



Bend Metro Park & Recreation District

August 7, 2018

Board of Directors Agenda and Reports

www.bendparksandrec.org



play for life



Our Vision

To be a leader in building a community connected to nature, active lifestyles and one another.

Our Mission

To strengthen community vitality and foster healthy, enriched lifestyles by providing exceptional park and recreation services.

We Value

Excellence by striving to set the standard for quality programs, parks and services through leadership, vision, innovation and dedication to our work.

Environmental Sustainability by helping to protect, maintain and preserve our natural and developed resources.

Fiscal Accountability by responsibly and efficiently managing the financial health of the District today and for generations to come.

Inclusiveness by reducing physical, social and financial barriers to our programs, facilities and services.

Partnerships by fostering an atmosphere of cooperation, trust and resourcefulness with our patrons, coworkers and other organizations.

Customers by interacting with people in a responsive, considerate and efficient manner.

Safety by promoting a safe and healthy environment for all who work and play in our parks, facilities and programs.

Staff by honoring the diverse contributions of each employee and volunteer, and recognizing them as essential to accomplishing our mission.

play for life

District Office | Don Horton, Executive Director

799 SW Columbia St., Bend, Oregon 97702 | www.bendparksandrec.org | (541) 389-7275



Board of Directors

August 7, 2018

District Office Building | 799 SW Columbia | Bend, Oregon



5:30 p.m. CONVENE MEETING

WORK SESSION

1. Shevlin Park ADA Improvement Update – *Perry Brooks (30 min)*
2. Park and Facility Rental Cost Recovery Recommendations – *Matt Mercer and Michael Egging (60 min)*

6:50 p.m. BREAK/TRANSITION

7:00 p.m. REGULAR MEETING

VISITORS

The Board welcomes input from individuals who wish to speak at our public meetings. Meeting attendees who wish to speak are asked to submit a comment card provided at the sign-in table. When invited to the podium, please state your name and address for the record and limit your comments to three (3) minutes. Thank you for your involvement and time today.

CONSENT AGENDA

1. Meeting Minutes – 7/17/2018

BUSINESS SESSION

1. Resolution No. 416, adopting Revised Contracting Rules and Related District Policies – *Dave Crowther (10 min)*
2. Pioneer Park Restroom Renovation Project Construction Contract Award – *Jason Powell (10 min)*
3. Juniper Park Accessibility Improvements Construction Contract Award – *Jason Powell (10 min)*

EXECUTIVE DIRECTOR'S REPORT

BOARD MEETINGS CALENDAR REVIEW

PROJECT REPORT: Attachment in Board Report

GOOD OF THE ORDER

ADJOURN

EXECUTIVE SESSION - The Board will meet in Executive Session upon adjournment of the regular meeting pursuant to ORS 192.660(2)(e) for the purpose of discussing real property transactions and ORS 192.660 (2)(h) for the purpose of consultation with counsel concerning

legal rights and duties regarding current litigation or litigation likely to be filed. This session is closed to all members of the public except for representatives of the news media.



Accessible Meeting/Alternate Format Notification

This meeting location is accessible. Sign and other language interpreter service, assistive listening devices, materials in alternate format or other accommodations are available upon advance request. Please contact the Executive Assistant no later than 24 hours in advance of the meeting at sheilar@bendparksandrec.org or 541-706-6151. Providing at least 2 business days' notice prior to the meeting will help ensure availability.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	August 7, 2018
SUBJECT:	Shevlin Park ADA Improvement Update
STAFF RESOURCE:	Perry Brooks, Landscape Architect Brian Hudspeth, Development Manager
PREVIOUS BOARD ACTION:	Approved Resolution No. 399 for Oregon State Parks Local Government Grant, March 7, 2017, Approve Shevlin Park Recreation Management Plan, September 9, 2015
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Theme:	Customer-Community Connection
Objective:	Analyze and Adapt to Changing Community Need
Initiative:	Acquire land, and plan and develop trails, river access, parks, natural areas and recreation facilities to meet identified community demand and future need.

BACKGROUND

In 2015, the District completed the Shevlin Park Recreation Management Plan. The purpose of the plan was to develop strategies to help balance use of the park with conservation of the park's natural resources. The District worked closely with a Citizens Advisory Committee who contributed to the planning process over the course of a year.

One of the key recommendations from the plan was improving accessibility in the park. Staff successfully applied for and received an Oregon State Parks Local Government Grant to help fund three American's with Disabilities Act (ADA) improvements in the park. The original grant application proposed the following improvements:

- 1) Replace the Hixon Bridge (covered bridge) to fix inaccessible gaps in the park's trail network.
- 2) Create an accessible trail from the main parking lot to Aspen Meadow and Tumalo Creek.
- 3) Improve accessible parking spaces at Aspen Hall.

In the time since the District received the grant, a local engineering consultant, Parametrix, was selected to design the improvements for the project. While clarifying the scope of work (SOW) of the project it became apparent that replacing the covered bridge would not be necessary. This is due to the fact that the Larch Grove Bridge is approximately 500 feet downstream and provides access to the same area in the park that the covered bridge does now. It was also determined that the Larch Grove Bridge could be altered and made more accessible, plus it provides an accessible route from the Fremont Meadow to the Tumalo Creek Trail (see attachment A.)

Furthermore, the removal of the covered bridge provides an opportunity to improve the banks and riparian habitat along Tumalo Creek. The existing bridge abutments currently channelize the creek (increasing water velocity) resulting in scouring downstream of the bridge. The removal of the bridge and abutments will restore the riparian corridor through revegetation of the river bank with native trees and shrubs. These ecological improvements are in keeping with the goals of the Shevlin Park Recreation Management Plan and support the District's broader partnership with Upper Deschutes Watershed Council for riparian restoration along the Deschutes River and Tumalo Creek.

District staff worked closely with State Park's grant administrator on the revised SOW that will modify the Larch Grove Bridge to be more accessible, remove the Hixon Bridge and abutments, and create an accessible overlook. State Parks agreed that grant funds could be used on the revised SOW as it meets the original intent of the grant. The other project elements did not change and will be completed as planned (see attachments B and C).

Currently, Parametrix is completing the structural analysis of the Larch Grove Bridge and will be providing staff design options on the adaptation in the near future. It is anticipated that the project will be bid for construction this winter with construction to be completed in the summer of 2019.

BUDGETARY IMPACT

Currently, the District has \$456,950 (a combination of grant funds and system development charges) remaining in the 2018-2019 Capital Improvement Plan (CIP) for improvements to Shevlin Park. This CIP funding is reserved for the ADA Improvement project contemplated in this Board report, and a separate signage project.

The State Park grant for the ADA improvements is \$146,464. The change in the SOW for the grant does affect the overall budget for the project. The total budget for the ADA Improvement project is about \$300,000, leaving about \$156,950 for the signage project and other costs at Shevlin Park.

STAFF RECOMMENDATION

While this is a work session item that does not require a motion, staff requests that the Board understand the change in scope of the grant to replace the Hixon Bridge with an overlook, bank rehabilitation and riparian improvements; and to make the necessary ADA improvements to the Larch Grove Bridge.

