

**BOARD OF COUNTY COMMISSIONERS  
FOR BAKER COUNTY**

IN THE MATTER OF

A RESOLUTION PROVIDING	)	
THE PROCEDURE FOR ENTERING	)	Resolution 2005-1027
INTO CERTAIN CONTRACTS FOR THE	)	Amending Resolution 2005-1020
PROCUREMENT, MANAGEMENT,	)	
DISPOSAL AND CONTROL OF GOODS,	)	
SERVICES, PERSONAL SERVICES AND	)	
PUBLIC IMPROVEMENTS	)	

WHEREAS, the Baker County Board of Commissioners, sitting as the Contract Review Board, formally opted out of the Attorney General's Model Rules for certain public contracts through Resolution 2005-1020 on March 2, 2005; and

WHEREAS, Resolution 2005-1020 stated an intent to adopt certain procedures to be used in place of the Attorney General's Model Rules in specified circumstances; and

WHEREAS, Resolution 2005-1020 provided a mechanism for amendment to said resolution in order to include additional procedures when needed;

NOW, THEREFORE, the Baker County Board of Commissioners, sitting as the Contract Review Board, having reviewed proposed procedures for entering into certain public contracts, hereby RESOLVES:

Baker County shall use the procedures outlined in Exhibit A attached and incorporated herein by reference, for screening and selection of persons or firms to perform Personal Services Contracts.

Baker County shall use the procedures outlined in Exhibit B attached and incorporated herein by reference, for screening and selection of Public Contracts.

Baker County shall use the procedures outlined in Exhibit C attached and incorporated herein by reference, for the Disposal of Surplus County Personal Property.

Baker County shall use the procedures outlined in Exhibit D attached and incorporated herein by reference, for bids and proposals for Public Improvement Contracts.

Baker County shall amend this resolution to include additional procedures if and when such procedures are needed.

Entered

5-5 2005

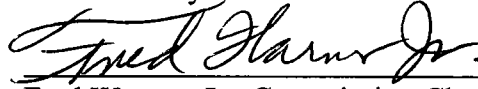
County Court Journal

*Annora J. Green* County Clerk  
By *Karln Phillips* Deputy

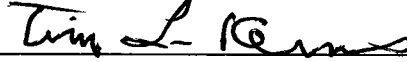
All procedures set forth in this resolution supercede any procedure that predates this resolution.

Done and Dated this 4<sup>th</sup> day of May, 2005.

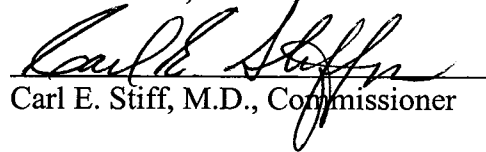
Baker County Board of Commissioners:



Fred Warner, Jr., Commission Chair



Tim L. Kerns, Commissioner



Carl E. Stiff, M.D., Commissioner

**EXHIBIT A****Procedure for Screening and Selection of Persons or Firms to Perform Personal Services Contract**

This procedure is adopted in accordance with ORS 279A.070; which requires the County to create procedures for the screening and selection of persons to perform personal services contracts.

Baker County is subject to public contracting requirements under ORS Chapters 279, 279A, 279B and 279C. The adoption of the procedures outlined herein is intended to maintain compliance with those statutes.

This procedure takes effect upon adoption and supercedes any conflicting procedures or practices.

**GENERAL POLICY**

Regardless of the selection process used, the individual in charge of selecting a personal services contractor on behalf of Baker County shall ensure that the contract will best serve the interest of the County, taking into account price as well as considerations including but not limited to experience, expertise, suitability for personal services and contractor's responsibility.

A "Personal Services Contract" means: a contract primarily for the provision of services that require specialized, technical, creative, professional or communication skills or talents, unique and specialized contracts, or the exercise of discretionary judgement skills, and for which the quality of service depends on attributes that are unique to the service provider. Such services include, but are not limited to the services of architects, engineers, attorneys, auditors and other license professionals, artists, designers, computer programmers, performers, consultants, and property managers.

