



Board of Directors

Agenda & Reports

March 1, 2011

**Bend Metro Park & Recreation District
Board of Directors
Work Session & Regular Meeting
February 1, 2011**

BOARD PRESENT: George Thayer, Scott Wallace, Ted Schoenborn and Ruth Williamson.

STAFF PRESENT: Don Horton, Lindsey Lombard, Bruce Ronning, Wayne Smith, Jan Taylor, Theresa Albert, Ed Moore, Mike Duarte, Andie Lindgren, Dave Crowther and Paula Lowery.

LEGAL COUNSEL: Paul Taylor.

MEDIA: None.

VISITORS: Mike Lovely, Stephanie Hadley, Michael Graham and Michael Magee.

WORK SESSION

Chair George Thayer convened a work session at 5:32 pm.

District Irrigation Plan

Ed Moore and Mike Duarte conducted a PowerPoint presentation regarding the district's irrigation and water management program. They identified the district's sources of water, number of acres irrigated (165), and types of turf, plant materials, and fertilizers used. Mike explained how the district's Maxicom system is programmed for maximum efficiency and how that breaks down in terms of water usage on the west side of town vs. the east side. He also explained the remote capabilities of the system and how that is used to adjust for changes in weather or in the event of a mainline break. Mike reviewed maintenance steps for each season and explained how scheduled and preventative maintenance is applied. He also explained how the program addresses facility use and noted several site improvements that resulted in improved usage and cost savings. He identified future projects that are being evaluated in terms of making cost saving improvements at sites such as Juniper, Hollinshead, Big Sky, Sawyer parks, continued staff training and more utilization of GPS technology. Ruth stated that from a layman's standpoint it is easy to see how misperceptions are formed in terms of the amount of turf the district is planting and irrigating, and she thanked Mike and Ed for the presentation. She stated it has provided a basis of knowledge and understanding about what we are doing and ongoing efforts to improve efficiencies. Scott Wallace stated that monitoring usage in terms of gallons per acre or dollars per acre speaks to efficiency and would be a good metric to look at as progress is made in computerizing the system. Ted Schoenborn stated he was surprised by the number of acres irrigated and is something that should be made known to the community. Don Horton stated the trends have changed a lot over the last few years in terms of residential turf resulting in higher use of park turf in their neighborhoods. He explained how future water savings could be achieved in larger park turf areas and smaller residential turf sizes which would require coordinated planning efforts with city codes and staff. Don also addressed how the Maxicom system has helped in terms of managing water loss resulting from vandalism to sprinkler

heads. The board and staff also discussed the usage of wells vs. city water for the district's irrigation needs.

Recreation Program Registration Changes

Wayne Smith and Andie Lindgren presented information regarding proposed changes to recreation program registration. Wayne explained that in addition to the efficiencies produced by the new RecWare system in terms of ease of registration and improved communication between staff and customers, there are other progressions the system allows to improve the district's efficiencies in managing program registration. He stated the online registration process has been very successful with approximately two-thirds of that registration being done online. Wayne stated the changes will be applied to the summer program registration by allowing customers more time to plan their summer, register much earlier and spread the cost over a longer period of time than in past years. Andie Lindgren explained the production process for the program guide resulting in publication eight weeks later than the input of program information on the registration system. Wayne stated that the change will be implemented in small steps and the program guide will not be eliminated as it is still an important tool for customers and something they want to continue to receive. Wayne also noted that an earlier registration will allow the district to be make changes and add sessions to meet customers' needs. He stated a survey conducted on Facebook resulted in a very positive response to offering an earlier registration for summer programs, although it is expected that not everyone is going to be happy with the change. Wayne added that an extensive promotional campaign will precede the implementation of the change. He stated that it is expected the earlier registration will produce more revenue and get more people involved in programs. Andie stated that staff feels it is more of a positive for people to have a longer time to plan their summer than it is a negative and overall that will be the best way to go for the customer.

REGULAR MEETING

Chair George Thayer called the regular meeting to order at 7:03 pm.

Visitors

Mike Magee invited the board and staff to attend a coffee break event to learn about Make a Difference Day, a volunteer program that takes on community projects.

CONSENT AGENDA

Minutes – January 4, 14 and 18, 2011

Contract approval: Ponderosa Park Phase I Engineering Contract

Ted Schoenborn moved to approve the consent agenda. Ruth Williamson seconded the motion. Ted Schoenborn, Ruth Williamson, Scott Wallace and George Thayer all voted aye. Motion passed.

BUSINESS SESSION

Appoint Budget Committee Member

Following discussion and ranking of Budget Committee applicants, Scott Wallace moved to appoint Larry Katz to serve on the Bend Park and Recreation District's Budget Committee for a term of three fiscal year budget processes, beginning with the 2011-12 fiscal year budget process. Ted Schoenborn seconded the motion. Scott Wallace, Ted Schoenborn, Ruth Williamson and George Thayer all voted aye. Motion passed. Lindsey Lombard advised the board that in the past a member of the Budget Committee has

served on the Benefits Committee. Following discussion, Michael Graham was appointed to the committee.

Approve Land Acquisition Policy

Don Horton explained that the board will be receiving a number of policies in terms of the district seeking accreditation through the Commission for Accreditation of Park and Recreation Agencies (CAPRA). He stated the land acquisition policy consists of procedures and processes the district has had in place for a number of years. He noted one change to the title insurance section to state that title insurance will be obtained by a licensed title insurance company. He briefly reviewed sections of the policy and explained how the district goes about selecting and acquiring land. Ted Schoenborn asked that the policy clearly state the list of targeted properties is not made public. Ted Schoenborn moved to adopt the Land Acquisition Policy subject to the recommended clarifications. Ruth Williamson seconded the motion. Ted Schoenborn, Ruth Williamson, Scott Wallace and George Thayer voted aye. Motion passed.

Gift Policy

Don Horton stated the district has not received a lot of gifts, noting the gifts of art, land and gifts for recreation programs, which has resulted in staff giving consideration as to how we want to receive gifts. He cited the Brandis Square bricks as an example and explained that the policy states a gift is only as good as the life of the gift at which time the district is no longer obligated to the gift. He stated the policy needs to be fluid enough to work with in accepting gifts and giving consideration to items of historical importance. Ruth Williamson moved to adopt the gift policy as presented. Scott Wallace seconded the motion. Ruth Williamson, Scott Wallace, Ted Schoenborn and George Thayer all voted aye. Motion passed.

Definition of Policy Types Policy

Don Horton explained this policy has been written to define the difference between administrative and board policies. He stated administrative policies are directed to staff and define how something is to be done whereas a board policy sets broader parameters. He explained that any policy that has a direct financial impact on the district should be approved by the board. Scott Wallace stated that he understands the CAPRA connection and asked if we could end up writing policies for the sake of policies. Don stated that he agrees there is a potential for that, but the policies require us to really think about how we do business which is one of the goals of CAPRA and will provide better direction for our staff on how we intend to do business. Scott stated there are needs for policies and cautioned that if we lose the ability to function using common sense and normal lines of communication, and have to defer to a written policy, he does not think we are going in the right direction. Don agreed and stated that legal counsel has reviewed these policies and urged that flexibility be incorporated in the policies. Scott Wallace moved to adopt the Definition of Policy Types Policy as presented. Ruth Williamson seconded the motion. Scott Wallace, Ruth Williamson, Ted Schoenborn and George Thayer all voted aye. Motion passed.

EXECUTIVE DIRECTOR'S REPORT

Don Horton noted the board has been provided with a copy of the Oregon Ethics Law Guide for Public Officials. He stated it will be added to the Board Operations and Procedures Manual as an appendix when the manual is updated.

Don Horton reported the RFP for the Recreation Needs Assessment has been sent to several consultants that staff deemed appropriate and it has been posted on the district's website. He stated the application

period will close in approximately one month and staff anticipates bringing a recommendation to the board at the April 5 meeting.

Don Horton reported on the Pine Nursery off leash area public meeting. He stated approximately 30 people attended the meeting representing the off leash community and provided good input. He added that staff believes they will be able to address the concerns expressed by two citizens at the December 7 meeting through the design process.

Don Horton reported the Mirror Pond Project continues to move forward with the hiring of Michael McLandress as the project manager. He stated that Bend 2030 is the contract administrator and fiscal agent for this piece of the project. He stated a meeting of the full committee occurred last week that resulted in a lot of good discussion. He stated that Michael will be getting an RFP out soon to solicit a team of consultants to advise the committee on what needs to be done.

Don Horton reported on a discussion with John Rexford, Bend La Pine School District, regarding a proposed use of Troy Field for a temporary sheet of ice. He stated he is receptive to the idea and a meeting of interested parties is scheduled. He added that Scott Wallace has been asked to participate in that meeting. He stated that Troy Field is an ideal location and large enough to accommodate a full sheet of ice for hockey, recreational skating, etc.