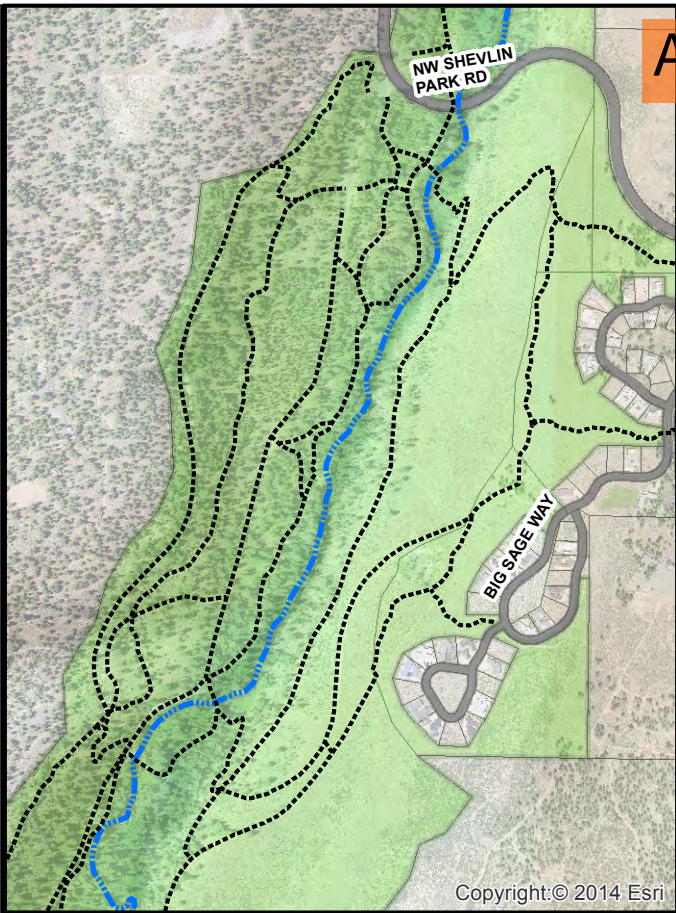
MOTION

None

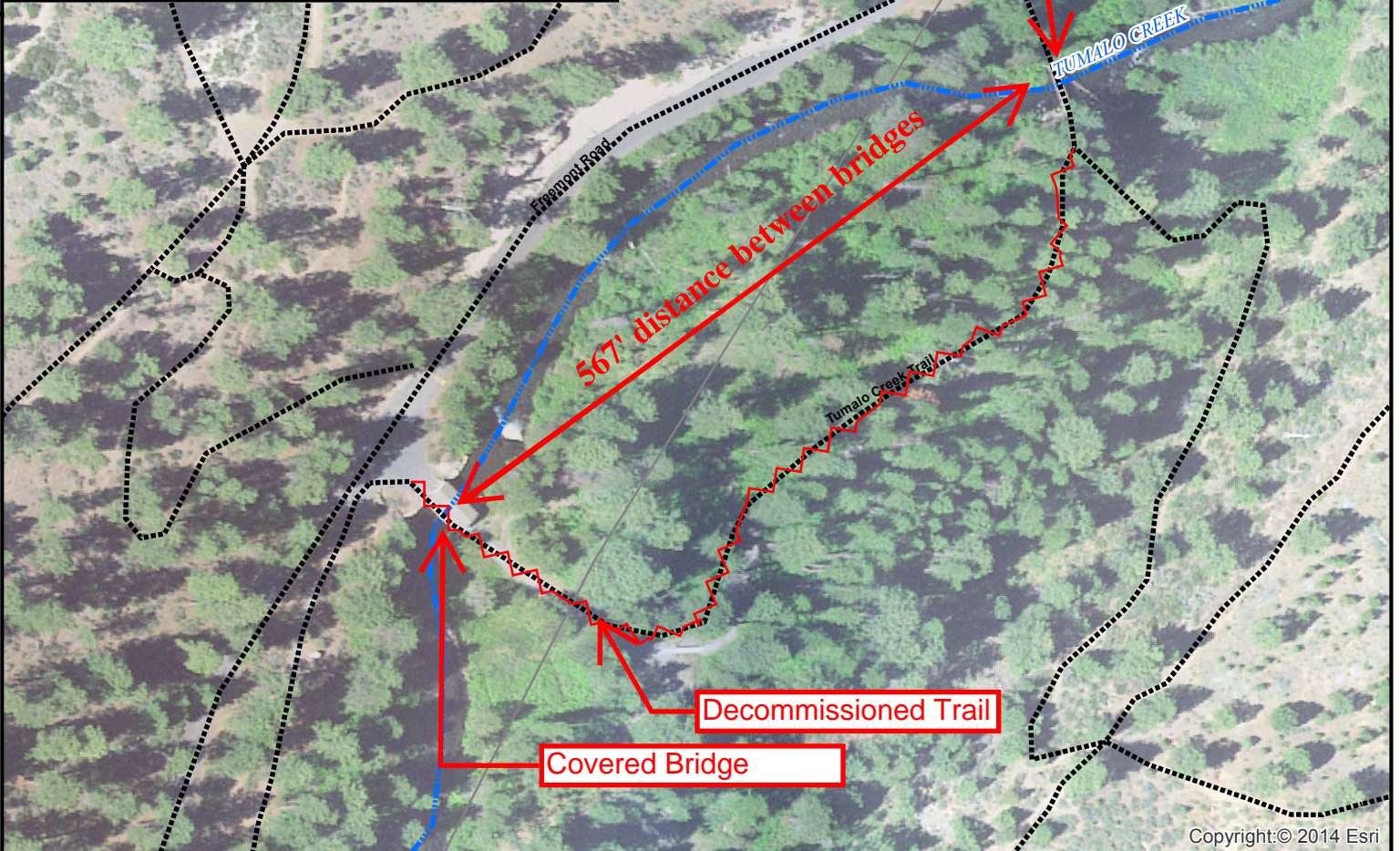
ATTACHMENT

Attachment A – Proposed covered bridge removal
Attachment B - Proposed ADA trail to Aspen Shelter
Attachment C - Relocated ADA parking stall at Aspen Hall

Attachment A



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Legend

----- Shevlin Trail Network

Shevlin Park

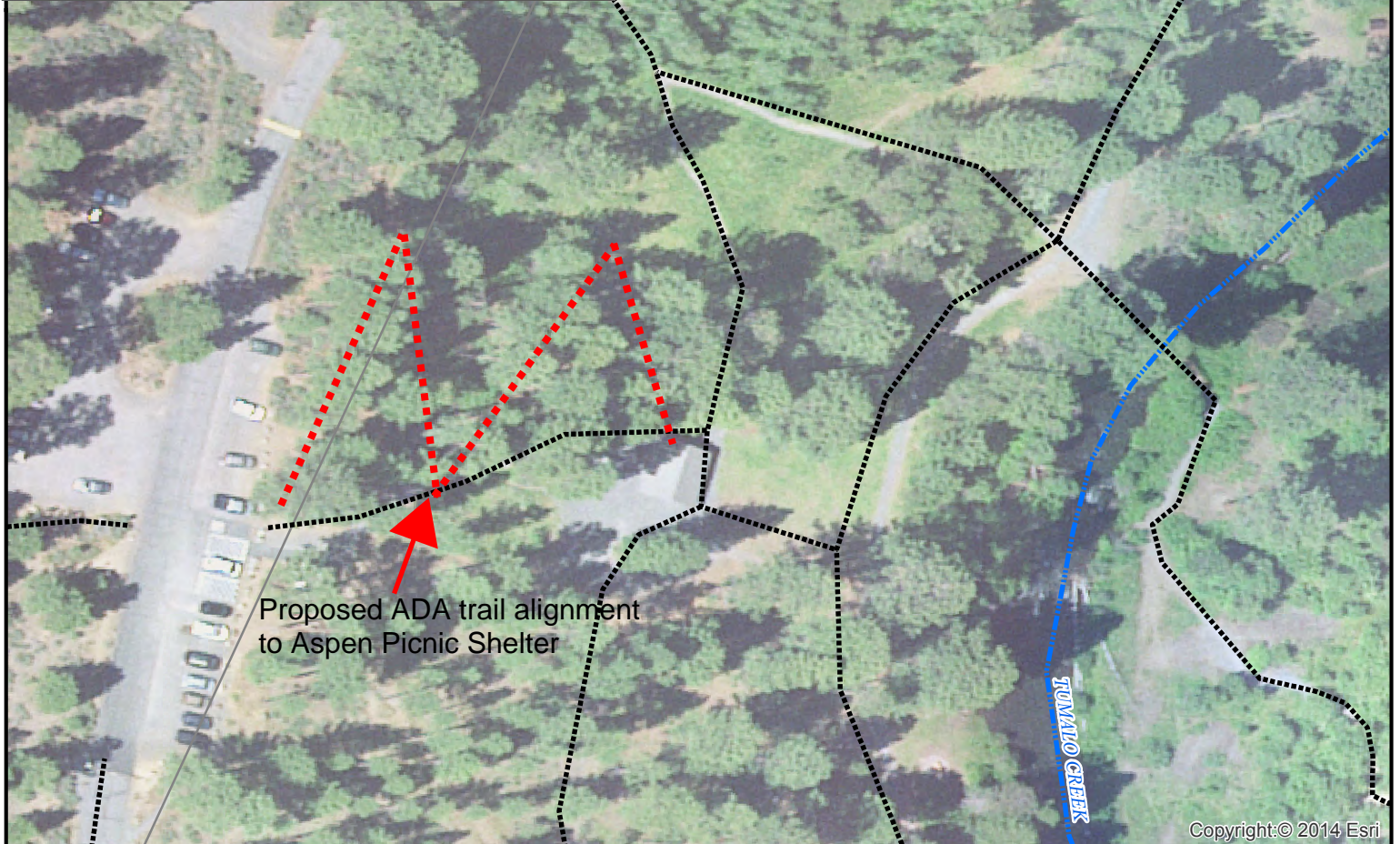
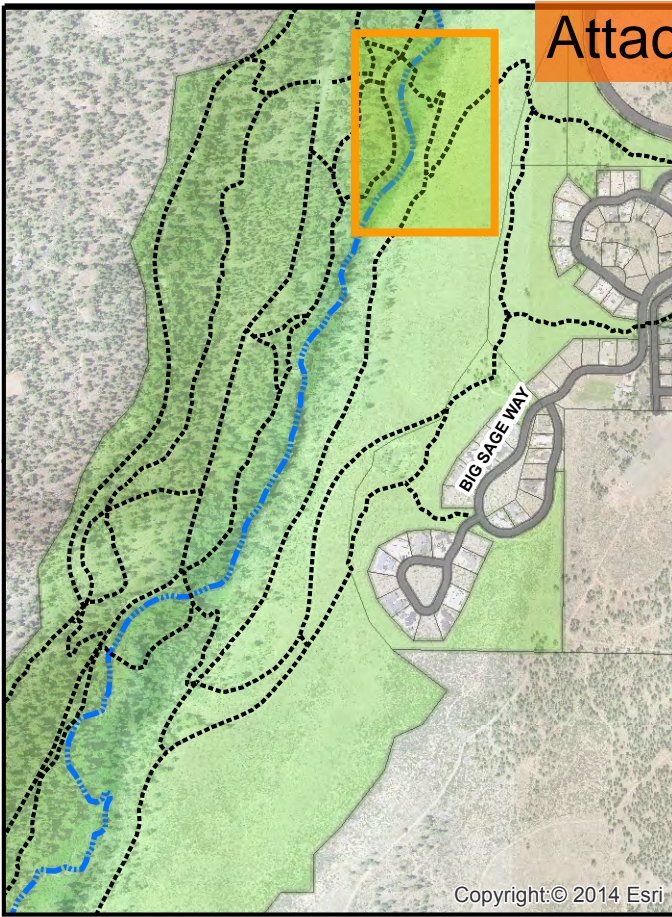
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June 2018