**SMALL CONTRACTS****Personal Services Contracts of \$5,000 or Less**

A personal services contractor may be selected without soliciting proposals from more than one qualified proposer if the total cost of the personal services contract is estimated to be \$5,000 or less, the quality of service offered by the personal services contractor is sufficient for the County's particular needs under the circumstances, the cost to the County is fair and reasonable under the circumstances, the award does not reflect favoritism, and the award is in all other respects in the County's best interest.

A personal services contract as a small contract under this section may be amended to exceed \$5,000 but the cumulative amendments shall not exceed the total contract price to greater than \$6,000.

**CONTRACTS THROUGH INFORMAL PROCEDURE****Personal Services Contracts Over \$5,000 but not over \$150,000**

If the total cost of a personal services contract is estimated to be more than \$5,000 but not more than \$150,000, proposals may be solicited informally, either orally or in writing. If it is practicable, proposals shall be solicited from a sufficient number of qualified prospective proposers to ensure no less than three (3) qualified proposers submit proposals.

If less than three (3) qualified proposers submit a proposal, the efforts made to solicit proposals shall be documented in writing in the County's files.

A personal services contract awarded through informal procedures may be amended to exceed \$150,000 but cumulative amendments shall not exceed 25% of the original contract price.

**Personal Services Contracts Over \$150,000**

When a nonexempt personal services contract is estimated to exceed \$150,000, written proposals shall be solicited by utilizing a written request for proposals and a contract shall be awarded based upon competitive negotiation.

**1. Request for Proposals****A. Elements of Request for Proposals**

The written request for proposal for a personal services contract shall include at least the following elements:

1. A time and date by which sealed proposals must be received, and a place at which the proposals must be submitted, and may, in the sole discretion of the Contract Review Board, direct or permit the submission and receipt of proposals by electronic means;
2. The name and title of the person designated for receipt of proposals and the person designated by the contracting agency as the contact person for the procurement, if different;
3. A procurement description;
4. A time, date and place that prequalifications applications, if any, must be filed and the classes of work, if any, for which proposers must be prequalified in accordance with ORS 279B.120;
5. A statement that the contracting agency may cancel the procurement or reject any or all proposals in accordance with ORS 279B.100;
6. A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710, and;

7. A description of how bids will be evaluated include all evaluation criteria, the relative importance of price and other evaluation factors;
  8. A statement that corrections or withdrawal of bids must be made prior to bid closing and must be clearly labeled "Bid Modification" or "Bid Withdrawal";
  9. Protest procedures;
  10. All contract terms and conditions applicable and may include:
    - a. Which contractual terms and conditions the county reserves for negotiation with the proposers.
    - b. Request proposers propose terms of the contract.
    - c. Contain or incorporate the form of contract the county will except or will be subject to negotiation.
    - d. Announce method of selection.
- B. Methods of Notice of Request for Proposals  
Proposals for nonexempt personal services contracts estimated to exceed \$150,000 shall be noticed in one of the following ways:
1. At least once in at least one newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as the contracting agency may determine.
- C. Evaluation of Proposals  
Written proposals for personal services contracts estimated to exceed \$150,000 shall be evaluated based upon evaluation criteria described in the written request for proposals. The evaluation criteria shall be presumed to have equal importance unless the request for proposals indicates otherwise. The evaluation criteria may be changed only by written addendum to the request for proposal. If evaluation criteria are to be changed after proposals have been opened the change must be done in accordance with ORS 279B.060 (6)(d).
- D. Additional Information  
A request for information, a request for interest, or other preliminary documents may be used to obtain useful information needed in the preparation of an invitation to bid per ORS 279B055.
- E. Notice of Intent to Award  
The County must post or notify each bidder of its intent to award five (5) days prior to awarding the contract. If it is impractical to give five (5) days notice before awarding the contract, the reason for the impracticality must be recorded in the bid file.

### **EXEMPTIONS**

All exemptions must be determined by the Contract Review Board.

#### **1. Sole Source/Unique or Specialized Knowledge or Expertise**

If only one firm/individual is qualified and available to perform a personal services contract, a contract may be awarded to that firm without soliciting proposals from

others. A personal services contract may be awarded without soliciting proposals from others if a particular contractor has unique or specialized knowledge or expertise required by the county, and the individual approving the contract on behalf of the county had determined that solicitation of proposals from others would not be in the county's best interest.