Don Horton reported the Senior Center partners do not want to be a part of the committee formed to study the use of the spaces at the center. He stated they want to be involved in the process, but feel this will take a fresh look to step away from existing biases. He explained that Virginia Reddick, President of USCB, is going to be involved in educating the committee about the history of the center and the goals of USCB. He stated a draft scope of the study has been done and it will be an in-house project. He added he believes it will tie in nicely with the Recreation Needs Assessment. He stated that OPSIS has agreed to provide some free architectural services to evaluate the land adjacent to the center. Don stated that Matt Mercer will be assisting with the project.

Don Horton reported the preliminary cost estimates on the Old Bend Gym Project have been done and meetings with the architect are going well.

GOOD OF THE ORDER

Scott Wallace referred to an email the board received from Dick Tobiason regarding funds raised for the Veteran's Memorial. Don Horton stated he had not received the email. He explained that Dick has requested release of those funds for another veteran's project in the past which was reported to the board. He stated that it is the opinion of staff that people donated to the Veteran's Memorial in Brooks Park, and the memorandum of understanding stated those funds raised beyond the cost of the project would remain with the project to make repairs or take care of maintenance on the memorial, if necessary. He cited a similar arrangement with the Old Bend Gym that resulted in a sizeable fund that is now being used on the rehabilitation project. He further recommended honoring the Veteran's Memorial agreement. Scott stated he did not disagree with that. The board agreed that George should address the request on their behalf.

Ted Schoenborn stated that he found the recreation program adjustments information provided in the board report to be very informative.

George Thayer stated that he was impressed with the number of new offerings at the Senior Center.

As there was no further business the meeting was adjourned at 7:30 pm.

Prepared by,

Paula Lowery
Executive Assistant

George Thayer, Chair

Scott Asla, Vice-Chair

Ted Schoenborn

Ruth Williamson

Scott Wallace

BOARD AGENDA COMMUNICATION

AGENDA DATE: March 1, 2011

SUBJECT: 2010 Volunteer Program Update

STAFF RESOURCE: Kim Johnson, Volunteer Coordinator

PREVIOUS BOARD ACTION: none

ACTION PROPOSED: For discussion only.

COMMITTEE ACTION: none

BACKGROUND

Prior to 2006, volunteers were recruited primarily for recreation services. In 2006, the coordinator's responsibilities were expanded to encompass a district-wide volunteer opportunities. Today, volunteers are involved in most all aspects of our organization. They create meaningful opportunities for people to give of their time and talents, and they enrich district programs and patron experiences.

Kim Johnson will share with you the 2010 volunteer statistics and a report on the status of volunteer involvement in our organization.

MOTION

For discussion only.

ATTACHMENT

None.

BOARD AGENDA COMMUNICATION

AGENDA DATE: March 1, 2011

SUBJECT: Property tax forecast

STAFF RESOURCE: Lindsey Lombard, Finance Director
Don Horton, Executive Director

PREVIOUS BOARD ACTION: None

ACTION PROPOSED: None - for information purposes only

BACKGROUND

The economic recession has created a significant reduction in the fair market values of Bend's residential, commercial and industrial properties. In some areas, and in some types of properties, the reduction in fair market values has also caused the tax assessed value to decrease. Current fiscal year total tax assessed value for the district increased by only 1.07% - well below the statutorily allowed 3% increase. Projections for Bend's total assessed value for the upcoming fiscal year are showing an additional decrease.

Staff will provide more details regarding future assessed values and the projected effect upon property tax revenues during the work session.

STAFF RECOMMENDATION

None. This presentation is meant to provide the board current financial information on future projected revenues.

BUDGETARY IMPACT

The projected decrease in the assessed value of all properties in the district's boundaries will have an effect upon the General Fund revenues for fiscal year 2011-12.

MOTION

None – for discussion purposes only.

ATTACHMENT

None.

BOARD AGENDA COMMUNICATION

AGENDA DATE: March 1, 2011

SUBJECT: Resolution No. 330 Amended Public Contracting Rules and Procedures

STAFF RESOURCE: David L. Crowther, Business Manager

PREVIOUS BOARD ACTION: Previously adopted Resolution No. 309 Public Contracting Rules

ACTION PROPOSED: Adopt Resolution No. 330 Amended Public Contracting Rules and Procedures

BACKGROUND

The Oregon Legislature has made statutory changes to the public contracting rules that make it necessary for the district to make revisions to our current rules and procedures to stay in compliance with state law. We will be amending Resolution No. 309 which is the adopted resolution we have been operating under since 2008. The Bend Park and Recreation Board of Directors acting as the Local Contract Review Board (LCRB) has the right and obligation to regularly review and update the Oregon Public Contracting Code and the Oregon Model Rules to ensure that the amendments are consistent with current law.

Resolution No. 330 will adopt amended public contracting rules and procedures; amend class special procurements and exemptions; and adopt new class special procurements and exemptions to the public contracting code to bring the district into compliance with current law.

As required by ORS 279B.085 and 279C.335 notice was published in state-wide and local print media of the district's intent to adopt changes to the Oregon Public Contracting Code and the Oregon Model Rules and accept public comment on the proposed changes.

STAFF RECOMMENDATION

Staff recommendation is to adopt Resolution No. 330 Amended Public Contracting Rules and Procedures.

BUDGETARY IMPACT

None.

MOTION

I move to approve Resolution No. 330 Amended Public Contracting Rules and Procedures and its related Exhibits A, B, and C.

ATTACHMENT

Resolution No. 330 Amended Public Contracting Rules and Procedures and Exhibits A, B, and C.

RESOLUTION NO. 330

A RESOLUTION OF THE BEND METRO PARK AND RECREATION DISTRICT BOARD OF DIRECTORS ADOPTING AMENDED PUBLIC CONTRACTING RULES AND PROCEDURES; AMENDING CLASS SPECIAL PROCUREMENTS AND EXEMPTIONS; AND ADOPTING NEW CLASS SPECIAL PROCUREMENTS AND EXEMPTIONS TO THE PUBLIC CONTRACTING CODE

WHEREAS, Bend Park & Recreation District (“District”) is an Oregon special district which is subject to Oregon’s public contracting laws; and

WHEREAS, the District’s Board of Directors (the “Board”), serves as the District’s Local Contract Review Board (“LCRB”); and

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

WHEREAS, the District has previously adopted and revised public contracting rules consistent with the Oregon Public Contracting Code then in effect; and

WHEREAS, the District has previously adopted exemptions and class special procurements under the Code which allow the District to purchase certain goods and services by alternate contracting methods; and

WHEREAS, the Code requires that in order to adopt new exemptions and class special procurements under the Code, it is necessary for the District to publish notice and provide an opportunity for comment on proposed findings supporting such exemptions and class special procurements; and

WHEREAS, the District has on March 16, 2011 published notice in the Bend Bulletin and the Daily Journal of Commerce of its intention to approve findings in support of, and adopt certain exemptions and class special procurements, which have been made available for review and comment; and

WHEREAS, the LCRB has provided an opportunity for comment and considered such comments as were received relative to the proposed findings in support of exemptions and class special procurements; and

WHEREAS, the LCRB now desires to amend the District’s public contracting rules, to amend existing exemptions and class special procurements, and to adopt additional exemptions and class special procurements consistent with the amended Oregon Public Contracting Code; now therefore

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BEND METRO PARK & RECREATION DISTRICT, ACTING AS THE LCRB, as follows:

1. That, except as otherwise provided herein, the Oregon Attorney General's Model Public Contracting Rules, Oregon Administrative Rules Chapter 137, Divisions 46, 47, 48 and 49 ("Model Rules"), and the Oregon Department of Energy Administrative Rules Chapter 330-135-0010 thru -0055, shall be the public contracting rules for the District, as such rules now exist or are later modified.
2. That the District's public contracting rules (the "Rules") are amended and restated as shown in Exhibit "A," which is attached to this Resolution and incorporated herein by reference. The Rules shall be in addition to, and shall supersede any conflicting provisions in, the Model Rules.
3. That the District shall regularly review changes in the Public Contracting Code and Model Rules to ensure that the District's Rules are consistent with current law.
4. That the exemptions and class special procurements, set forth in Exhibit "B," attached hereto and by this reference incorporated herein, are hereby adopted or amended, as applicable, and made part of the District's Rules.
5. That the exemptions and class special procurements newly adopted by this resolution are supported by the findings set forth in Exhibit "C" attached hereto and by this reference incorporated herein.
6. That if any portion of this resolution is deemed invalid by a court of competent jurisdiction, the invalid portion shall be severed from the resolution and the rest shall remain in full force and effect.

The above resolution statements were approved and declared adopted on this 1st day of March 2011.

George Thayer, Board Chair

Attest:

Don P. Horton, Executive Director

EXHIBIT A

PUBLIC CONTRACTING RULES AND PROCEDURES

A. Delegation.

(1) Except as otherwise provided in these Rules, the powers and duties of the LCRB under the Public Contracting Code must be exercised and performed by the Board.

(2) Unless expressly limited by the LCRB or these Rules, all powers and duties given or assigned to contract agencies by the Public Contracting Code may be exercised or performed by the Executive Director or the Executive Director's designee, including the authority to enter into emergency contracts pursuant to ORS 279B.080 and 279C.320.

