Laboratory and Medical Supplies*. The County may purchase drugs, laboratory, or medical supplies directly from a vendor without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 924.)
- (l) *Law Enforcement Equipment*. The County may purchase ammunition, firearms, and other weapons as needed without using the methods of source selection described in the YCR if determined in Writing to be necessary by the Yamhill County Sheriff. (Authorized by Ordinance No. 761.)
- (m) *Legal Services*. The County may directly purchase, without using the methods of source selection described in the YCR, services related to the provision of legal advice to the County. This includes, but is not limited to:
- (A) Litigation and litigation support services;
 - (B) Court reporters;
 - (C) Expert witnesses;
 - (D) Arbitrators and mediators;
 - (E) Trial consultants; and
 - (F) Investigators.
- (Authorized by Ordinance No. 924.)
- (n) *Membership Dues*. The County may directly purchase, without using the methods of source selection described in the YCR, dues or memberships in professional or community organizations for the benefit of the City. (Authorized by Ordinance No. 924.)
- (o) *Oil or Hazardous Material Removal*. The County may directly purchase services to remove or clean up oil or hazardous waste pursuant from any vendor without using the methods of source selection described in the YCR when ordered to do so by the Department of Environmental Quality (DEQ) pursuant to its authority under ORS Chapter 466. In doing so, the following conditions apply:
- (A) To the extent reasonable under the circumstances, the County encourages competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods or services;
 - (B) The County makes Written findings describing the circumstances requiring cleanup or a copy of the DEQ order ordering such cleanup; and
 - (C) The County records the measures taken under subsection (A) of this exemption to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the Contractor selected. (Authorized by Ordinance No. 761.)

- (p) *Office Photocopiers*. The County may purchase or lease office photocopiers without using the methods of source selection described in the YCR if:
- (A) To the extent reasonable under the circumstances, the County encourages competition by either:
 - (i) Attempting to make informal solicitations or to obtain informal quotes from potential suppliers of office photocopiers;
 - (ii) Utilizing a Cooperative Contract authorized under the Code; and
 - (B) The County records the measures taken under subsection (A) of this exemption to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the Contractor selected. (Authorized by Ordinance No. 924.)
- (q) *Oregon Corrections Enterprise Purchases*. The County may purchase from the Oregon Corrections Enterprise without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 924.)
- (r) *Performing Artists*. The County may enter into a Contract for performance art, whether vocal, instrumental, or visual, required by the County for an audience without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 924.)
- (s) *Periodicals*. The County may directly purchase financial products, such as bond insurance, surety bonds, and liquidity facilities, such as letters of lines or credit without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 761.)
- (t) *Purchase of Used Personal Property or Equipment*. The County may directly purchase used personal property and equipment without using the methods of source selection described in the YCR. (Authorized by Ordinance No. 924.)
- (u) *Price-Regulated Goods and Services*. The County may directly purchase Goods or Services, without using the methods of source selection described in the YCR, if the rate or price for the Goods or Services being purchased is established by federal, state, or local regulatory authority. (Authorized by Ordinance No. 761.)
- (v) *Utilities and Utility Related Services*. The County may directly purchase, without using the methods of source selection described in the YCR, utility services, repair, equipment, and/or maintenance work, where the rate or price for such goods and services is established by federal, state, or local regulatory authority or when the services can be provided only by a specific utility. (Authorized by Ordinance No. 924.)
- (w) *Software and Hardware Maintenance, Licenses, Subscriptions, and Upgrades*. The County may directly enter into a Contract or renew existing Contracts for information technology hardware or software maintenance, licenses, subscriptions, and upgrades without using the methods of source selection described in the YCR if the maintenance, upgrades, subscriptions, and licenses are either available from only one source or, if available from more than one provider, can be obtained from the County's current provider in a way that allows for both efficient and effective utilization of the County's hardware or software system currently in place, subject to the following condition:
- (A) If the purchase exceeds \$100,000, the County shall make reasonable efforts to notify all known vendors of competing or comparable products or services of the intended Contract specifications and invite such vendors to submit informal proposals within a reasonable period of time. (Authorized by Ordinance No. 924.)
- (x) *Sponsorship Agreements*. The County may solicit sponsorship and receive a gift or donation in exchange for recognition of the donor at the discretion of the County as the opportunity arises. (Authorized by Ordinance No. 924.)
- (y) *Telecommunication Services*. The County may purchase, lease, or rent the use of voice and data transmission (telecommunication) facilities or services without using the methods of source selection described in the YCR if the County determines in Writing that suitable competition does not exist for the relevant services within the specific geographic area. (Authorized by Ordinance No. 924.)