**2. Emergency Contracts**

A personal services contract may be awarded without soliciting proposals from others in cases of an emergency. The emergency must be documented in writing in the county's files.

**3. Qualified Non-Profit Agencies**

Contracts made with qualified non-profit agencies providing employment opportunities for disabled individuals under ORS 279.835 to 279.855.

**CANCELLATIONS**

The county may cancel procurement at any time before a contract is executed, if the county determines that it is in the best interest of the county to do so. If procurement is canceled, the county shall not be liable for any costs incurred by prospective proposers. Unopened proposals shall be returned to the proposers unopened, unless it is necessary to open the proposals to determine the address of the proposer. Proposals that have been opened shall be retained by the county.

**PROTESTS**

If a proposer wishes to object to any aspect of procurement, the proposer may file a written protest at the County Commissioner's Office. The protest must include all grounds for the protest and all supporting evidence, in the form of documents, affidavits and the like. A protest must be filed promptly, as soon as the protester knows of the grounds for the protest. Protest of any aspect of request for proposals must be filed before solicitation closing date. County will notify all proposers of intent to award five (5) days before contract takes affect. All protests regarding contract award must be filed before contract takes affect.

**WRITTEN DECISION & APPEAL**

The county's agent in charge of the procurement shall issue a written decision in response to a protest. If the protester disagrees with the written decision, the protester may appeal in writing to the Board of Commissioners. The written appeal must be received in the commissioner's office within five (5) business days of the protester's receipt of the written decision from the county's agent in charge of the procurement. The written appeal must include all legal arguments and all evidence in the form of physical evidence, documents, affidavits and the like. The Chair of the Board of Commissioners shall issue a written decision in response to the appeal, and that written response shall be the county's final administrative action with respect to the protest.

**EXHIBIT B****Procedure for Screening and Selection of Public Contracts**

This procedure is adopted in accordance with ORS 279A.065 (5); which allows the County to create procedures for the screening and selection of public contracts to be used in place of the Attorney Generals Model Rules.

Baker County is subject to public contracting requirements under ORS Chapters 279, 279A, 279B and 279C.

This procedure takes effect upon adoption and supercedes any conflicting procedures or practices.

**GENERAL POLICY**

Regardless of the selection process used, the individual in charge of selecting a public contract on behalf of Baker County shall ensure that the contract will best serve the interest of the County, taking into account price as well as considerations including but not limited to experience, expertise, suitability for public contract and contractor's responsibility.

A "Public Contract" means: any purchase, lease or sale by a public agency of personal property, public improvements or services, other than agreements which are for personal services.

**SMALL CONTRACTS****Public Contracts of \$5,000 or Less**

When the amount of a public contract does not exceed \$5,000, Baker County may contract without soliciting competitive quotes. The contract must be for a single project, not a component of, or related to, any other project.

**CONTRACTS THROUGH INFORMAL PROCEDURE****Public Contracts Over \$5,000 but not over \$150,000**

When the amount of a public contract exceeds \$5,000 but does not exceed \$150,000, competitive quotes may be solicited informally, either orally or in writing. If it is practicable, quotes shall be solicited from a sufficient number of prospective sellers to ensure no less than three (3) qualified quotes. If less than three (3) qualified quotes are obtained, the efforts made to solicit quotes shall be documented in writing in the County's files.

When the purchase for goods and services is procured through this informal procedure, additional goods or services may be purchased under the original contract, even when the original contract does not specify unit price or specifically allow for additional purchases.

When the purchase of goods and services is procured through this informal procedure, the original contract may be extended for an additional single term.

A public contract selected under this section may be amended to exceed \$150,000 but the cumulative amendments shall not exceed 25% of the original contract price.

**Public Contracts Over \$150,000**

When a nonexempt public contract is estimated to exceed \$150,000, written quotes or bids shall be solicited by utilizing a written invitation for quote or bid and a contract shall be awarded based on competitive bidding as described below.