(3) All public contracts estimated to cost \$150,000 or more must be approved by the Board of Directors. All public contracts estimated to cost less than \$150,000 may be entered into by the Executive Director without Board approval. However, emergency contracts may be entered into by either the Board or the Executive Director pursuant to paragraph G of these Rules, regardless of dollar limits, subject to ORS 294.455.

(4) For the purposes of the District's public contracting Rules, "Executive Director" shall mean the District's Executive Director or the Executive Director's designee. References in the Model Rules to the "Chief Procurement Officer" shall be deemed to refer to the Executive Director.

B. Personal Services.

(1) **Definitions.** "Personal Services" shall be defined to include those services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include, but are not limited to: architects; engineers; surveyors; attorneys, accountants, auditors and other licensed professionals; computer programmers; artists; designers; performers; and consultants. The Executive Director shall have the authority to determine whether any additional service not specifically mentioned in this paragraph is a "personal service" under this definition. "Personal Services Contract" shall mean a contract for the provision of Personal Services.

(2) **Contracts for Personal Services.** Except as provided in Paragraph (3), below, personal services contracts may be directly appointed, or awarded from proposals that are solicited informally, either orally or in writing. When proposals are sought, they shall be solicited from a sufficient number of qualified prospective proposers to ensure that no fewer than two qualified proposers submit proposals. If fewer than two qualified proposers submit proposals, the efforts made to solicit proposals shall be documented in the District's files. The selection may be based on criteria including, but not limited to, each proposer's:

- Particular capability to perform the services required;

- Experienced staff available to perform the services required, including each proposer's recent, current and projected workloads;
- Performance history;
- Approach and philosophy used in providing services;
- Fees or costs; and
- Ability to provide timely performance in the area where the services are to be performed.

Price may be considered, but need not be the determining factor. Proposals may also be solicited by using a written request for proposals, at the District's discretion.

(3) **Certain Contracts for Architectural, Engineering and Surveying Services, and Related Services.** Personal Services Contracts for architectural, engineering, land surveying or related services, all as defined by ORS 279C.100, shall be awarded in accordance with the source selection procedures set forth in Division 47 of the Model Rules. Notwithstanding the foregoing, such Personal Services Contracts may be awarded pursuant to ORS 279C.115 or 279C.120 when applicable. Division 48 of the Model Rules shall not apply to Personal Services Contracts for architectural, engineering, land surveying or related services unless the Personal Services Contract to be awarded is described in ORS 279C.110(2).

C. Contracts for Services.

Pursuant to ORS 279B.030, the provisions of OAR 137-047-0250(2)-(8) shall not apply to contracts for services awarded by the District.

D. Special Procurements and Exemptions.

(1) The LCRB may exempt from competitive bidding certain contracts or classes of contracts for the procurement of goods and services according to the procedures described in ORS 279B.085. In accordance with OAR 137-047-0285(2), the District shall give public notice of the District's approval of a special procurement for goods and services in the same manner as public notice of competitive sealed bids under ORS 279B.055(4) and OAR 137-047-0300. The public notice shall describe the goods or services or class of goods or services to be acquired through the special procurement. The District 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.

(2) The LCRB may exempt certain contracts or classes of contracts for public improvements from competitive bidding according to the procedures described in ORS 279C.335. When exempting a public improvement from competitive bidding, the LCRB may authorize the contract to be awarded using a Request for Proposal process for public improvements, according to the processes described in OAR 137-049-0640 through 137-049-0690.

E. Small Procurements (under \$5,000).

(1) Public contracts under \$5,000 are not subject to competitive bidding requirements. The Executive Director shall make a reasonable effort to obtain competitive quotes in order to ensure the best value for the District.

(2) The District may amend a public contract awarded as a small procurement beyond the \$5,000 limit in accordance with OAR 137-047-0800, provided the cumulative amendments do not increase the total contract price to a sum that is greater than one hundred twenty-five percent (125%) of the original contract price.

F. Intermediate Procurements (between \$5,000 and \$150,000).

(1) A contract for procurement of goods and services estimated to cost between \$5,000 and \$150,000 may be awarded according to the processes for intermediate procurements described in ORS 279B.070. The District may amend a public contract awarded as an intermediate procurement in accordance with OAR 137-047-0800, provided the cumulative amendments shall not increase the total contract price to a sum that is greater than one hundred twenty-five percent (125%) of the original contract price.

(2) A contract for a public improvement that is estimated to cost between \$5,000 and \$100,000, may be awarded according to the processes for intermediate procurements described in ORS 279B.070(3). The District may increase the contract price of a public contract awarded as an intermediate procurement through change order or amendment, pursuant to OAR 137-049-0910, (a) up to an aggregate of 25% over the original contract amount when the Executive Director determines that a price increase is warranted for additional reasonably related work; and (b) up to an aggregate of 50% over the original contract amount, when the Executive Director determines that a price increase is warranted for additional reasonably related work and the Board approves the increase.

G. Methods for Awarding Contracts Using Request for Proposal Process.

In making an award using the request for proposal process in ORS 279B.060, the District may use any evaluation method determined to be most appropriate for the selection process, including, but not limited to, the processes described in ORS 279B.060(6)(b). The evaluation process(es) to be used shall be stated in the Request for Proposals. OAR 137-047-0261 through 137-047-0263 shall apply to evaluation of proposals.

H. Emergency Contracts.

(1) "Emergency" shall be defined as follows: "Circumstances that (a) could not have reasonably been foreseen; (b) create a substantial risk of loss, damage, or interruption of services or a substantial threat to property, public health, welfare or safety; and (c) require prompt execution of a contract to remedy the condition."

(2) The Board Chair or the Executive Director shall have authority to determine when emergency conditions exist sufficient to warrant an emergency contract. The nature of the emergency and the method used for the selection of the contractor shall be documented.

- (3) Emergency contracts may be awarded as follows:
 - (a) Goods and Services. Emergency contracts for procurement of goods and services may be awarded pursuant to ORS 279B.080 and section B, "Delegation," of these Rules.
 - (b) Public Improvements. The District hereby adopts OAR 137-049-0150 as its contracting Rules for awarding a public improvement contract under emergency conditions, pursuant to ORS 279B.080.

I. Appeals of Prequalification Decisions and Debarment Decisions.

(1) Review of the District's prequalification and debarment decisions shall be as set forth in ORS 279B.425. The following additional procedures shall apply to hearings on such decisions by the LCRB:

- (a) Notices shall be submitted in writing to the Executive Director. Appeals filed after the filing period stated in ORS 279B.425 shall not be heard.
- (b) Upon opening of the hearing, District staff shall explain the District's decision being appealed and the justification therefore. The appellant shall then be heard. Time for the appellant's testimony shall be established by the Board Chair. The appellant may submit any testimony or evidence relevant to the decision or the appeal. Any party requesting time to testify in support of the appeal shall then be heard, subject to time limits established by the Board Chair.
- (c) Once all testimony and evidence in support of the appeal is heard, any party requesting time to testify in support of the District's decision shall be provided time to be heard, subject to time limits established by the Board Chair. Any party testifying in opposition to the appeal may submit any testimony or evidence relevant to the decision or the appeal. Once all testimony in opposition to the appeal has been heard, the appellant may request time to provide rebuttal testimony. At the conclusion of the rebuttal testimony, if any, the Board Chair shall close the hearing.
- (d) When issued in writing according to the requirements of ORS 279B.425, the LCRB's decision and order shall be final.

J. Purchases from Federal Catalogs.

Subject to applicable Board approval requirements stated in the District's Contracting Rules, the District may purchase goods from federal catalogues without competitive bidding when the procurement is pursuant to 10 USC 381, the Electronic Government Act of 2002 (Public Law 107-347). Purchases under other federal laws will be permitted upon a finding by the LCRB that the law is similar to such Act in effectuating or promoting transfers of property to contracting agencies.

K. Electronic Advertising.

Pursuant to ORS 279B.055 and 279C.360, electronic advertisement of public contracts in lieu of publication in a newspaper of general circulation in the area where the contract is to be performed, is authorized when it is likely to be cost-effective to do so. The Executive Director shall have the authority to determine when electronic publication is appropriate, and consistent with the District's public contracting policies. Notwithstanding the foregoing, publication of public improvement contracts with an estimated cost in excess of \$125,000 shall also be made in at least one trade newspaper of general statewide circulation.

L. Brand Names or Products, "or Equal," Single Seller and Sole Source. [ORS 279B.075]

The District may enter into public contracts for the procurement of Brand Name "or Equal" products, including products to be incorporated into a public improvement, subject to the requirements of this rule.