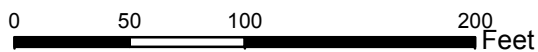
Attachment B



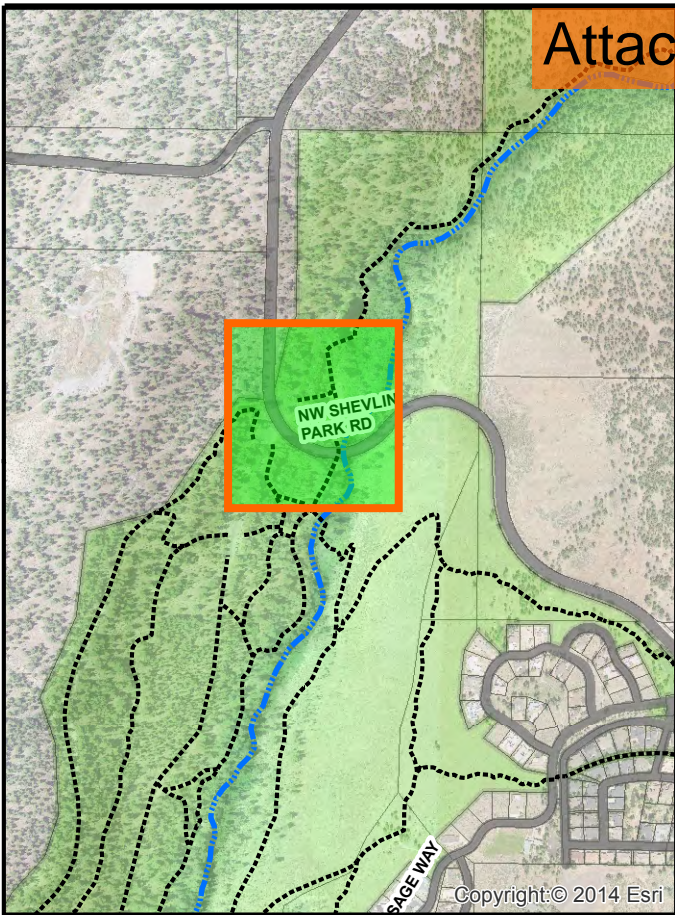
Legend

----- Shevlin Trail Network

Shevlin Park



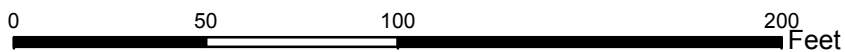
Attachment C



Legend

----- Shevlin Trail Network

Shevlin Park



June 2018



BOARD AGENDA COMMUNICATION

AGENDA DATE:	August 7, 2018
SUBJECT:	Cost Recovery Guidelines for Park and Facility Rentals
STAFF RESOURCE:	Matt Mercer, Recreation Services Director Michael Egging, Management Analyst
PREVIOUS BOARD ACTION:	November 7, 2012 - Approved Fees and Charges Policy March 6, 2018 – Received presentation
ACTION PROPOSED:	Provide staff direction for preparing a final recommendation for board approval
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Financial Stewardship
Initiative:	Implement cost recovery /subsidy allocation strategy that identifies appropriate level of subsidy and supports financial sustainability.
Tactic:	Create a cost recovery/subsidy allocation model for rentals, reservations, athletic field and special events.

BACKGROUND

The District has used the Cost Recovery and Subsidy Allocation Model for determining the appropriate level of tax support and providing guidance for fee setting for recreation programs and services since adoption of the current Fees and Charges Policy in 2012. The philosophical foundation of this policy is that the level of tax support that is appropriate for a service is directly related to degree of community expectation, access and benefit that the service provides. This tax use philosophy and the subsequent Cost Recovery and Subsidy Allocation Model are further described in the Fees and Charges Policy attached.

At the 2017 annual Board workshop, the Board of Directors requested that staff consider applying the cost recovery methodology used for recreation programs to other fee-based services including facility and park rentals, athletic fields and special events. This was subsequently added to the Annual Strategic Action Plan.

At the March 6, 2018 Board Work Session, staff provided a review of cost recovery philosophy and methodology and presented a framework for applying this strategy to rentals and special events. The Board directed staff to further develop this methodology by identifying costs and current cost recovery levels and providing recommendations for Board consideration. Staff had completed this work and will share the results and recommendations at the August 7 Board work session. Staff will be seeking Board feedback and direction on the recommendations so that staff can prepare policy guidelines for Board approval. An edited copy of the power point presented at the March 6, 2018 work session is attached for Board review prior to the current work session.

BUDGETARY IMPACT

There are no significant impacts to the current year budget as any changes resulting from the new guidelines will not be implemented until later in the fiscal year. Future year budgets and particularly revenue will be impacted by Board direction regarding cost recovery levels.

STAFF RECOMMENDATION

Staff recommendations regarding cost recovery levels will be presented during the work session.

MOTION

None at this time. Staff is seeking Board feedback and direction on recommendations prior to preparing policy guidelines for Board approval.

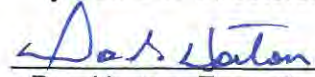
ATTACHMENT

Fees and Charges Policy
Power point from March 6, 2018 Board Work Session



Administrative Policy
Fees and Charges Policy

Approved by Executive Director
Ratified by Board of Directors: 11-7-12


Don Horton, Executive Director

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FEEES AND CHARGES

Purpose

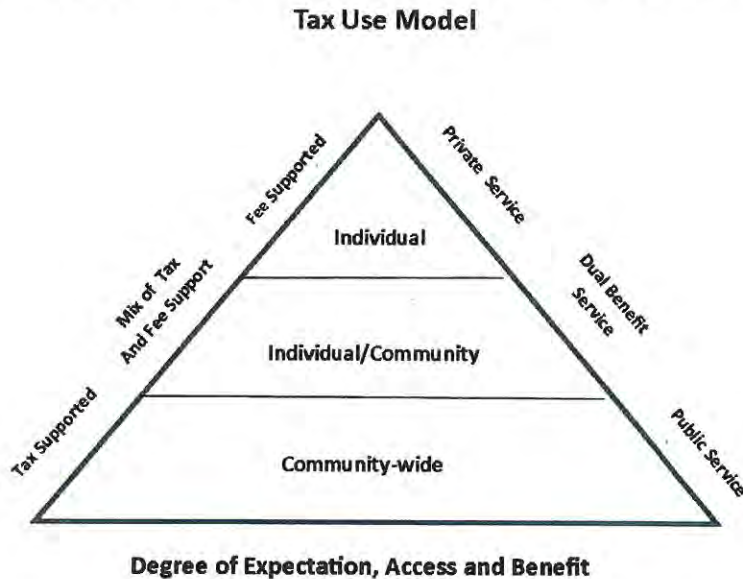
The purpose of the policy is to provide direction to staff in setting fees and charges for its programs, facilities and other services.

Introduction

The Bend Park and Recreation District relies on a mixture of tax revenue and user fees to provide high quality, accessible and diverse park and recreation services to District residents. Tax revenues fund basic services such as parks, trails and natural areas and help support a wide variety of recreation opportunities. Fees and charges are used to offset some or all of the direct cost of individual participation in a program or use of a facility. Fees and charges shift some of the cost of providing a service to the individuals who benefit directly from it. By charging fees, greater tax support is available to spread over a broader range of services allowing for a more diverse and sustainable park and recreation system.

Funding Philosophy

The District approach to funding park and recreation services is represented in the Tax Use Model below. This model shows the relationship between the degree of community versus individual expectation of, access to and benefit from a service and how the service is funded.