**A. Invitation for Competitive Bids****1. Elements of Written Invitation to Bid**

The written invitation to bid for public contracts shall include at least the following elements:

- a. A time and date by which sealed bids must be received, and a place at which the bids must be submitted, and may, in the sole discretion of the Contract Review Board, direct or permit the submission and receipt of bids by electronic means;
- b. A time, date and place where bids will be publicly opened;
- c. The name and title of the person designated for receipt of bids and the person designated by the contracting agency as the contact person for the procurement, if different;
- d. A procurement description;
- e. A time, date and place that prequalifications applications, if any, must be filed and the classes of work, if any, for which proposers must be qualified in accordance with ORS 279B.120;
- f. A statement indicating whether the bidder is a "resident bidder" as defined in ORS 279A.120;
- g. A statement that the contracting agency may cancel the procurement or reject any or all bids in accordance with ORS 279B100;
- h. A description of how bids will be evaluated include all evaluation criteria, the relative importance of price and other evaluation factors;
- i. A statement that corrections or withdrawal of bids must be made prior to bid closing and must be clearly labeled "Bid Modification" or "Bid Withdrawal";
- j. Protest procedures;
- k. All contract terms and conditions applicable, and may include:
  1. Which contractual terms and conditions the county reserves for negotiation with the bidders;
  2. Request bidders propose terms of the contract;
  3. Contain or incorporate the form of contract the county will except or will be subject to negotiation;
  4. Announce method of selection.



2. **Methods of Notice of Request for Competitive Bids**  
 Invitations for Competitive Bids for nonexempt public contracts estimated to exceed \$150,000 shall be noticed at least once in at least one newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as the contracting agency may determine.
3. **Opening Bids**
  - a. All timely formal bids must be opened publicly at the time, date and place designated in the invitation to bid;
  - b. Amount of bid, name of bidder and other relevant factors must be recorded and open for public inspection;
  - c. No bid may be opened if it is received after the time and date indicated for bid opening in the invitation to bid.
4. **Additional Information**  
 A request for information, a request for interest, or other preliminary documents may be used to obtain useful information needed in the preparation of an invitation to bid per ORS 279B.055.
5. **Notice of Intent to Award**  
 The County must post or notify each bidder of its intent to award five (5) days prior to awarding the contract. If it is impractical to give five (5) days notice before awarding the contract, the reason for the impracticality must be recorded in the bid file.

### **EXEMPTIONS**

All exemptions must be determined by the Contract Review Board.

1. **Sole Source/Unique or Specialized Knowledge or Expertise**  
 If only one firm/individual is qualified and available to perform a personal services contract, a contract may be awarded to that firm without soliciting proposals from others. A personal services contract may be awarded without soliciting proposals from others if a particular contractor has unique or specialized knowledge or expertise required by the county, and the individual approving the contract on behalf of the county had determined that solicitation of proposals from others would not be in the county's best interest.
2. **Emergency Contracts**  
 A personal services contract may be awarded without soliciting proposals from others in cases of an emergency. The emergency must be documented in writing in the county's files.
3. **Qualified Non-profit Agencies**  
 Contracts made with qualified non-profit agencies providing employment opportunities for disabled individuals under ORS 279.835 to 279.855.
4. **Goods & Services Available through the State or Federal Procurement Programs**

**CANCELLATIONS**

The county may cancel procurement at any time before a contract is executed, if the county determines that it is in the best interest of the county to do so. If procurement is canceled, the county shall not be liable for any costs incurred by prospective bidders. Unopened bids shall be returned to the bidder unopened, unless it is necessary to open the bids to determine the address of the bidder. Bids that have been opened shall be retained by the county.

**PROTESTS**

If a bidder wishes to object to any aspect of procurement, the bidder may file a written protest at the Board of Commissioner's Office. The protest must include all grounds for the protest and all supporting evidence, in the form of documents, affidavits and the like. A protest must be filed promptly, as soon as the protester knows of the grounds for the protest. Protest of any aspect of an invitation to bid must be filed before solicitation closing date. County will notify all bidders of intent to award five (5) days before contract takes affect. All protests regarding contract award must be filed before contract takes affect.