- (A) Specifications. Solicitation specifications for public contracts must not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in Subsections (i) and (ii) of this Rule.
 - (i) "Or Equal" Specification. The District may specify a particular brand name, make or product suffixed by "or equal," "or approved equal," "or equivalent," "or approved equivalent," or similar language if there is no other practical method of specification.
 - (ii) Specifying a Particular Make or Product. The District may specify a brand name, make, or product without an "or equal" or equivalent suffix if there is no other practical method of specification, after documenting the procurement file with the following information:
 - (I) A brief description of the solicitation(s) to be covered including volume of contemplated future purchases;
 - (II) The brand name, mark, or product to be specified; and
 - (III) The reasons for seeking this procurement method, which must include at least one of the following findings in the procurement file:
 - (a) It is unlikely that specification of the brand name, mark or product will encourage favoritism in the award of the public contracts or substantially diminish competition; or
 - (b) Specification of the brand name, mark or product would result in substantial cost savings to the District; or

- (c) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies.
- (B) Public Notice. The District will make reasonable effort to notify all known suppliers of the specified product and invite such suppliers to submit competitive bids or proposals; or document the procurement file with findings of current market research to support the determination that the product is available from only one seller. This requirement is satisfied by electronically posting a notice as provided in OAR 137-047-0330 for a reasonable period of time or by documenting direct contact with such suppliers in the procurement file.
- (C) Sole Source Purchasing. The District may purchase a particular product or service available from only one source if the District meets the Requirements of Subsection (A) and (B) of this rule and a Sole-Source Procurement pursuant to ORS 279B.075. Prior to purchase, the District must document its findings of current market research to support the determination that the product or service is available from only one seller or source and place this information in the Procurement file. The District's findings must also include:
 - (i) A brief description of the contract or contracts to be covered including volume of contemplated future purchases;
 - (ii) Description of the product or service to be purchased; and
 - (iii) The District's determination of a sole source which may include:
 - (I) That the efficient utilization of existing goods or services requires the acquisition of compatible goods or services; or
 - (II) That the goods or services required for the exchange of software and data with other public or private agencies are only available from one source; or
 - (III) That the particular goods or services are for use in a pilot or an experimental project; or
 - (IV) Other findings that support the conclusion that the goods or services are available from only one source.
- (D) Sole Source, Multiple Purchases. If the District intends to make several purchases of the product of a particular manufacturer or seller over an extended period, the District must so state in the solicitation file, the solicitation document, if any, and the public notice described in Subsection (B) of this Rule. Such documentation and public notice constitute sufficient notice as to subsequent purchases. Such purchase may not be made for a period in excess of five (5) years without new findings supporting continuation of the sole source procurement.

EXHIBIT B

CLASS SPECIAL PROCUREMENTS AND EXEMPTIONS TO RESOLUTION NO. 330

General:

The District shall regularly review changes in the Oregon Public Contracting Code and the Oregon Model Rules to ensure that the amendments in this Exhibit B are consistent with current law.

Class Special Procurements (Goods and Services):

- A. The District may award a public contract for goods and services under a Class Special Procurement pursuant to the requirements of ORS 279B.085. Such procurements allow the District to enter into one or more contracts over time without following the requirements of competitive sealed bidding, competitive sealed proposals, or small or intermediate procurements. The Executive Director may request a resolution from the LCRB exempting a particular contract or class of contracts from competitive bidding if the contract or contracts are not otherwise exempted under these rules.
- B. The LCRB declares the following as class special procurements. Unless otherwise specified in a particular special procurement rule, such contracts may be awarded in any manner that the Executive Director deems to be the most advantageous to the District, including by direct appointment or otherwise. Except as otherwise provided, the Executive Director shall make a record of the method of award.
 1. **Advertising Contracts, Purchase of.** The Executive Director, acting on behalf of the District, may purchase media advertising, regardless of dollar value, without competitive bidding.
 2. **Advertising Contracts, Sale of.** The Executive Director, acting on behalf of the District, may authorize the sale of advertising in District publications and for District activities, regardless of dollar value, without competitive bidding.
 3. **Equipment Repair and Overhaul.** The Executive Director, acting on behalf of the District, may enter into a Public Contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
 - (a) Conditions.

- (A) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
- (B) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
- (C) The District purchases within the limits and pursuant to the methods in (3)(b) of this Rule.

(b) **Process and Criteria.** The Executive Director will use competitive methods wherever possible to achieve best value and must document in the Procurement File the reasons why a competitive process was deemed to be impractical.

4. **Purchase of Used Personal Property.** The District may directly purchase used personal property and equipment if such property is suitable for the District's needs and can be purchased for a lower cost than substantially similar new property. For the purpose of this rule, 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 District.
5. **Information Technology Contracts.** The Executive Director, acting on behalf of the District, shall comply with the requirements of this rule for the procurement of information technology contracts. Competitive methods will be used wherever possible to achieve best value. The reasons why a competitive process was deemed to be impractical must be documented in the Procurement file. If the anticipated purchase exceeds \$150,000, the District will solicit written proposals in accordance with District rules governing requests for proposals.
6. **Telecommunications Systems - Hardware and Software Contracts.** The Executive Director, acting on behalf of the District, shall comply with the requirements of this rule for the procurement of telecommunications systems contracts. Competitive methods will be used wherever possible to achieve best value. The reasons why a competitive process was deemed to be impractical must be documented in the Procurement file. If the anticipated purchase exceeds \$150,000, the District will solicit written proposals in accordance with District rules governing requests for proposals.
7. **Telecommunications Services.** The Executive Director, acting on behalf of the District, may enter into a Public Contract for telecommunications

services without competitive bidding, if no competition exists within the area for the service required. To determine whether competition exists, the Executive Director will consider the following factors:

- (A) Determination of alternative providers available within the geographic and service market area;
- (B) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance; and
- (C) The extent to which alternative providers can respond to the District's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting District liability.
- (D) The District will use competitive methods wherever possible to achieve best value. If competition exists as defined above, the Executive Director shall enter into contracts for telecommunications services according to the processes for procurement of goods and services as specified in the District's public contracting rules. If no competition is found to exist, the Executive Director shall document such findings and may enter into the contract in the manner deemed most advantageous for the District.

8. Copyrighted and Library Materials. The District may purchase copyrighted materials where there is only one known supplier available for such goods. This includes, but is not limited to, new books, periodicals, curriculum materials, reference materials, audio and visual media, and non-mass marketed software from a particular publisher or its designated distributor.

9. Price Agreements (Requirements Contracts). The Executive Director, acting on behalf of the District, may establish price agreements (requirements contracts) for the purposes of minimizing paper work, achieving continuity of products, securing a source of supply, reducing inventory, combining District requirements for volume discounts, standardization among District departments and reducing lead time for ordering. Purchases under price agreements (requirements contracts) may be made in accordance with the following:

- (A) The initial price agreement (requirements contract) must be awarded through competitive procurement procedures unless otherwise allowed under the District's rules;

- (B) District departments may purchase the goods or services from the awarded contractor without first undertaking additional competitive procurement procedures; and
- (C) The term of any District requirements contract, including renewals, will not exceed five years unless otherwise exempted pursuant to ORS 279B.085.

10. Purchases under Federal Contracts. When the price of goods and services has been established by a contract of the federal government pursuant to a federal contract award, the District may purchase the goods and services in accordance with the federal contract without subsequent competitive bidding. In exercising its authority under this exemption, the District shall (a) determine that the original procurement was made under the Electronic Government Act of 2002 or other federal law that is determined to be similar by the Board, and (b) document the cost savings to be gained for the District from the anticipated purchases under the federal contract. The District shall not contract pursuant to this rule in the absence of an anticipated cost savings to the District by using this method.

11. Hazardous Material Removal and Cleanup. The District may directly acquire services to remove or clean up hazardous material or oil from any vendor when ordered to do so by the Oregon Department of Environmental Quality pursuant to its authority under ORS Chapter 466. In doing so, the following conditions apply:

- (A) To the extent reasonable under the circumstances, the District will encourage competition by attempting to obtain informal price quotations or proposals from potential suppliers of goods and services.
- (B) The District department responsible for managing or coordinating the clean-up shall prepare a written description of the circumstances that require it and a copy of the DEQ order for the cleanup to the Executive Director, together with a request for contract authorization;
- (C) The District department responsible for managing or coordinating the clean-up shall record whether there was time for competition, and, if so, the measures taken to encourage competition, the amount of the price quotations obtained, if any, and the reason for selecting the contractor to whom award is made; and

(D) The timeline for cleanup does not permit use of intermediate procurement procedures.

12. Insurance, Employee Benefit and Other. The District may purchase employee benefit insurance and other insurance without competitive bidding, regardless of dollar amount, subject to the terms of any collective bargaining agreement between the District and represented employee groups.

13. Disposal of Abandoned, Seized or Non-owned Property. Contracts or arrangements for the sale or other disposal of abandoned, seized or other personal property not owned by the District at the time the District obtains possession are not subject to competitive procurement procedures. The Executive Director may select any legally permissible method of disposal including, but not limited to, donation to a charitable organization.

14. Disposal of Surplus Property.

(A) Surplus property may be disposed of by any of the following methods upon a determination by the Executive Director that the method of disposal is in the best interests of the District. Factors that may be considered by the Executive Director include costs of sale, administrative costs, and public benefits to the District. 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.