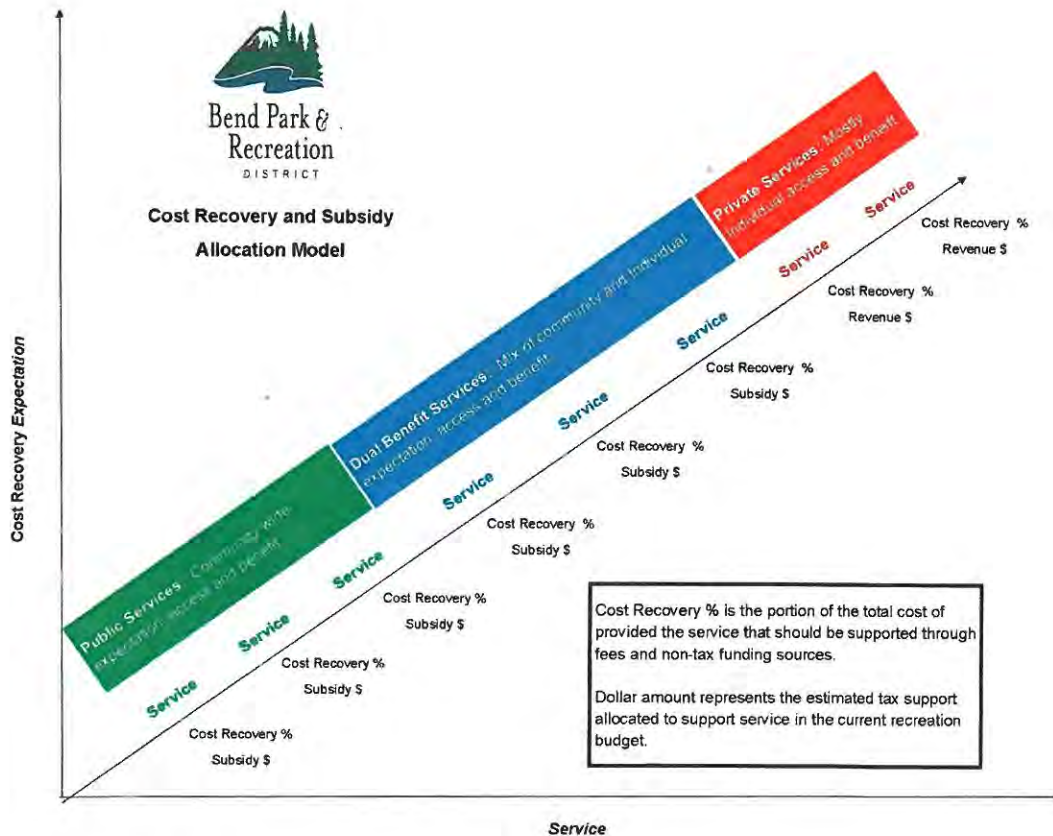
- A. **Community-wide:** Public services that are basic expectations, are widely accessible and provide community-wide benefit make up the base of the Tax Use Model. These services are usually supported fully or heavily through tax revenues. Examples of services that make up the base of the model include developing and maintaining parks, trails and natural areas, and providing community wide special events.



- B. **Individual/Community:** Many services, particularly recreation programs, land in the middle of the Tax Use Model as they are not usually considered a basic service but respond to significant community expectations and provide both individual and community access and benefit. These services are supported by a mixture of user fees and tax revenues with the proportion of user fee to tax support varying depending on the level of expectation, access and benefit provided to the user. Examples of services that comprise the middle of the model include the operation of recreation facilities and most recreation programs.
- C. **Individual:** Services that are not generally expected and/or are highly individualized are at the top of the Tax Use Model. These services should not be subsidized through tax revenue and in many cases should be enterprise operations that help support other services that provide broader community access and benefit. Examples of services that are at the top level of the model include concession sales, personal instruction, and private party rentals.

Cost Recovery and Subsidy Allocation Model

The Cost Recovery and Subsidy Allocation Model is the method by which the funding philosophy described above is operationalized into a clear strategy for allocation of district resources and fee setting. Through this process, the District Board of Directors approves the level of tax support provided to different categories of services and what portion of the cost of providing services should be recovered through user fees. The Subsidy Allocation part of the model shows the amount of tax support allocated to the various services provided by the District. The Cost Recovery part of the model shows the portion of the cost of providing services that are recovered through user fees and charges. This model is reviewed, updated and approved annually by the Board in advance of the budget process. It provides the foundation for developing Board priorities for budget and the establishment of appropriate fees for fee-based services. The Cost Recovery and Subsidy Allocation Model is shown below.



Fee Setting Methods

The District fee setting methods are based on a number of interrelated factors, including:

- The cost of providing the program or service;
- The level of cost recovery expected for the type of program or service in the Cost Recovery and Subsidy Allocation Model; and
- Market considerations as identified by the service's position on the Service Analysis and Strategies Matrix.

The District uses three fee setting methods:

- **Cost Recovery – Fee** is determined primarily on the cost recovery expectation of the service based on its position in the Subsidy Allocation and Cost Recovery Model.
- **Market – Fee** is based on what people would typically expect or be willing to pay for the service.
- **Comparative - Fee** is based on comparisons with other providers, both public and private, relative to the value of the service.



These fee setting methods can be used jointly or individually. The service's placement on the Service Analysis and Strategies Matrix suggest the primary and secondary fee setting methods to use. Services should be priced so they recover no less than what is expected on the Subsidy Allocation and Cost Recovery Model.

Fee Setting Authority

Fee setting for individual programs and services is based on the Board-approved annual Cost Recovery and Subsidy Allocation Model and Fee Setting Methods described above. Individual program and service fees and charges are established at the Manager and Director level. If the fee does not support the service at the required cost recovery level, justification for the fee and/or continuation of the service at a higher subsidy must be approved by the Department Director.

References and Resources:

Service Development and Delivery Model
Cost Recovery and Subsidy Allocation Model
Service Analysis and Strategies Matrix

Related Policies:

Out of District Fee Policy
Needs Based Assistance Policy

Cost Recovery Methodology & Guidelines

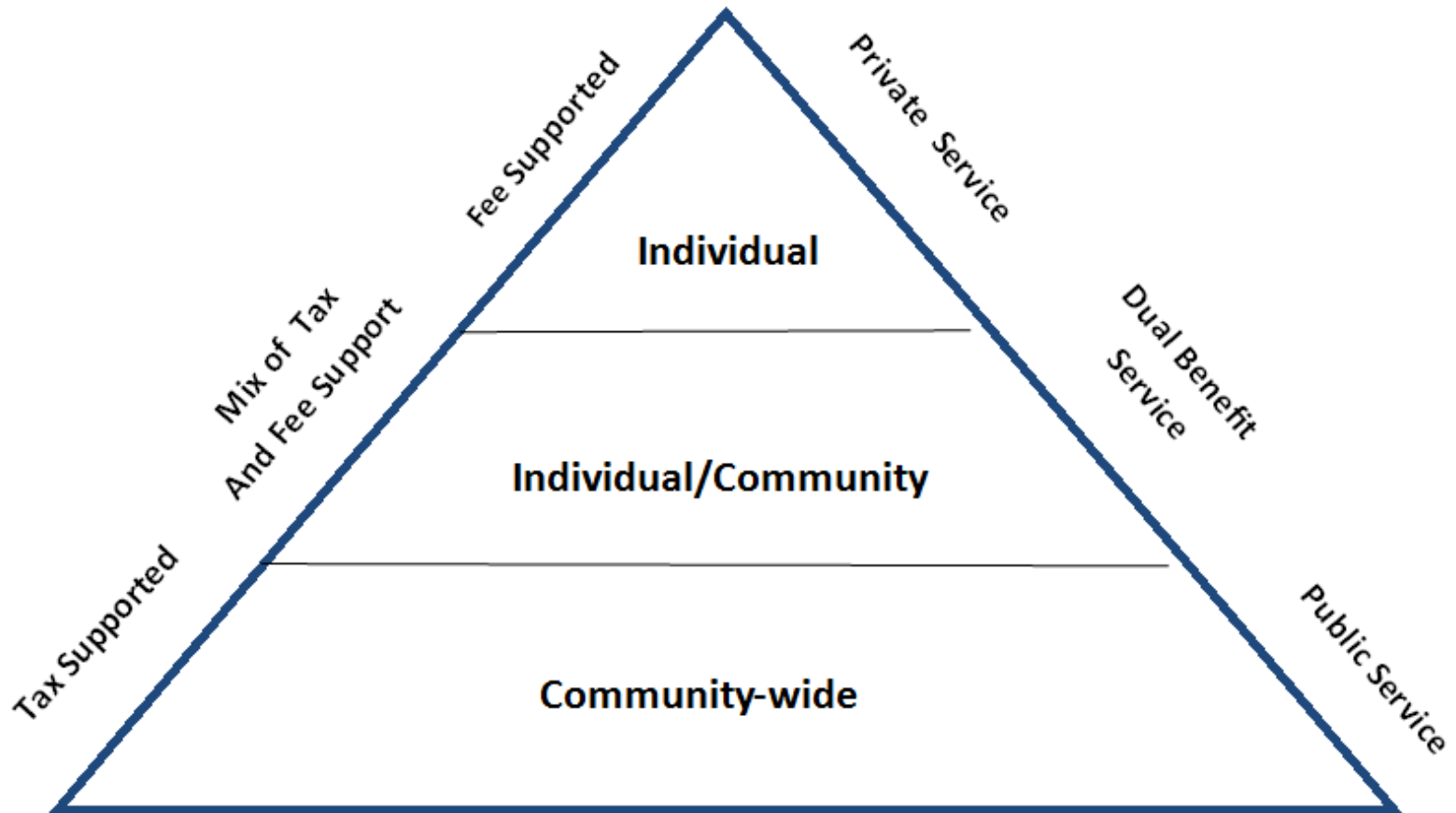
March 6, 2018
Board Work Session

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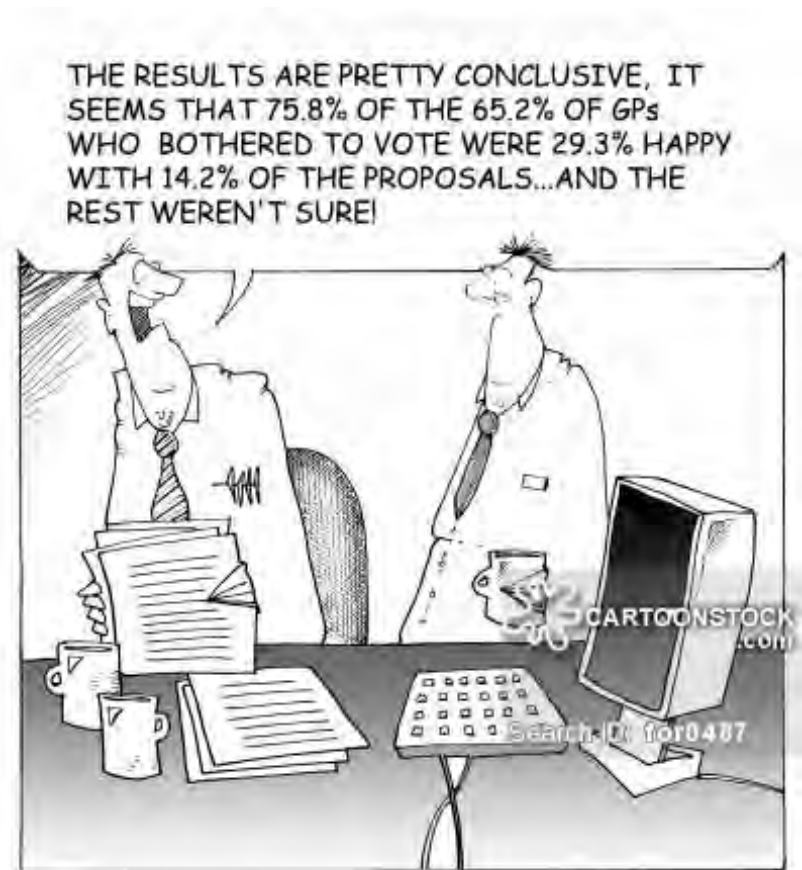
Tax Use Model



Degree of Expectation, Access and Benefit

Cost Recovery as a Metric

Cost recovery is the portion of the cost of providing a service that is recovered through use fees and other non-tax resources.



Cost Recovery as a Strategy

A methodology for aligning tax resources and user fees with the mission, goals and market position of an agency, and the degree of community expectation, access and benefit that the service provides.



Why Cost Recovery?

- Improve financial sustainability
- Provide a broader range of programs
- Align tax investment with mission and goals
- Pass on cost to those who directly benefit



What It Requires

- **Determination** of District's role and priorities in providing services
- **Knowledge** of the full cost of providing services and what costs should be all or partially recovered
- **Courage** to support cost recovery position when challenged by special interests

Facility Rentals

Description

Provides reserved use of a District park, facility or amenity or portion thereof for exclusive use by the renter

- Rental halls
- Park shelters
- Athletic fields
- Swim lanes, ice time

Types of Functions

- Partner
- Non-Profit
- Private
- Commercial



Community Events

Description

The use of a park or facility for the purposes of providing an event that is open to all who choose to participate

Types of Functions

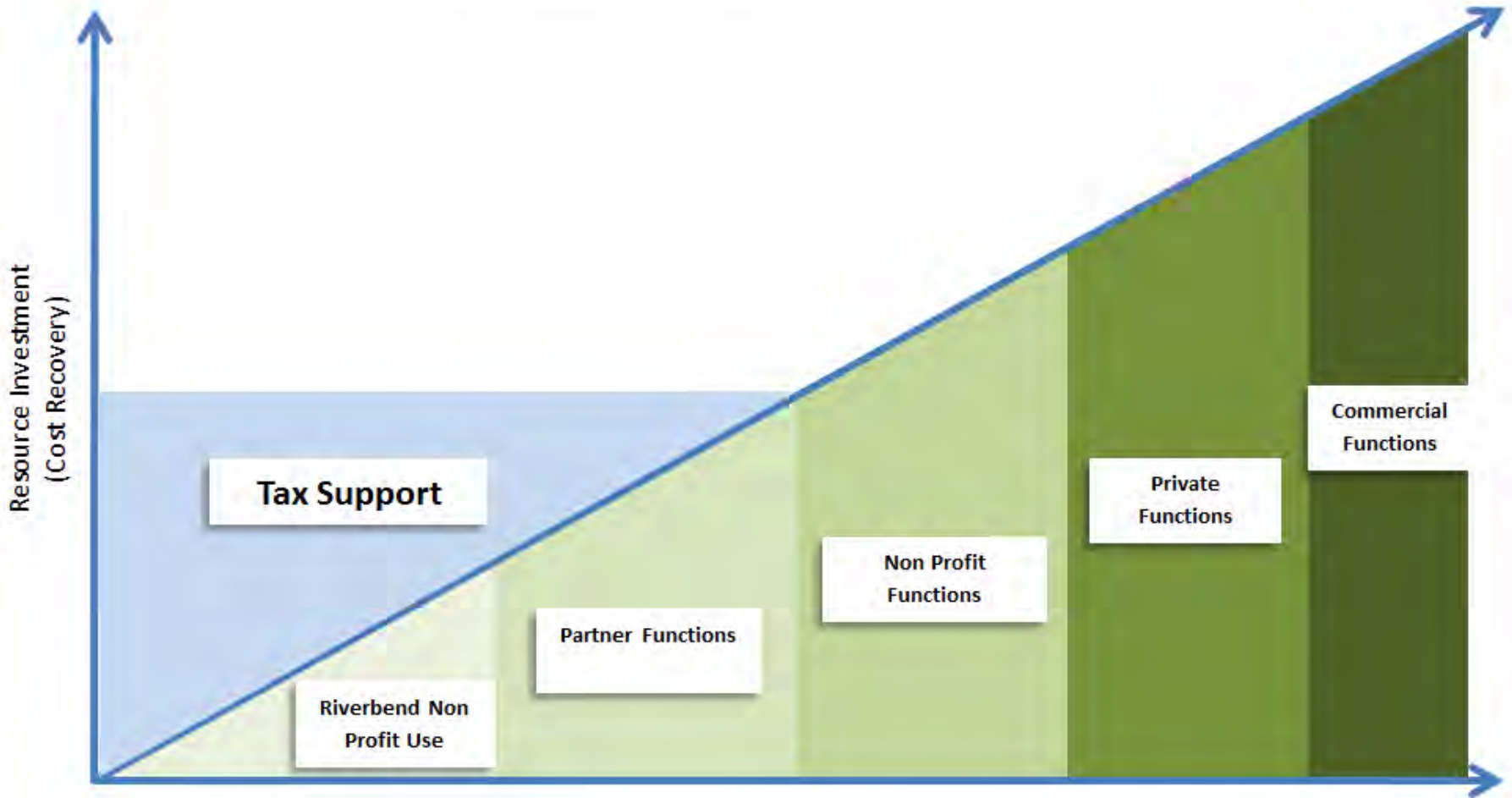
- Free expression
- Incidental
- Partner
- Non-profit
- Commercial



Cost To Be Considered

Facility Type	Cost Type					
	Reservation Costs	Direct Service Costs	Operating Costs	Organizational Support Costs	Capital Improvements	Initial Investment
Park Sites and Shelters	Yes	Yes	No	No	No	No
Athletic Fields & Outdoor Amenities	Yes	Yes	?	No	No	No
Indoor Recreation Facilities Amenities	Yes	Yes	Yes	No	No	No
Rental Halls	Yes	Yes	Yes	Yes	Yes	No