**WRITTEN DECISION & APPEAL**

The county's agent in charge of the procurement shall issue a written decision in response to a protest. If the protester disagrees with the written decision, the protester may appeal in writing to the Board of Commissioners. The written appeal must be received in the commissioner's office within five (5) business days of the protester's receipt of the written decision from the county's agent in charge of the procurement. The written appeal must include all legal arguments and all evidence in the form of physical evidence, documents, affidavits and the like. The Chair of the Board of Commissioners shall issue a written decision in response to the appeal, and that written response shall be the county's final administrative action with respect to the protest.

**EXHIBIT C****Procedure for Disposing of Surplus County Personal Property**

This procedure is adopted in accordance with ORS 279A.065 (5), and ORS 279A.070, which allows the County to create procedures for the disposal of surplus personal property to be used in place of the Attorney General's Model Rules.

This procedure takes effect upon adoption and supercedes any conflicting procedures or practices.

**Section 1.** Purchasing Agents shall dispose of surplus County personal property, hereinafter "Property" in the following manner:

- a. Purchasing Agent or designee, including elected officials, may declare personal property belonging to the department surplus county personal property (Property);
- b. If the Property is to be disposed of in any particular manner because of grant funding requirements or any other requirements, then the Property shall be disposed of in the manner required by the grant funding or other requirements;
- c. All other Property, not described in subsection (b) above, shall be taken to the Baker County Facilities Director;
- d. The Facilities Director shall make available to all other Baker County Departments all surplus personal property in the Facilities Director's possession. The Facilities Director shall make the Property available by providing each department a list of all property available quarterly;
- e. If more than one department expresses an interest in property on the list, then the Contract Review Board shall decide which department shall receive the Property;
- f. If the Property is not claimed by any other department within one month of the Property list being distributed to the departments, then the Property shall be appraised by the Baker County Assessor's Office;
- g. If the appraised value of the Property is \$100 or less, the Property shall be disposed of in the manner described in Section 2;
- h. If the appraised value of the Property is over \$100 but less than \$5,000, the Property shall be disposed of the manner described in Section 3;
- i. If the appraisal value of the Property is over \$5,000, the Property shall be disposed of in the manner described in Section 4.

**Section 2.** All Property described in Section 1(g) shall be disposed of as follows:

- a. The Facilities Director may sell the property for no more than \$100.00, but no less than the appraised value to any interested person;

- b. If the Property is part of a natural set, assortment, class, collection or grouping (e.g. same type of chairs) of which the net value of the set or group is appraised at more than \$100.00, the set or group shall be sold in the manner described in Section 3.

**Section 3.** All Property described in Section 1(h) shall be disposed of as follows:

- a. The Facilities Director shall hold an auction at least once a year to sell the Property;
- b. Notice of the auction shall be published in a local newspaper at least two times prior to the auction. The publication shall identify the property to be auctioned and list the minimum bid for each item. The publication shall also describe the auction procedures. The publication shall identify the place and time of the auction;
- c. Property described in Section 1(g) shall be sold as a set, assortment, class or grouping so as to obtain the highest value for the Property;
- d. The Baker County Sheriff shall conduct the auction;
- e. Only oral bids at the auction shall be accepted by the Sheriff and no written bids shall be accepted;
- f. The Property shall be sold to the highest and best bidder, but shall not be sold for less than 50% of the appraised value;
- g. All Property shall be sold for cash, certified check or money order only. Payment is due upon receipt of the Property and only on the day of the auction;
- h. All Property purchased shall be transported off County property by the purchaser on the day of the auction, no exceptions;
- i. All Property not sold at the auction may be sold by the Facilities Director in the manner described in Section 2, only after acceptance of the offer by the Contract Review Board.

**Section 4.** Before disposal of Property described in Section 1(i), purchasing agents must appear before the Contract Review Board to determine if it would be in the County's best interest to dispose of the property through the competitive bid process described in Exhibit B.

**Section 5.** This procedure does not apply to personal property taken or received by the Baker County Sheriff's Office in the course of operating the Baker County Jail, in the course of an investigation (evidence, etc.), or stolen and/or lost property taken or received by the Baker County Sheriff's Office. However, this procedure does apply to personal property purchased or otherwise acquired by the Baker County Sheriff's Office for the purpose of operating the Baker County Jail or for performing the functions and duties of the Baker County Sheriff's Office.