1. Governments. Without competition, by transfer or sale to another District department or public agency.

2. Auction. By publicly advertised auction to the highest bidder.

3. Bids. By publicly advertised invitation to bid.

4. Liquidation Sale. By liquidation sale using a commercially recognized third-party liquidator selected in accordance with rules for the award of personal services contracts.

5. 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.

6. 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.

7. Donation. By donation to any organization operating within or providing a service to residents in the District's geographic area 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.

(B) Disposal of Property with 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 District official making the disposal shall make a record of the value of the item and the manner of disposal.

(C) Restriction on Sale to District Employees. District employees may compete as members of the public for the purchase of publicly-sold surplus property. However, for property to be sold to the first qualifying bidder, employees may not submit purchase offers until at least three days after the first date on which notice of the sale is first publicly advertised.

15. Temporary Extensions or Renewals. Except for public improvement contracts, the District may extend or renew contracts for a single period of one year or less without competitive bidding.

16. Temporary Use of District Property. The District may negotiate and enter into a license, permit or other contract for the temporary use of District-owned property without using a competitive selection process if:

(A) The contract results from an unsolicited proposal to the District based on the unique attributes of the property or the unique needs of the proposer;

(B) The proposed use of the property is consistent with the District's use of the property and the public interest; and

(C) The District reserves the right to terminate the contract without penalty, in the event that the District determines that the contract is

no longer consistent with the District's present or planned use of the property or the public interest.

17. **Sponsorship Agreements.** Sponsorship agreements, under which the District receives a gift, donation or consideration in exchange for official recognition of the person making the donation or payment, may be awarded by any method deemed appropriate by the District, including without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.
18. **Concession Agreements.** The District may enter into contracts which grant a franchise or concession to a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from District property and under which the concessionaire or promoter makes payments to the District based, at least in part, on the concessionaire's revenues from sales or the value of such promotion to the sponsor's business, whether on or off the District property. A concession agreement does not include an agreement which represents a rental, lease, license, permit or other arrangement for the exclusive use of public property. Concession agreements may be awarded by any method deemed appropriate by the Executive Director including without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.
19. **Fuel and Asphalt Contracts.** The District may purchase gasoline, diesel fuel, heating oil, lubricants, and asphaltic products if the District seeks competitive quotes from at least three vendors and makes its purchase from the least expensive source. Written records of the quotations and purchases made will be kept by the Park Services Department or Finance Department as public records.
20. **Office Printer, Copier Purchases.** The District may enter into multiple requirements contracts for the purchase, rental, or lease of office printing, scanning and/or copying equipment in order to maintain consistent standards and improve maintenance efficiencies. Except for this multiple-award special procurement, such contracts must otherwise conform to the requirements of the District's public contracting rules. In exercising this exemption, the District must fully consider the operating capabilities, limitations, and cost of each brand or model and select the brand that will produce the best combination of performance and cost per copy for each application.
21. **Foodstuffs and Consumables for Educational Programs.** The District may purchase foodstuffs and other consumables for use in its educational

programs without competitive Bidding if total purchases do not exceed \$7,500 per program per year.

22. Athletic Equipment and Supplies. The District may purchase replacement parts or individual pieces of athletic equipment and/or supplies without competitive bidding in order to match existing supplies of same. Individual athletic uniforms may also be purchased by brand name without competitive bidding in order to match existing supplies of same. Total replacement of athletic or physical education equipment, supplies and/or uniforms must be purchased through a competitive process unless otherwise allowed by District rule.

C. The District shall give public notice of the District's approval of a Class Special Procurement for goods and services in the same manner as public notice of competitive sealed bids under ORS 279B.055(4) and OAR 137-047-0300. The public notice shall describe the goods or services or class of goods or services to be acquired through the Class Special Procurement. The District shall give affected persons at least seven (7) days from the date of the notice of approval of the Class Special Procurement to protest the Class Special Procurement.

Exemptions (Public Improvements):

A. The District may award a public improvement contract under an exemption to competitive procurement pursuant to the requirements of ORS 279C.335. Such procurements allow the District to enter into one or more contracts over time without following the requirements of competitive sealed bidding, competitive sealed proposals, or small or intermediate procurements.

B. The LCRB declares the following public improvement contracts to be exempt from competitive bidding. Unless otherwise specified in a particular exemption rule, such contracts may be awarded in any manner that the Executive Director deems appropriate to the District's needs, including by direct appointment or otherwise. Except as otherwise provided, the Executive Director shall make a record of the method of award.

1. Use of Existing Contractors. When a public improvement is in need of minor alteration, repair or maintenance at or near the site of work being performed by another District contractor, the District may hire that contractor to perform the work up to a total additional amount of \$35,000, provided:

(A) The contractor was hired through a selection process permitted by the District's public contracting rules;

- (B) The Executive Director first obtains a price quotation for the additional work from the contractor that is competitive and reasonable; and
- (C) The original contract is amended to reflect the new work and is approved by the Executive Director before work begins.

2. Donated Materials or Services. The District may authorize a person to construct an improvement on District property or perform services without competitive bidding or other competitive process and regardless of dollar amount, if:

- (A) The person has agreed to donate all of the materials and/or services necessary to construct the Public Improvement or perform the service; and
- (B) The person enters into a license or agreement with the District whereby the person agrees to comply with the public contract requirements applicable to the particular project and any requirements that the District deems necessary or beneficial to protect the District.

C. **Joint Cooperative Agreement.** The District may enter into a joint cooperative agreement for a public improvement project according to these Rules, but may not enter into a permissive cooperative agreement for a public improvement project. [HB 2214 (2005).]

EXHIBIT C

FINDINGS IN SUPPORT OF RESOLUTION NO. 330 ADOPTING ADDITIONAL CLASS SPECIAL PROCUREMENTS AND EXEMPTIONS AS PART OF THE DISTRICT'S PUBLIC CONTRACTING RULES

ORS 279B.085 and 279C.335 authorize a Local Contract Review Board ("LCRB"), upon adoption of appropriate findings, to establish special selection, evaluation and award procedures for, or exempt from competition, the award of a specific contract or classes of contracts.

Pursuant to that authority the Board of Directors, acting as the LCRB, has, after notice and an opportunity to comment at a regular meeting of the Board, adopted Resolution No. 330, which establishes classes of contracts and the solicitation methods for their award, together with the following specific findings in support thereof, or a determination that no findings are required.

NOW THEREFORE, the District Board of Directors acting as the Local Contract Review Board pursuant to ORS 279A.050 and ORS 279A.060 finds as follows:

Generally: ORS 279B.085 and ORS 279C.335 empowers the District Board, acting as the LCRB, to adopt rules exempting certain classes of contracts and class special procurements from a competitive procurement process upon approval of the following findings:

(a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and

(b) The awarding of public contracts pursuant to the exemption is reasonably expected to result in substantial cost savings to the District.

In making these findings, ORS 279C.330 requires consideration of information for "Public Improvement Contracts", including, but not limited to, information regarding: (a) Operational, budget and financial data; (b) public benefits; (c) value engineering; (d) specialized expertise required; (e) public safety; (f) market conditions; (g) technical complexity; and (h) funding sources. The District Board of Directors finds that not all of these factors are relevant to all of the following classes of contracts (for example, "value engineering" is not relevant to contracts for which no engineering is required), and that other considerations can also be relevant. The District Board of Directors discusses these factors with regard to the following contracts where relevant. If some or all of the factors are not discussed, the District Board has concluded that they are not relevant to that particular class of contract. (For example, "value engineering" would only apply to certain contracts for public improvements.)

Heading numbers found in this Exhibit C refer to the class special procurement or exemption number, as applicable, found in Exhibit B to Resolution No. 330

I. Specific Findings - Class Special Procurements:

The Board approves the specific findings for the establishment of special solicitation methods for the classes of public contracts described below and also finds that the establishment of each class of contracts and the methods approved for their award:

- A. Is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- B. The awarding of public contracts under the exemption is reasonably expected to result in substantial cost savings to the District, or otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder.

3. Equipment Repair and Overhaul.

Findings of Fact:

- 1. The need for equipment repair or overhaul cannot be anticipated by District staff. If a piece of equipment is broken or not working properly, the District incurs the cost of downtime, possible replacement equipment rental fees, staff time, and other inconveniences or disabilities to its programs. A special procurement for such services thus has operational and budgetary benefits. The special procurement also enhances public safety by permitting prompt repair of potentially dangerous malfunctions.
- 2. Generally, there are a limited number of vendors who are able to perform repair or overhaul on a particular piece of equipment because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place which will guarantee some savings to the District in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul. The special procurement thus addresses the need for the specialized expertise and technical complexity.

Conclusions of Compliance with the Law:

It is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts, as required by ORS 279B.085(3)(a), because the dollar value of the exempted purchase may not exceed \$100,000 without further exemption from the District Board. The District will seek quotes or bids where it is practical. If it is not practical to obtain competitive quotes or bids, the requisitioning department must provide written justification to the Business Office, which will become part of the public record of the contract.