Resource Investment Model Facility Rentals

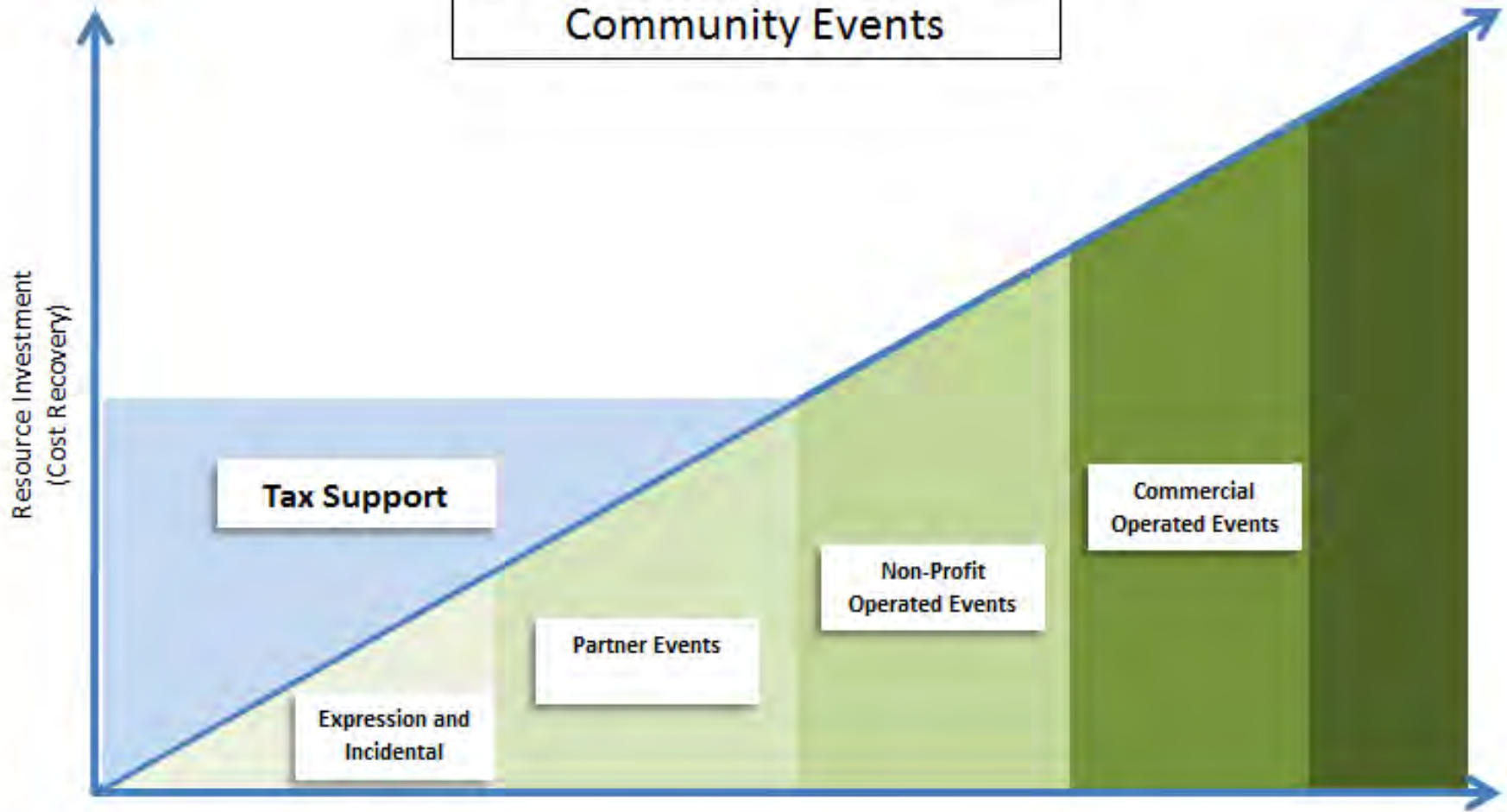


Community-wide
Benefit/Access

Community and Individual
Benefit/Access

Individual
Benefit/Access

Resource Investment Model Community Events



Community-wide
Benefit/Access

Community and Individual
Benefit/Access

Individual
Benefit/Access

Next Steps for Rentals

- Identify all costs
- Determine current cost recovery level
- Recommend cost recovery targets
- Adjust pricing and/or expenses to support cost recovery targets



Board of Directors

July 17, 2018

District Office Building | 799 SW Columbia | Bend, Oregon



BOARD PRESENT

Nathan Hovekamp
Ellen Grover
Lauren Sprang

ABSENT

Brady Fuller, Chair
Ted Schoenborn, Vice Chair

STAFF PRESENT

Don Horton, Executive Director
Michelle Healy, Planning and Park Services Director
Julie Brown, Manager of Communications and Community Relations
Brian Hudspeth, Development Manager
Jeff Hagler, Park Stewardship Manager
Quinn Kever, Park Planner
Ian Isaacson, Project Manager
Sheila Reed, Executive Assistant

6:00 p.m. EXECUTIVE SESSION - The Board met in Executive Session prior to the regular meeting pursuant to ORS 192.660(2)(e) for the purpose of discussing real property transactions.

7:00 p.m. BUSINESS SESSION

VISITORS

Justin Gottlieb: Mr. Gottlieb shared some memories and let the Board know that he is planning on attending the City Council meeting, but did not reveal what he would like to address to the council.

CONSENT AGENDA

1. Meeting Minutes – 6/19/2018

Director Sprang made a motion to approve the consent agenda. Director Grover seconded. The motion passed unanimously, 3-0

BUSINESS SESSION

1. 2017-2018 Year End Annual Action Plan Review – *Michelle Healy (20 min)*

Ms. Healy asked the Board to refer to the Annual Strategic Action Plan in the Board packet. She said the strategic plan does not represent everything that is done in the District, but illustrates the high profile items. In reference to the report, she explained the key that defines where projects are in the plan:

- Green – projects underway
- Yellow – projects delayed or to be schedule
- Red – projects postponed or being considered

She then pointed out that items highlighted in yellow represent projects added after the fiscal year. The Board asked why Movement in Medicine has a red designation and she explained that there is a lack of funding and a grant will be applied for in the future.

Ms. Healy talked about some of the projects on the report and mentioned that small projects can have a big impact on members of the community, such as the new turf at the Pavilion. She said the changes to the Park and Float have gone very well and Brookwood undercrossing was the fastest project finished of its kind.

Ms. Healy wrapped up her presentation by mentioning a few things that are coming up:

- a revision to park rules will be presented in August
- a request for proposal has gone out for the SDC revision project and due back in early August
- the Annual Strategic Action Plan will get an updated format this year

2. Approve Resolution No. 415 adopting the Comprehensive Plan – *Quinn Kever (15 min)*

Ms. Kever stated that she is here tonight to ask for the support of the Board in passing the comp plan. She continued to say that the public has been very responsive to input on the comp plan, but input is now waning as demonstrated in the last pursuit of public comments. Ms. Kever said that she hopes the Board likes the final output and will adopt the plan tonight.

Director Hovekamp thanked Ms. Kever for all her hard work on the comp plan, the stakeholders that gave feedback, consultants for their work and all staff. He commented that it appears that the point has been reached that the public is satisfied, as demonstrated with fewer comments on the last opportunity to offer commentary. Director Sprang noted that most comments were small from the public.

Director Sprang made a motion to adopt Resolution No. 415 adopting the 2018 Bend Park and Recreation District Comprehensive Plan. Director Grover seconded. The motion passed unanimously, 3-0.

3. Alpenglow Professional Services Amendment – *Ian Isaacson (15 min)*

Mr. Isaacson gave a quick recap of the project. He said Alpenglow is a special project and coordination is happening with many partners. The city is fast tracking the Murphy Road extension; there is continued coordination with Bend LaPine Schools and the schools being built, and coordination with the railway and COID for two planned pedestrian bridges. Mr. Isaacson remarked that it looks like all things will be under construction at the same time.

Next, Mr. Isaacson reviewed the approved master plan for the park and all the amenities and explained the amendment and phase two. Phase two includes the schematic design and 30 percent design documents. In this phase, the type, size and location of architectural and play features will be defined before investing in the technical design detailing. Once this is complete, the application for the City of Bend’s Institutional Master Plan can be submitted and a solid package can be created for an estimate of probable construction costs. Mr. Isaacson pointed out that this is important because the District will have an opportunity to refine the project elements before moving forward with construction documents and allowing for modifications that will likely save money on the project.

Mr. Isaacson said the current funding allocation in the CIP plan for Alpenglow Park is \$8.8 million in system development charges to be spent over the next two fiscal years. Contingencies require written approval from a District representative before a consultant may proceed with the task and will only be authorized if necessary to complete the project. He referenced this chart to show where the project is to date and the requested contingency amount.