**EXHIBIT D****Procedures Applicable to Public Improvement Contracts  
Bids and Proposals**

The following procedures do not apply to contracts for minor alteration, ordinary repair or maintenance of public improvements, nor for any other construction contract that is not defined as a Public Improvement Contract, below. For procedures relating to those contracts, see Exhibits A and B. ORS 279C.320

**GENERAL POLICY**

It is the policy of Baker County, in compliance with ORS 279C, that public improvement contracts will be based on competitive bidding, except as specified below.

“Public Improvement” is defined as a project for construction, reconstruction or major renovation on real property by or for Baker County. It does *not* include:

1. Projects for which no funds of Baker County are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection;
2. Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.

**COMPETITIVE BIDDING AND EXCEPTION**

All public improvement contracts shall be based upon competitive bids except:

1. Contracts made with qualified non-profit agencies providing employment opportunities for disabled individuals under ORS 279.835 to 279.855.
2. A contract for goods or services if the value of the contract is less than \$5,000. In such cases, procedures for Small Contracts, outlined in Exhibit B shall be used.
3. Public improvement project contracts over \$5,000 but not over \$100,000. In such cases, the procedures for Contracts through Informal Procedure, outlined in Exhibit B shall be used.
4. Contracts that are exempted by the Contract Review Board, based upon the following findings:
  - a. It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; *and*
  - b. Awarding of public improvement contracts under the exemption will result in substantial cost savings to the County, considering the type, cost and amount of the contract, the number of persons available to bid and other factors as may be deemed appropriate.

Findings under (4), above must be made after holding a public hearing that has been noticed in at least one trade newspaper of general statewide circulation a minimum of 14 days before the hearing. ORS 279C.335

**CONTRACT NEGOTIATIONS**

If a public improvement contract is competitively bid and all responsive bids exceed the County's cost estimate, the County may negotiate with the lowest responsive, responsible bidder before awarding the contract in order to bring the contract within the County's cost estimate.

**PUBLIC IMPROVEMENT CONTRACTS OVER \$100,000**

1. Advertisements for Public Improvement Contracts must state:
  - a. The public improvement contract;
  - b. The office where the specifications for the project may be reviewed;
  - c. The date that pre-qualification applications must be filed under ORS 279C.430 and the class or classes of work for which bidders must be pre-qualified, if pre-qualification is a requirement;
  - d. The date and time after which bids will not be received, which must be at least five (5) days after the last publication of the advertisement;
  - e. The name and title of the person designated for receipt of the bids;
  - f. The date, time and place that the contracting agency will publicly open the bids;
  - g. If the contract is a public works subject to ORS 279C.800 to 279C.807 or the Davis-Bacon Act (40 USC 276a).
  
2. Notice
  - a. If the public improvement contract has an estimated cost in excess of \$100,000 but not over \$125,000, the solicitation for bids or proposals must be published in at least one newspaper of general circulation in the area where the contract is to be performed.
  - b. If the public improvement contract has an estimated value in excess of \$125,000 the solicitation must be published in at least one trade newspaper of statewide circulation.
  
3. Solicitation documents and bids and proposals must include, at a minimum:
  - a. The public improvement contract;
  - b. The office where the specifications for the project may be reviewed;
  - c. The date that pre-qualification applications must be filed under ORS 279C.430 and the class or classes of work for which bidders must be pre-qualified, if pre-qualification is a requirement;
  - d. The date and time after which bids will not be received, which must be at least five (5) days after the last publication of the advertisement;
  - e. The name and title of the person designated for receipt of the bids;
  - f. The date, time and place that the contracting agency will publicly open the bids;
  - g. Information addressing whether a contractor or subcontractor must have an asbestos abatement license under ORS 468A.720;
  - h. The following statements:
    1. "If the contract is a public works subject to ORS 279C.800 to 279C.807 or the Davis-Bacon Act (40 USC 276a), no bid will be received or considered unless it contains a statement by the bidder that ORS 279C.840 or 40 U.S.C. 276a will be complied with."
    2. "Each bid must identify whether the bidder is a resident bidder as defined in ORS 279A.120."
    3. "Corrections or withdrawal of bids must be made prior to bid closing and must be clearly labeled "Bid Modification" or "Bid Withdrawal."

