

**PORT OF HOOD RIVER  
RESOLUTION NO. 2015-16-6**

**A resolution amending Port Resolution 2005-06-2  
Establishing Procedural rules for Personal Services Contracts**

**WHEREAS**, ORS 279C.100 through ORS 279C.125 governs Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying and Related Services and the Port of Hood River ("Port") wishes to amend its Personal Services Contracts Resolution No. 2005-06-2, a copy of which is attached hereto, in order to comply with current Oregon Law;

**THEREFORE, IT IS RESOLVED THAT:**

Port of Hood River Resolution No. 2005-06-2 is hereby amended as follows:

1. Subsection (1)(b) shall be amended as follows:

All of subsection (1)(b) shall be stricken and in its place the following shall be inserted: "Contracts for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying and Related Services shall not be considered personal services contracts regulated under paragraphs (1) and (2) of this resolution and instead are covered under subsection (3) of this Resolution, as amended."

2. Subsection (3) shall be added, prior to the last paragraph stating "These rules replace and supersede any prior rules adopted by the Port for award of personal services contracts" and shall state as follows:

(3) Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying and Related Services

The Port adopts the provision of ORS 279A, 279B, and 279 ("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 which apply to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying and Related Services.

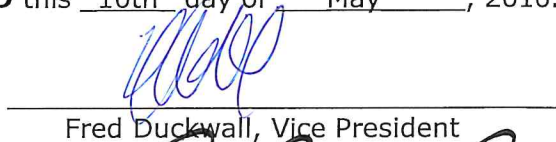
Pursuant to ORS 279C.105, the Port adopts the following procedures currently provided in the Public Contracting Code and Model Rules to screen and select persons to perform architectural, engineering, photogrammetric mapping, transportation planning or land surveying services and related services:

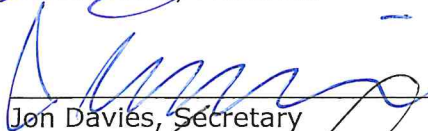
- a. Direct Appointment. For projects with an estimated cost for services which does not exceed \$100,000, emergencies as defined under ORS 279B.080, for existing projects being continued with a total cost under \$250,000, and as permitted under OAR 137-048-0200, the Executive Director may directly appoint a consultant, including a consultant from the consultant list under subsection (f).
- b. Informal Selection Procedure (ISP). For contracts under \$250,000 and not meeting the thresholds for Direct Appointment, the Port will use the Informal Selection Procedure as provided in OAR 137-048-0210.

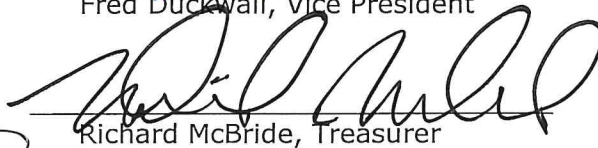
- c. Selection Process for ISP. In selecting consultants under the Informal Selection Procedure, the Port shall issue a RFP to a minimum of 5 consultants, if available. If five prospective consultants are not available, a written record of efforts to locate prospective consultants will be produced and maintained. The Port may evaluate proposals based on, but not limited to, the following criteria:
    - 1. Specialized experience, capabilities and technical competence;
    - 2. Available resources;
    - 3. Record of past performance;
    - 4. Availability of staff;
    - 5. Familiarity and availability to project locale;
    - 6. Project management techniques.
  
  - d. Formal Selection Procedure (FSP). For contracts that exceed \$250,000 and do not meet the thresholds for Direct Appointment, the Port will use the Formal Selection Procedure as provided in OAR 137-048-0220.
  
  - e. Selection Process for FSP. For the Formal Selection Procedure, the Port shall advertise the Request for Proposals ("RFP"), or Request for Qualifications ("RFQ") followed by the RFP pursuant to OAR 137-048-0220. The proposals received will then be ranked and the top proposer interviewed. Contract negotiation will begin with the highest ranked proposer.
  