The awarding of public contracts pursuant to this special procurement is reasonably expected to result in substantial cost savings to the District, as required by ORS 279B.085(3)(b)(A); or otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with requirements of ORS 279B.055, 279B.060, 279B.065 or 279B.070, because the District incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This special procurement only applies to equipment already owned by the District. Time is of the essence in contracts for the repair or overhaul of District-owned equipment. The District must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime.

5. Information Technology Contracts.

Findings of Fact:

1. Rapid changes in technology make it necessary for the District to be able to purchase needed computer equipment quickly. This special procurement thus has operational benefits and recognizes market conditions.
2. Pricing for high-technology equipment also changes rapidly. It is frequently possible to take advantage of frequent price changes in the marketplace in the purchase of computer equipment
3. There is generally sufficient competition among vendors of data and word processing hardware and software for the District's business.
4. The District will take reasonable efforts to obtain at least three informally solicited quotes for purchases less than \$150,000.
5. If a purchase of equipment or software is expected to cost more than \$150,000, the District will use a formal competitive bidding or proposal process unless a purchasing opportunity requires faster action.

Conclusions of Compliance with the Law:

1. It is unlikely that this special procurement will encourage favoritism in the award of District contracts or substantially diminish competition for District contracts. The purchase of technology, data and word processing hardware and software will be made in accordance with other competitive bidding rules herein.
2. The use of this special procurement will result in substantial cost savings to the District. Competition will be encouraged at all dollar levels of purchase of computer hardware and software. This rule gives the District some flexibility in selecting the method of procurement when a competitive procurement would result in a missed purchasing opportunity.

6. Telecommunications Systems - Hardware and Software Contracts.

Findings of Fact:

1. Rapid changes in technology make it necessary for the District to be able to purchase needed telecommunications hardware and software quickly. This special procurement thus has operational benefits and recognizes market conditions.
2. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware and software to allow the District to make competitive purchases.
3. Pricing for telecommunications hardware and software also changes frequently. It is important for the District to take advantage of price competition in the marketplace.
4. The District will take and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than \$150,000.
5. If a purchase of equipment or software is expected to cost more than \$150,000, the District will use a formal competitive bidding or proposal process in accordance with these rules unless a purchasing opportunity requires faster action.

Conclusions of Compliance with the Law:

1. It is unlikely that this special procurement will encourage favoritism in the award of District contracts or substantially diminish competition for District contracts. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules whenever practicable.

2. The use of this special procurement will result in substantial cost savings to the District as required by ORS 279B.085 (3)(b)(A). Competition will be encouraged at all dollar levels of purchase of computer hardware and software. This rule gives the District some flexibility in selecting the method of procurement when a competitive procurement would result in a missed purchasing opportunity.

10. Purchases under Federal Contracts.

Findings of Fact:

1. This special procurement allows the District to make purchases of goods and services when the price has been established by the federal government through a competitive procurement process.
2. The District may use this special procurement method when it determines that there is a cost savings to be made in avoiding the competitive solicitation process.

Conclusions of Compliance with the Law:

1. The contracts are awarded through competitive processes which meet the standards of the Oregon public contracting code. Oregon companies are not excluded or disadvantaged in participating in bidding on federal contracts.
2. The contracts are awarded at the price most advantageous to the federal government. The District is required to document the cost savings it will achieve by using the contract. These facts ensure that the District purchases the desired goods or services at the best price available, rather than from a preferred contractor.

19. Fuel and Asphalt Contracts.

Findings of Fact:

1. The market pricing of these products varies on a daily basis. Where it is practical, the District uses requirements contracts where award is based on the best discount off "pump" or list price to fill its needs. There are times, however, when it is not practical to maintain a requirements contract for these commodities. At these times, the District may get "spot market" quotes and purchase the item from the vendor offering the lowest price at the moment of need.
2. The District can maintain lists of vendors who supply these products. Any vendor may ask to be placed on a list. When the District makes a purchase, it contacts at least three vendors and makes its purchase from the least expensive

source. Because of the nature of these products and the way they are supplied, most vendors are in the local area. For example, out-of-town heating oil suppliers do not generally compete with local heating oil suppliers because of the cost of transportation.

3. The District saves the most money if it has the flexibility to purchase in the best manner indicated by the state of the market at the time of purchase, whether this is through quotes or a requirements contract.

Conclusions of Compliance with the Law:

It is unlikely that this special procurement will encourage favoritism in the award of District contracts or substantially diminish competition for District contracts. Local vendors would have open access to the District's vendor lists and may submit price quotes at any time. The District will contact at least three vendors for a quote before making a spot purchase. If a requirements contract is established for a period of time, the District Purchasing Department will solicit informal or written bids as appropriate to the dollar value of the purchases made.

The use of this special procurement is reasonably expected to result in substantial cost savings to the District as required by ORS 279B.085(4)(b) since the District can use whatever method of procurement it finds in the best interest of the District at the time of need to obtain gasoline, heating oil, and like products.

20. Office Printer, Copier Purchases.

Findings of Fact:

This special procurement enables the District may enter into multiple requirements contracts for the purchase, rental or lease of office printing and/or copying equipment. This special procurement has operational and budgetary benefits because it enables the district to ensure long-term compatibility and support for its office printers and copiers.

Conclusions of Compliance with the Law:

This special procurement is unlikely to encourage favoritism or substantially diminish competition because the contracts must be issued pursuant to the competitive requirements contract process. The special procurement is reasonably expected to result in substantial cost savings because of increased compatibility and support and avoidance of duplicative administrative costs found in the requirements contract process in general.

21. Food Stuff and Consumables for Educational Programs.

Findings of Fact:

1. District program instructors periodically require foodstuffs and other consumable supplies for their programs. These are typically purchased in small quantities. Many products must be fresh for use and have a limited shelf life, such as bread, eggs, or milk. The District needs to be able to make spot purchases of such items at local stores convenient to the school programs.
2. This rule permits the District to shop grocery store sales for "lower than normal" prices for the best buy on foodstuffs and other consumables needed for programs.
3. Each program is somewhat different in the timing and use of these supplies. There is little potential for combined volume purchasing in these purchases. As the programs are currently set up, there would be significant administrative overhead spent to try to coordinate and effectively handle these purchases at the District level.

Conclusions of Compliance with the Law:

It is unlikely that this special procurement will encourage favoritism in the award of District contracts or substantially diminish competition for District contracts, as required by ORS 279B.085 (4) (a). Generally, their volume in a particular item is not large enough to require formal purchasing methods.

The award of District contracts pursuant to this special procurement is reasonably expected to result in substantial cost savings to the District. It would be an inefficient, time-consuming, and costly process to centralize the purchasing of products for all such programs. The District saves money by not interfering with the purchase of items to be used in this program.

22. Athletic Equipment and Supplies.

Findings of Fact.

1. District athletic programs require many different types of equipment and supplies, much of which is stocked by the District and provided for participant use. Efficient utilization of existing equipment often requires the acquisition of compatible equipment and supplies. In many instances, such as uniforms, brand names are specified so that new uniform pieces can match an existing set.
2. A competitive bidding or alternative competitive procurement must be used to purchase the original products.

Conclusions of Law

Designation of brand names (Sole-Source) must comply with District rules. In this case it is unlikely that designation of brand names will encourage favoritism or diminish competition because the brands will initially be selected through a competitive procurement or prequalification process open to all interested vendors. The special procurement is reasonably expected to result in substantial cost savings because the District will be able to buy individual pieces of equipment and/or uniforms as they wear out, rather than having to purchase full or incompatible sets because all or part of the materials are worn out.

II. Specific Findings for Public Improvement Exemptions

The Board approves the specific findings for the exemptions for each class of public improvement established in the provisions described below and also finds that the establishment of each class of contracts and the methods approved for their award:

- A. Is unlikely to encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; and
- B. The awarding of public improvement contracts under each exemption will likely result in substantial cost savings to the District.

1. Use of Existing Contractors.

Findings of Fact:

1. From time to time, the District needs to perform repair or maintenance functions at or near a site where a contractor, already hired by the District through a competitive selection process, is performing other work.
2. The Executive Director may obtain an informal price quote from the contractor already at or near the site to perform the additional work. If the Executive Director determines that the informal price quote is competitive for work of that type, then the contractor may be awarded this additional work without the need for competitive bidding provided that the value of the additional work, as estimated by the contractor, does not exceed \$35,000.

Conclusions of Compliance with the Law:

1. The District will achieve cost savings because the cost of the additional work will be lower than if the work was competitively bid because the contractor is already mobilized at or near the site of the work and will not need to recover the cost of mobilization as a new contractor would.

2. It is unlikely that this exemption will encourage favoritism or substantially diminish competition in the award of District contracts, as the contractor was originally selected through a competitive bidding process. The occurrence of such additional work is haphazard and often was not foreseen and the District is not required to provide the contractor with the work if the estimated price is not competitive.