4. "The County may reject any bid not in compliance with all prescribed public contracting procedures and requirements and may reject for good cause all bids upon a finding by the County that it is in the public interest to do so."
5. "Bids for a public improvement contract may not be received unless the bidder is licensed by the Construction Contractors Board or the State Landscaping Contractors Board."
6. "The bidder must provide a Subcontractor Disclosure Form within two working hours of bid closing, as provided in ORS 279C.370."

#### 4. Bids

- a. All bids must be made in writing.
- b. All bids must be filed with the person designated by the County for the receipt of bids.
- c. Any bid correction or withdrawal must be made prior to bid closing and must be clearly labeled "Bid Modification" or "Bid Withdrawal."
- d. After all bids are publicly opened, all bids must be available for public inspection.

#### 5. Security

All competitive bids must be accompanied by a bid security in accordance with ORS 279C.365(4), unless the Contract Review Board specifically exempts the contract from such requirement. Bid security may not exceed 10% of the amount bid for the contract.

#### 6. First-tier subcontractor disclosure

- a. Within two working hours of the date and time designated for bids to be due, bidders must submit to the County a disclosure of the first-tier subcontractors on a Subcontractor Disclosure Form, as provided in ORS 279C.370. It is not the County's responsibility to determine the accuracy of the form.
- b. A bidder who does not submit a disclosure form shall be considered a nonresponsive bid and the County may not award the contract to the contractor.
- c. Subcontractor Disclosure Forms must be made available for public inspection.
- d. A contractor may substitute a first-tier subcontractor under the provisions of ORS 279C.585.

#### 7. Award of Public Improvement Contract

After opening the bids, the County shall award the contract to the lowest responsible bidder. In determining the lowest responsible bidder, the County shall:

- a. Check the list created by the Construction Contractors Board under ORS 701.227 to determine if the bidder is qualified to hold a public improvement contract;
- b. Consider the bidder's residency status as described in ORS 279.029;
- c. Determine whether the bidder has met the standards of responsibility by considering whether the bidder has:
  1. Available financial, material equipment, facility and person resources and expertise or the ability to obtain the resources and expertise necessary to meet all contractual responsibilities;
  2. A satisfactory record of performance. If the County determines that the bidder is not a responsible bidder under this subparagraph, the County shall document the performance record of the bidder in the file;

3. A satisfactory record of integrity. If the County determines that the bidder is not a responsible bidder under this subparagraph, the County shall document the record of integrity of the bidder in the file;
4. Qualified legally to contract with the County;
5. Supplied all necessary information in connection with the inquiry concerning responsibility. If the bidder fails to promptly supply information regarding responsibility, the County may base the determination of responsibility upon available information *or* may find the bidder not to be responsible.

**ARCHITECTURAL, ENGINEERING AND LAND SURVEYING SERVICES**

When a public improvement owned and maintained by the County requires a contract with an architect, engineer or land surveyor, *and* when a state contracting agency will serve as the lead contracting agency on that public improvement, the two-tiered selection process for that public improvement contract will be governed by County Resolution 99-1022, attached hereto and incorporated by reference. See ORS 279C.125

Any reference to "Baker County" in Resolution 99-1022 may be substituted to read "contracting state agency" for use under this subsection. The procedure outlined in Resolution 99-1022 applies to all contracts under this subsection, regardless of the value of the contract.

This procedure does not apply to architectural, engineering or land surveying contracts used by the County when a state contracting agency is not involved with the public improvement. Use procedures outlined in Exhibit A under those circumstances.

**COMPETITIVE PROPOSALS**

Competitive proposals shall be subject to the same requirements as competitive bids listed above, with the following exceptions:

1. First-tier subcontractor disclosure under ORS 279C.370; and
2. Resident bidder preference under ORS 279A.120.

These two items are *not* required for competitive proposals.