  - f. Consultant List. The Port shall receive statements from consultants describing their qualifications pursuant to OAR 137-048-0120. The Port shall use these statements, as well as information from prior contracts, to maintain a list of consultants, updated at least once every two years, which may be used for Direct Appointment or other selection procedures.
3. Except as amended by this Resolution, the remainder of Port of Hood River Resolution No. 2005-06-2 is hereby ratified and shall remain in full force and effect.

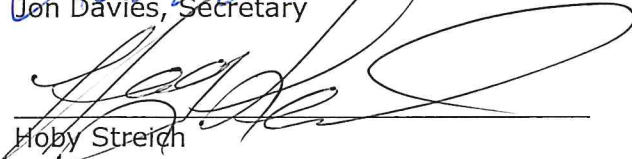
**ADOPTED BY THE BOARD OF COMMISSIONERS, ALSO ACTING AS THE PORT OF HOOD RIVER LOCAL CONTRACT REVIEW BOARD** this 10th day of May, 2016.

  
 Brian Shortt, President

  
 Fred Duckwall, Vice President

  
 Jon Davies, Secretary

  
 Richard McBride, Treasurer

  
 Hoby Streich

**PORT OF HOOD RIVER  
RESOLUTION NO. 2005-06-2**

**Establishing Procedural Rules For Personal Services Contracts**

**WHEREAS**, under ORS 279A.070 the Port of Hood River ("Port") wishes to establish its own rules of procedure governing Port personal services contracts;

**THEREFORE, IT IS RESOLVED THAT:**

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:

1. 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.

(a) Personal services contracts shall 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 of a surveyor, engineer, or architect;

(1) These procedures for screening and selection of a surveyor, engineer, or architect, or for related services, shall apply for a new project, or continuation of a project as provided in ORS 279C.115, if the project amount is less than \$10 million, subject however to the provisions of subparagraph (2) below.

(2) The procedures which apply to a local contracting agency in ORS 279C.110 shall apply to a contract for services of a surveyor, engineer, or architect, or for related services if the Port will receive grants, loans or moneys from the State Highway Fund and the value of the project exceeds \$400,000, as provided in ORS 279C.110(2), or if other government grants or loans require compliance with 279C.110 provisions. In such cases the procedures set forth in ORS 279C.110, 279C.115 and 279C.120 for screening and selection shall be used, unless the Port modifies such procedures as allowed under those sections for a particular contract.

(c) Contracts for services as an artist; photographer, film maker, weaver, or sculptor;

(d) Contracts for services that are specialized, creative and research oriented;

(e) Contracts for services as a consultant;

(f) Contracts for educational services.

The Port shall have discretion to determine whether a particular type of contract or service is a personal services contract.

2. 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.

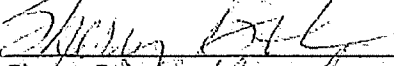
The Port may select an individual, firm or group satisfactory to the Port without considering more than one personal services contract provider, in the Port's discretion. In such case, the compensation level paid must be reasonable and fair to the Port, as determined solely by the Port.

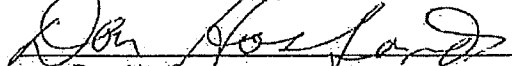
If competitive proposals are received for personal services contracts, qualifications to perform the contract shall be of primary importance. If the Port determines that the services offered by two or more individuals or firms are equally able to meet the Port's needs and are of equal value, the Port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


The Port may solicit proposals by personal service providers by any method the Port deems appropriate, including soliciting requests for qualifications or requests for proposals, either formally or informally.

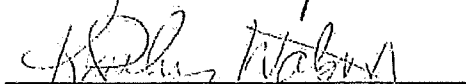
These rules replace and supersede any prior rules adopted by the Port for award of personal services contracts.

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

  
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Sherry Bohn

  
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Don Hosford

  
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Fred Duckwall

  
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Kathy Watson

  
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Hoby Strejch