Original contract amount (includes amendment #1&2 for \$18,874):	\$222,348.00
Amendment #3 for 30% full design documents, (less original contract savings of -\$55,000)	\$339,400.00
Total Contract Amount	\$561,748.00
Original contract contingency remaining:	\$1,473.40
Contingency for new amendment (less remaining contingency):	\$32,466.60
Total Contingency	\$33,940.00
Total Budget amount including contingency:	\$595,688.00

The Board asked questions about the types of features that will be used in the park. Mr. Isaacson explained that this process of breaking the project up allows for the opportunity to make needed changes and to make sure the plan is on track with the budget.

Director Grover made a motion to authorize the Executive Director to negotiate and execute Amendment #3 to the contract with Environmental Science Associates (ESA) for Alpenglow Park in an amount not to exceed \$339,400 and to approve an additional contingency amount of \$32,466.60. Director Sprang seconded. The motion passed unanimously, 3-0.

EXECUTIVE DIRECTOR’S REPORT

Executive Director Horton asked the Board to consider sending a letter of support to the City for their comp plan and encourage the support of our comp plan in the city’s plan. He also

asked the Board to consider attending the several free “Let’s Picnic” events that are planned throughout the community for the next several weeks.

BOARD MEETINGS CALENDAR REVIEW

PROJECT REPORT:

GOOD OF THE ORDER

ADJOURNED: 8:50 p.m.

Prepared by,
Sheila Reed
Executive Assistant

Brady Fuller, Chair

Ted Schoenborn, Vice-Chair

Ellen Grover

Nathan Hovekamp

Lauren Sprang

BOARD AGENDA COMMUNICATION

AGENDA DATE:	August 7, 2018
SUBJECT:	Resolution No. 416, adopting Revised Contracting Rules and Related District Policies
STAFF RESOURCE:	David Crowther, Business Manager
PREVIOUS BOARD ACTION:	The last update of the contracting rules and policies was through Resolution No. 386, effective February 16, 2016.
ACTION PROPOSED:	Adopt Resolution No. 416 providing for revised contracting rules and policies.
STRATEGIC PLAN:	
Theme:	Financial Stewardship
Objective:	Maintain Financial Stability
Initiatives:	Maintain the District's Contracting Rules and Related Policies to ensure compliance with State's rules.

BACKGROUND

The Board last adopted Resolution No. 386 updating our contracting rules and related policies on February 16, 2016. Since that time, Oregon laws have continued to change and it is time to update our rules and policies again. We are replacing Resolution No. 386 with Resolution No. 416 with Exhibits A, B, and C. 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. 416 will adopt amended public contracting rules and procedures to bring the District into compliance with current law.

BUDGETARY IMPACT

None

STAFF RECOMMENDATION

Staff recommends the Board adopt Resolution No. 416 amending public contracting rules, procedures and policies.

MOTION

I move to adopt Resolution No. 416, Amending Public Contracting Rules and Procedures and its related Exhibits A, B, and C.

ATTACHMENT

Resolution No. 416, Amending Public Contracting Rules and Procedures and Exhibits A, B, and C.

RESOLUTION NO. 416

**ADOPTING AMENDED PUBLIC CONTRACTING RULES
AND RELATED DISTRICT POLICIES AND AUTHORIZATIONS**

WHEREAS, the Bend Metro Park and Recreation District (“District”) is an Oregon public contracting agency subject to Oregon’s Public Contracting Code, ORS 279A, 279B, and 279C; certain of the Model Public Contracting Rules in OAR Chapter 137, Divisions 46-49; and the District’s Local Contracting Rules as adopted by the District’s Board of Directors and Local Contract Review Board by and through Resolution No. 386 (2016); and

WHEREAS, the District’s Board of Directors (“Board”) desires to amend the District’s Public Contracting Rules to ensure compliance with, and address changes in, legal requirements since the adoption of Resolution No. 386, including the exhibits and attachments thereto; and

WHEREAS, the Board also desires to adopt amendments to District policies to ensure consistency with the amended Public Contracting Rules.

NOW, THEREFORE, the Board, acting as both the District’s governing board as well as the Local Contract Review Board, hereby resolves as follows:

1. The amended Local Contracting Rules, inclusive of their exhibits, which are attached hereto as Exhibit A and incorporated herein by this reference, are hereby adopted.
2. The amendments to the District’s Policies and Procedures Manual relating to public contracting, which are attached hereto as Exhibit B and incorporated herein by this reference, are hereby adopted.
3. The signing authorities described in Exhibit C, which is attached hereto and incorporated herein by this reference, are hereby adopted.
4. Once adopted, the Rules in Exhibit A, the Policy in Exhibit B, and the signing authorizations in Exhibit C shall replace and supersede any earlier adopted rules, policies, and authorities relating to the same subject matter.

ADOPTED by the Board of Directors of the District on this 7th day of August 2018.

Brady Fuller, 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 law, 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, 279C.320, and ORS 279C.110(9).

(3) All public contracts estimated to cost \$120,000 or more must be approved by the Board of Directors. All public contracts estimated to cost less than \$120,000 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 H of these Rules, regardless of dollar limits, subject to ORS 294.481.

(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: attorneys, accountants, auditors and other licensed professionals; computer programmers; artists; graphic 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) Contracts for Architectural, Engineering and Surveying Services, and Related Services.

Personal Services Contracts for architectural, engineering, photogrammetric mapping, transportation planning, 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 ORS Chapter 279C and Division 48 of the Model Rules (except as otherwise provided in the District Rules).

- a) A contract for architectural, engineering, surveying, and photogrammetry services may be entered into by direct appointment if the cost of such services for the project will not exceed \$100,000; or in an emergency; or if the project described in the contract consists of work that has been substantially described, planned or otherwise previously studied or rendered in an earlier contract with the consultant that was awarded under these Rules, and the new contract is a continuation of that project.
- b) Unless otherwise provided in this Section, contracts for architectural, engineering, surveying and photogrammetry services shall be awarded according to the procedures for competitive proposals described in ORS 279B.060 and these rules.
- c) All contracts for architectural, engineering, surveying and related service shall be entered into consistent with ORS 279C.110, which substantially provides as follows:
 1. The District shall select consultants to provide architectural, engineering, photogrammetric mapping, transportation planning or land surveying services on the basis of the consultant's qualifications for the type of professional service required.
 2. The District may solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead, to determine consultant compensation only after selecting a candidate pursuant to the procedures that the District creates to screen and select consultants and

to select a candidate.

3. The District's screening and selection procedures under this section, regardless of the estimated cost of the services for a project, may include considering each candidate's:

- (a) Specialized experience, capabilities and technical competence, which the candidate may demonstrate with the candidate's proposed approach and methodology to meet the project requirements;

- (b) Resources committed to perform the work and the proportion of the time that the candidate's staff would spend on the project, including time for specialized services, within the applicable time limits;

- (c) Record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration;

- (d) Ownership status and employment practices regarding minority, women and emerging small businesses or historically underutilized businesses;

- (e) Availability to the project locale;

- (f) Familiarity with the project locale; and

- (g) Proposed project management techniques.

4. If, after following screening and selection procedures, the District determines that two or more candidates are equally qualified, the District may select a candidate through any process that is not based on the candidate's pricing policies, proposals or other pricing information.

- (4) Notwithstanding the foregoing, such Personal Services Contracts may be awarded pursuant to ORS 279C.115 or 279C.120 when applicable. When using the informal selection procedures described in OAR 137-048-0210, the Executive Director will submit a Request for Proposals to a minimum of three prospective consultants drawn from the following:

- (a) District's list of consultants that is created and maintained under OAR 137-048-0120;

- (b) Another contracting agency's list of consultants that is created and maintained under OAR 137-048-0120; or
- (c) All consultants that the contracting agency reasonably can locate that offer the desired architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or related services, or any combination of the foregoing.

C. Contracts for Services.

Pursuant to ORS 279B.030(2)(c) the provisions of OAR 137-047-0250(2)-(8) (cost analysis for projects over \$250,000), do 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.

(1) Public contracts for goods and services under \$10,000 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. The District may amend a public contract awarded as a small procurement beyond the \$10,000 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 \$12,500.

(2) Public contracts for public improvements under \$5,000 are not subject to competitive bidding requirements. The Executive Director will make reasonable efforts to obtain competitive quotes in order to ensure the best value for the District. District may amend a public contract for a public improvement awarded as a small procurement beyond the \$5,000

limit, provided the cumulative amendments do not increase the total contract price to a sum that is greater than \$6,250.

F. Intermediate Procurements (goods and services <\$150,000; public improvements <\$100,000).

(1) A contract for procurement of goods and services estimated to cost between \$10,000 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.

(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 137-049-0160, (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.

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 A, "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.

The review process for the District's prequalification and debarment decisions shall be as set forth in ORS 279B.425.