2. Donated Materials or Services.

Findings of Fact:

1. Individuals and community groups from time to time offer to donate all or a portion of their professional or skilled services or materials, to help the District meet its facilities and/or other needs. The ability to take advantage of such donated services enables the District to use its funds in other areas and frequently results in improvements or services that the District would not otherwise be able to afford. The exemption thus has budgetary, operational and public benefits.
2. The exemption enables the District to take advantage of these offers, while ensuring that the requirements of the Public Contracting Law continue to be met.

Conclusions of Compliance with the Law:

1. It is unlikely that this exemption will encourage favoritism in the award of District contracts or substantially diminish competition for District contracts because it will only apply when a person or entity donates all or part of the materials or services. Charitable donations are outside of the competitive market for goods and services. In many instances, the donations will enable the District to construct or complete projects that it otherwise may not be able to afford to do, and thus will not displace what would otherwise be a competitively bid project.
2. The use of this exemption will likely result in substantial cost savings to the District because the District is not required to pay for the goods and services if they are donated.

Community Relations Department
February 2011

Marketing and Communications

- Sent out targeted emails on upcoming recreation programs. These no-school day programs received a 100% increase in enrollment within 24 hours of sending the email.
- Serving on ORPA marketing committee on Oregon Outdoor Children's Bill of Rights; met in Salem, created RFP for a new Outdoor Seekers website, met with designer to give direction on creating collateral materials
- Produced People & Parks. It will be mailed out on Feb. 24.
- Created ads and promotions for Central Oregon's Got Talent
- Met with recreation staff and created an advertising plan to get the word out about early summer registration. Promotion of this includes:
 - Email to everyone in the online registration system
 - Article on cover of newsletter mailed to all district residents
 - Facebook/Twitter posts
 - Ads on Facebook targeted to all Bend residents over 18
 - Appearances on Good Morning Central Oregon
 - PSA to all media
 - Ad in the Source and Bulletin
 - Signs up at district locations including all Kids Inc
 - Radio ads that are DJ announcements
 - Wallboard Posters in all elementary and middle schools
 - True North magazine to put it in their magazine calendar
 - 10 visible staff members to wear t-shirts advertising early registration
 - Asked all school secretaries if they will include it in their school newsletter
 - Splash page ad on our online registration page
 - Put extra flyers out at the library and other key locations
 - Included in his baseball postcards that are mailed out
 - Submit to local blogs and online calendars of KTVZ, Source, KOHD

Public Event Park Reservations

- Feb events: Polar Plunge 2/24-25
- New events in the works
 - Pine Nursery- Youth Fly Fishing Event
 - Riverbend - Salmon Run to move from McKay
 - Riverbend- Walk For Life
 - Riverbend - Bend Paddleboard Challenge
 - Drake - Oyster Adventure Run
 - Riverbend - Yogis Unite
 - Drake - Dash for Dads foot race

- St. Pat's Dash Fun Run – run through
- Ongoing communications with event organizers, bookings, pre and post event meetings, bookkeeping.
- Event reservation web page updated and ready for business. I have had many compliments on how user friendly it is!

July 4th Pet Parade and Festival in Drake Park Event Coordination

- Finalize sponsor agreements; expected revenue- \$23,000
- Hired seasonal event coordinator for Festival in the Park
- Updating July 4th task list, budget, and registration process in prep for new coordinator.
- Confirming event activities and entertainment in prep for summer guide deadline March 3rd.
- Developing new on-line registration packet for vendors

Talk in the Park

- Five Talk-in-the-Park topics and speakers secured
- Updating promotion for the summer program guide.

Other:

- Completed end of year budget projections; starting 2011-12 budget preparation for community outreach, district wellness committee and public event reservations

Volunteer Program

- Follow up, orientation and coordination for new volunteers.
 - Volunteers placed: 2 – BSC; 8 – JSFC; 2 – Therapeutic Recreation
- Recruited volunteers to support district events – Valentines Dance, Senior Center Dance, Central Oregon's Got Talent
- Assisted with planning for Central Oregon's Got Talent
- Recruitment for and communication with goose management program volunteers
- Met with JSFC staff to plan schedule/orient/train summer teen volunteers
- Prepared volunteer information for summer rec. guide
- Met with Paul regarding spring OLA volunteer projects and recruitment/orientation for new OLA volunteers
- Communicated with adopt a park & trail volunteers, and OLA volunteers.

Park and Recreation Foundation

- Met with bank regarding options for accepting automated monthly donations
- Worked with designer for Foundation ad for summer recreation guide

- Administered Foundation finances, including deposits, payments, transfers and thank you receipts

Community Relations and Administration

- Prepared end of year budget projections/report for dept.
- Began visioning for 2011-12 year annual plan focusing on strategies to update our messaging to reflect the state of economy and desired position of district; used information attained from recent survey to inform process; began evaluation of the effectiveness of current branding and reputation management strategies; began consideration of new strategies to achieve desired results.
- Met with staff to identify cost saving measures in each area of the department; evaluated options
- Began preparation of 2011-12 budget
- Met with Kim to review recommendations to volunteer program policy
- CAPRA - prepared assessment processes; accepted invitation to be a CAPRA evaluator for the City of Davenport Iowa Park and Recreation Department in May; submitted "Intent to Pursue Accreditation" with NPRA (giving us two years from filing date to submit district assessment report)
- Presented on foundation development to Redmond Park and Recreation Foundation
- Participated in ORPA conference planning committee including development of the conference logo, transportation planning, and conference promotions; the conference will be in Bend this year
- Began goose management communications plan, emphasizing strategies to discourage residency in parks
- Drafted new fundraising concept for foundation

Park Services February 2011

Administration

- Completed budget estimates to spend.
- Reviewed plans for Pine Nursery off-leash facility.
- Participated in Shevlin Park master planning process.
- Met with Planning and Development to review Access Plan priorities.
- Met with W.H. Pacific to review progress on storm water/UIC progress report.
- Met with Pinnacle Architecture to review progress on Old Bend Gym project.
- Met with USDA-Wildlife Services and ODFW to review Goose Management Plan.

Facilities Staff

- Hollinshead Barn: installed new vinyl floors in kitchen, restrooms and coat room, new water heater, refinished upper and lower wood floors and repainted interior.
- Installed new furnace in Harmon Hobby Hut.
- Assisted shop staff installing safety rail at trail access in McKay Park.
- Graded road to water tank in Skyline Sports Complex.
- Removed brush and heavy material with backhoe at Mirror Pond in Drake Park.
- Cleaned up debris left from construction at Pine Nursery.
- Replaced circulating pumps and associated electrical at JSFC.

Landscape Management

Sports Field Staff

- Turf sweeping at Stover and Ponderosa parks.
- Pruning at the Pine Nursery.
- Assisted with hazard limb removals from the storm.
- Installed new playground chips at various neighborhood parks.
- Snow and ice removal.

Neighborhood Parks Staff

- Snow and ice removal
- Playground chip installation at Blakely, Wildflower, Hollygrape, Gardenside, Larkspur, Al Moody, Mt. View, Providence, Foxborough & Sawyer Uplands parks.
- Assisted with storm damage cleanup at Drake, Harmon and Columbia parks.
- Routine playground inspections and trash collection.

Premier Parks Staff

- Finished the pruning and thinning project at Mirror Pond in the natural areas that will provide more views of the river from the upper turf spaces in the park.
- Turf sweeping at Drake Park.
- Assisted with the cleanup from the storm at Pioneer, Drake and Columbia parks.
- Michelle Morrell attended the High Desert Green Conference in Redmond.
- Routine snow and ice removal and playground inspections.

Irrigation Staff

- Finished preventative maintenance on the sand filters at Drake Park.
- Finished pump preventative maintenance and ordered a back-up pump for Pioneer Park.
- Continued work on Hollinshead irrigation in front of the Community Garden.
- Snow removal.

Urban Forestry Staff

- Supervised the forestry project at Shevlin Park.
- Completed removal of overhead hazard limbs at Shevlin Park.
- Completed removal of the poplars along the road at Hollinshead Park.
- Snow and ice removal at Pioneer and Juniper parks.

Shop Staff

- Vehicle/equipment maintenance and repair.
- Started annual lawn mower maintenance.
- McKay handrail is installed.
- Hollinshead Community Garden deer fence work is nearing completion.
- Mirror Pond fence posts are built and ready for installation.
- Painted mechanics shop, office and welding room.
- Safety suggestion awards presented to Jon Turnage, Nancy Reeder and Tara Murdock.

Natural Resources Staff

- Continued goose hazing in all river front parks.
- Shevlin fire fuel reduction forestry project 70% complete but temporarily stalled by deep snow.
- Wind storm cleanup and hazard assessment is in progress.
- Recruiting volunteers and planning for the upcoming goose control efforts this spring, i.e. egg oiling, nest location and hazing.
- Snow removal as needed

Planning and Development Project Summary

February 2011

NEW CONSTRUCTION

Pine Nursery Community Park: Trail sign installation is nearly complete. Waterline installation is complete and Avion testing is underway. Irrigation and valve wire conduit for off-leash area has been completed. Phone line installation nearing completion. Notice board kiosks are under construction by in-house crew.