(z) *US Postal Service*. The County may directly purchase, without using the methods of source selection described in the YCR, permits and postage meters, pre-stamped postcards, establish on-going postage accounts, etc. from the US Postal Service. (Authorized by Ordinance No. 924.)

(aa) *Background Investigators for Yamhill County Sheriff's Office*. The County may purchase Contracts for background investigators for the Yamhill County Sheriff's Office directly from a service provider without using the methods of source selection described in the YCR. (Authorized by Ordinance No. XXX.)

(bb) *Workplace Investigators for the County's Human Resources Department*. The County may purchase Contracts for workplace investigators for the County's Human Resources Department directly from a service provider without using the methods of source selection described in the YCR. (Authorized by Ordinance No. XXX.)

STAT. AUTH.: ORS 279A.065

STATS. IMPLEMENTED : ORS 279B.085

[ADOPTED BY ORDINANCE NO. 924, ENACTED 5/17/23; AMENDED BY ORDINANCE NO. XXX, ENACTED XX/XX/XX]

EXHIBIT C

Findings in Support of New Special Procurement Exemptions

1. Background Investigators for the Yamhill County Sheriff's Office.

- *Cost Savings and Other Benefits.* Selection of the contractor under this process would save substantial time and costs as it will utilize existing networks and resources to ensure that only individuals eligible to perform the responsibilities of the position are considered; will allow for streamlined interview and hiring; and will ensure that time-sensitive pre-employment investigations are not unnecessarily delayed as they would be if a full background investigator recruitment was required.
- *Effect on Competition.* No effect on competition as generally, there is insufficient competition among background investigators and the community locally is small; word-of-mouth is often used to identify agencies who are seeking new/additional background investigators.
- *Favoritism.* Minimal effect on favoritism as selection of the contractor will be open to any self-identified eligible party. The. Additionally, selection of the contractor will be based on individual's prior/current certification status with DPSST, familiarity with Yamhill County Sheriff's Office (i.e., the environment and Office standards), and understanding the requirements for successful certification / job completion, including but not limited to minimum standards are outlined in OAR 259-008-0010 and requirements for background investigations as outlined in OAR 259-008-0015.

2. Workplace Investigators for Yamhill County Human Resources.

- *Cost Savings and Other Benefits.* Frequency and amount of purchases do not justify the cost of solicitation. Period of time from recognition of need until service required too short to issue solicitation.
- *Effect on Competition.* No impact on competition as this class special procurement allows the County to respond to unique opportunities that become available sporadically and without notice.
- *Favoritism.* Minimal, as the services required are generally only going to be available from a small pool of qualified competitors. In addition, the investigators are chosen based on their availability and ability to get the investigation completed and a report back to the County in a reasonable amount of time.

3. **Ballots, Ballot Pages, and Ballot Cards, and/or Other Equipment, Supplies, and Materials Necessary to Conduct Elections.**

- *Cost Savings and Other Benefits.* Frequency and amount of purchases do not justify the cost of solicitation. Period of time from recognition of need through contract award too long for needed purchases of exempt fungible goods.
- *Effect on Competition.* Generally, there is insufficient competition among vendors in the area of ballot production for the County to secure competitive quotes. The State of Oregon sets the requirements for the vendors, and each vendor must go through a security process and receive certification and clearance from the State in order to print or process any election or election related materials.
- *Favoritism.* Minimal, as the services required are generally only going to be available from a small pool of qualified vendors.