Pine Ridge Neighborhood Park: Soft Surface trail has been completed. Additional mulching will be added this spring.

Pacific to Revere Deschutes River Trail: Trail work complete. Stairway removal and pump house rock veneer finish at Pioneer Park to be completed over the winter as weather permits.

South Canyon Boardwalk: Construction is complete. Plantings will be added in the spring.

Columbia Park Renovation

The riparian area grading has been completed. The soft surface trail, retention basins, concrete stairway and stacker block wall have been completed. The playground and plaza areas have been graded and base rock installed. Curbing for the plaza has been completed. Work is on hold until the weather improves.

PROJECT PLANNING AND DESIGN

Pine Nursery Community Park: Off-leash Area Improvements. Staff continues investigating the design requirements and costs of creating a dog play pond. Additional trails are the highest desired feature and are being planned for the area, as well as improved access from the parking lot.

District Sign Program: The board reviewed the first draft on December 7. Final review and adoption anticipated in April 2011.

Columbia Park Renovation: Design work continues on landscape features. Playground equipment has been ordered for spring installation.

Ponderosa Community Park Phase 1: HWA is assisting district staff with the engineering and infrastructure design and permitting necessary to begin the construction of phase 1. Anticipated phase 1 improvements include in a new access from Wilson Street, parking, utility extensions, right-of-way improvements, the preparations needed to relocate the skateboard park, a new playground and a plaza area. The contract also includes survey and preliminary design for the Coyner Trail from 15th Street to Juniper Park.

Colorado Dam Paddle Trail Improvements: The board approved an Otak proposal for final engineering and permit drawings on November 16. Staff reviewed the fee estimate and scoping items with the board February 22nd. Contract negotiation and documents are underway.

Miller's Landing: District and Trust for Public Land are to close the land sale by March 31, 2011. Preliminary discussion of Phase I development of the new park is underway.

1st Street Rapids Bridge 2010 ODOT Project Readiness Initiative: District staff continues to meet with ODOT regarding the RFP process and anticipates releasing a mini RFP in March.

Davis Master Plan: Public process planning underway. Coordination with First Street Rapids bridge and trail work underway.

Shevlin Park Master Plan - Project goal setting and public process planning continues.

Hollinshead Park Catering Pad: Solicited bids for engineering work to complete a new catering pad to provide a hard surface for catering vehicles near the barn.

Dagget Lane Pedestrian Crossing: Staff is working with the city of Bend to accommodate landscaping near the city's proposed Safe Routes to School crossings at Al Moody Park.

LONG RANGE PLANNING

Recreation Program and Indoor Facilities Needs Assessment: An RFP was issued on February 1 and closed on March 1. Board approval of the selected consultant is scheduled on the April 5.

Park Accessibility Project: Planning and Development is working with Park Services during the 2011-12 budget preparation to include recommended priorities and improvements pursuant to the Access Study in the Assets Management Plan.

District Atlases: Staff continues to refine the Trails Atlas and Park Atlas using new air photos and other updated information.

City of Bend UGB Remand: Staff continues to work with legal counsel and the city on a draft revision of the Intergovernmental Agreement Regarding Coordinated Planning, Urban Services and Urban Reserve Areas (AKA an Urban Services Provider Agreement)

Development Code Tune-up Package: The development code tune-up package including proposed cell tower regulations was discussed in City Council work session on February 16 and is scheduled for public hearing and first reading before the Council on March 16.

PROFESSIONAL ASSOCIATIONS AND COMMITTEES

District Committees: Planning and Development staff continues to serve on the ERC and Safety Committees as well as Sustainability Team and Art and Walls Committee. Robin Laughlin worked with the Kids Outdoors committee to help organize the February 24 summit.

Community Involvement and Professional Associations: Norm Ziesmer attends COCA meetings. Steve Jorgensen attends BPAC meetings. Robin Laughlin serves as Oregon ASLA Treasurer. Bruce Ronning serves on the OPRD Local Government Grant Advisory Committee and the ORPA Legislative Committee.

Recreation Department February 2011

Recreation/ Enrichment

- Rx 2 Thrive's pilot program at Ensworth Elementary began 2/14, a collaborative program with Kids @ Heart, Deschutes Co. Health Dept., COPA, Mosaic Medical to promote active – healthy lifestyles to kids and address childhood obesity issues
- Hosted the 1st Outdoor Summit, Kids in Nature @ Aspen Hall on 2/24, bring together outdoor recreation providers in central Oregon to promote getting kids into the out of doors and become more physically active and address childhood obesity issues
- Proposed new registration process, all summer programs will be available online on March 17th with the printed program guide mailed on April 28th.
- C.O. Got Talent fundraiser for Adaptive & Therapeutic Recreation is scheduled for March 12 at the Tower Theater, 6 – 9:00pm; 23 acts confirmed and more sponsors secured
- Therapeutic/Special Recreation have a new updated brochure
- Therapeutic recreation has two new programs in Zumba and Theatrical Thrills, both classes filled and they will put on a performance of Jack in the Bean Stalk for Kids Inc in March
- Discussing an adaptive cycling program for summer in partnership with Oregon Adaptive Sports
- Bend Kids Ski League had 13 families with 18 children learning to XC ski, first time this program has not filled
- Most NEW sessions of adult snowshoeing and XC skiing were cancelled in February due to low enrollments
- Winter Adult Outdoor program registrations were lower than previous years, Spring registrations are stronger
- Ten youth recreation staff received CPR/ 1st Aid training
- All summer program information was completed for online registration and program guide production by March 2
- 2010-11 Recreation budget estimates presented to finance dept. on Feb. 25th

Bend Senior Center

- Internal facility needs assessment volunteer committee will get started on March 2 with an organizational meeting outlining the process
- Brown Bag Lunch and Learn started its 13 session program with good attendance
- Completing information for summer program guide
- Center is now open on Saturdays, with the fitness room open from 9:00-12 noon
- Honored park services staff for their support with maintenance and repairs with a Lasagna Lunch on Feb. 15th
- Hosting, Way Out West- Candlelight Dinner Dance is March 18th
- Forever Fit class grew by two sessions in February
- Center staff have answered over 1,000 tax assistance calls in February

- Senator Ron Wyden will hold a Town Hall meeting on Thursday, March 22 from 9:30am – 11:00am
- Park services did an outstanding job clearing the parking lot and sidewalks from the Feb. 15th snow storm

JSFC

- February is on pace for record revenues and attendance for the month
- Completed upgrades to indoor pool heat exchangers to increase pool water heating efficiencies
- Completed inventory of all building and equipment assets for Asset Mgmt. Plan
- Began implementation of Maintrack software, to be used for preventive maintenance scheduling, inspections, tracking of repairs and asset management
- Converted all pool operation logging requirements to electronic logging
- Hosted the Bend Swim Club swim meet on January 29
- Hosted high school district swim meet on February 11-12
- Afternoon recreation swim offered on February 21st for kids out of school
- Full color article on swim lessons in True North magazine
- Bend Bulletin article on deep water running
- High Desert Pulse article on Post natal fitness – Baby & me class
- Bend Bulletin article on HS district swim meet events
- Started new session on Feb. 14th for swim lessons, synchronized swimming, springboard diving & teen novice program.

Sports

- January – February SoccerTots sessions concluded February 17 – 40 participants.
- January – February Soccer Skills, Sports Exploration and Sportsters sessions concluded February 16 – 15 participants.
- Learn to Play Roller Hockey program concluded February 26 – 8 participants.
- All Sport Camp was held February 21(no school day) at Cascade Indoor Sports – 45 participants.
- COBO Basketball Camp was held February 21 (no school day) at Pilot Butte Middle School – 51 participants.
- Middle School Girls Basketball season continuing and will conclude March 3.
- Currently taking registration for Girls Fast Pitch Softball, Youth Lacrosse and Youth Roller Hockey team sports.
- Currently taking registration for a number of spring Youth Sports Camps, SoccerTots, Sports Exploration, Tiny Tots Baseball, Start Smart Soccer, Soccer Skills, Adult Golf Lessons and Adult Rec Soccer.
- Adult Old School PE winter session concludes March 8 – 24 participants.

BMPRD Board of Directors

Calendar

2010-11

**This working calendar of goals/projects is intended as a guide for the board and subject to change.*

April 5

- ◆ Outdoor Summit update
- ◆ ORPA Outdoor Seekers Program
- ◆ Recreation partnerships update
- ◆ Review and adopt District Sign Master Plan
- ◆ Contract award: RFP – Recreation and Indoor Facility Needs Assessment
- ◆ Contract award: 1st Street bridge design
- ◆ Executive Director Report: Budget Committee tour – April 26, 10:00 am – 2:00 pm

April 19

Board Workshop

CIP large projects discussion

Executive Session: Real Property

May 3 (1meeting)

- ◆ Budget meetings
- ◆ Adopt 2011-12 SDC Fee Schedule
- ◆ Board elections
- ◆ Emergency Management Plan

June 7 & 21

- ◆ CAPRA update
- ◆ Adopt 2011-12 Budget
- ◆ Review draft Davis Park Master Plan