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" [ORS 279B.215] 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 when the brand name describes the standard of quality performance, functionality, and other characteristics of the product needed.
 - (ii) **Specifying a Particular Make or Product.** The District may specify a brand name, make, or product without an "or equal" or equivalent suffix when only the brand name product will meet District needs, and only after documenting in the procurement file 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.

M. Single Seller and Sole Source. [ORS 279B.075]

- (A) Sole Source Purchasing. The District may purchase a particular product or service available from only one source if the District meets the Requirements of Subsections (B) and (C) 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.

- (B) 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.

- (C) Public Notice. The District shall provide public notice of a sole-source procurement as required in OAR 137-047-0275.

EXHIBIT B

CLASS SPECIAL PROCUREMENTS AND EXEMPTIONS

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 after adopting written findings pursuant to ORS 279B.085(5) and providing public notice pursuant to ORS 279B.055(4).

Such exemptions allow the District to enter into one or more contracts over time without a competitive process. 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 and not cost more than \$75,000.
- 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 Executive Director or designee 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 Personal Property.** The District may negotiate and enter into a license, permit or other contract for the temporary use of District-owned personal 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 additional work is reasonably related to the work in the original agreement so as not to require a new or substantially modified scope of work;
 - (B) The contractor was hired through a selection process permitted by the District's public contracting rules;
 - (C) The Executive Director first obtains a price quotation for the additional work from the contractor that is competitive and reasonable; and
 - (D) 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. [ORS 279A.205(2) (2005).]

Exhibit C

BPRD Signing Authorization Limits, Effective 2/8/2017				
Title	Budgeted Expenditures Signing Authority	Contract Signing Authority	Amendments, Change Orders and Allowances on Approved Contracts	Payment Apps on Approved Contracts
Board of Directors	> \$150,000	> \$150,000	N/A	N/A
Executive Director	< \$120,000	< \$120,000	Up to BOD Approved Contingency OR extend non BOD approved contract value up to \$150,000 total	Up to contract
Department Directors	< \$50,000	< \$50,000	Up to BOD Approved Contingency OR 10% of non BOD approved contract value up to \$55,000 total	Up to contract
Community Relations Manager, Development Manager and Superintendent of Park Services	< \$25,000	< \$25,000	N/A	Up to contract
All Managers not listed above	< \$10,000	N/A	N/A	< \$10,000
Assistant to the Executive Director, Recreation Center Supervisor, Program Coordinators, Supervisors	< \$2,500	N/A	N/A	N/A
Any Position not listed above	N/A	N/A	N/A	N/A

Notes:

The authorization levels apply only to budgeted expenses within your department or division.

Expenses not included in your budget, or department, need to be reviewed by the appropriate Manager or Director.

Utilities (for recreation facilities) must reviewed by Facility Supervisor or Manager and do not require additional levels of authorization.

Invoices paid under Independent Contractor Agreements for Recreation Services are treated as invoices and not pay apps.

When those in charge of authorizing expenses are on leave, the expenses are to be given to their immediate supervisor for approval.

When the Executive Director (ED) is on leave, the Acting Director has authority to sign off on expenses up to the ED's authorization level. Expenses authorized in the ED's leave will be held and presented to the ED upon return to work.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	August 7, 2018
SUBJECT:	Pioneer Park Restroom Renovation Project Construction Contract Award
STAFF RESOURCE:	Jason Powell, Construction Manager Brian Hudspeth, Development Manager
PREVIOUS BOARD ACTION:	Approved Pioneer Park Master Plan, November 25, 2016
ACTION PROPOSED:	Award Construction Contract
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Respond to User Expectations
Initiative:	Provide park and facility maintenance based on community expectations.

BACKGROUND

Pioneer Park is an existing 5.1-acre community river park located along the Deschutes River north of Portland Avenue and upstream of First Street Rapids Park. Pioneer Park is one of the first parks established in Bend and contains elements which require upgrades to provide improved access for all users to the restroom, paths, shelter and other amenities.

The Pioneer Park Master Plan, approved by the Board in November 2016, includes renovation of the existing restroom facility, inclusion of accessible parking areas and amenities, upgraded access to the plaza and improvements to site circulation.

The current improvements to Pioneer Park are focused on accessibility and safety improvements to the restroom, parking and other park amenities. The need for these accessibility improvements are identified in the District's ADA Transition Plan. The engineer's estimate for this work was \$133,670.

This project went out to bid on May 24, 2018. A mandatory pre-bid meeting was held on June 7, 2018, and sealed bids were opened and read out-loud on June 21, 2018. The following lump sum bids were received:

Contractor	Base Bid
Mountain Sky Landscaping Inc.	\$ 236,925.00
NW Paving, LLC.	\$139,470.00
Banyan Builders Inc.	\$284,172.00

The low bid for the project was submitted by NW Paving, LLC. The Pioneer Park Restroom Renovation Project is scheduled to begin in September 2018.

BUDGETARY IMPACT

The current 2019-2023 Capital Improvement Plan allocates a total of \$250,000 in property tax funding for the project. The District has spent \$28,000 to date, leaving a total of \$222,000 available to complete the project. With the current low bid from NW Paving, LLC. of \$139,470, plus a 30 percent construction contingency of \$41,841, the total construction allocation for the improvements is \$181,311, leaving \$40,689 for fees, permits, landscaping and other miscellaneous costs. Staff is asking for additional contingency due to the remodel of the existing restroom to overcome any unforeseen circumstances that may arise.

STAFF RECOMMENDATION

Staff recommends that the Board award a contract to the low bidder, NW Paving, LLC. in the amount of \$139,470, plus an additional 30 percent contingency of \$41,841, for a total construction budget not to exceed \$181,311.

MOTION

I move to authorize the Executive Director to award a construction contract to NW Paving, LLC. for the construction of the Pioneer Park Restroom Renovation Project in the amount of \$139,470 and to approve an additional construction contingency of 30 percent for a total construction budget not to exceed \$181,311.

ATTACHMENT

None

BOARD AGENDA COMMUNICATION

AGENDA DATE:	August 7, 2018
SUBJECT:	Juniper Park Accessibility Improvements Construction Contract Award
STAFF RESOURCE:	Jason Powell, Construction Manager Brian Hudspeth, Development Manager
PREVIOUS BOARD ACTION:	February 7, 2017 - Adoption of Juniper Park Master Plan; December 5, 2017 – Award Design Contract
ACTION PROPOSED:	Award Construction Contract
STRATEGIC PLAN:	
Theme:	Customer-Community Connection
Objective:	Analyze and Adapt to Changing Community Need
Initiative:	Acquire land, and plan and develop trails, river access, parks, natural areas and recreation facilities to meet identified community demand and future need.

BACKGROUND

Juniper Park is an existing 23-acre community park located north of Franklin Street and west of NE 8th Street. The park surrounds and supports Juniper Swim and Fitness Center (JSFC). Juniper Park contains elements which require upgrades to provide better access for all users to restroom facilities, paths, playgrounds and other park amenities.

The Juniper Park Master Plan, approved by the Board in February of 2017, includes replacement of the existing restroom facility and playground, renovation of accessible parking areas and amenities, and improvements to site circulation. The project has been separated into two phases to move up the timing on the accessibility portion and allow time for design on the remaining portions of the project. This phase will include replacement of the accessible parking spaces in the north parking lot, the heated walkways and entry at the north side of the facility, and the accessible parking spaces, walkways and access ramps to the south parking lots (see Attachment A). The engineer's construction estimate for this phase was \$196,051.

This project went out to bid on June 14, 2018. A mandatory pre-bid meeting was held on June 28, 2018, and sealed bids were opened and read out-loud on July 12, 2018. The following lump sum bids were received:

Contractor	Base Bid
NW Paving LLC	\$ 185,000.00
Collins & Sons Excavating	\$178,185.00
Mountain Sky Landscaping, Inc.	\$199,250.77
Wilson Curb Inc.	\$207,886.00

The low bid was Collins & Son's Excavating.

Pending contract award, the project is planned to begin in September 2018, concurrent with the 50 meter pool shut down at JSFC to minimize user conflicts.

BUDGETARY IMPACT

The 2019-2023 Capital Improvement Plan allocates a total of \$2,150,450 in property tax revenue, for the project. The District has spent \$76,000 to date on the project, leaving \$2,074,450 to complete the project. With the current low bid from Collins & Sons Excavating of \$178,185, plus a 10 percent construction contingency of \$17,819, the total construction allocation for the accessibility improvements portion of the work is \$196,004. This leaves \$1,878,446 for design, engineering, fees, permits and other miscellaneous costs for the remaining portion of the project.

STAFF RECOMMENDATION

Staff recommends that the Board award a contract to the low bidder, Collins & Sons Excavating, in the amount of \$178,185, plus an additional 10 percent contingency of \$17,819 for a total construction budget not to exceed \$196,004.

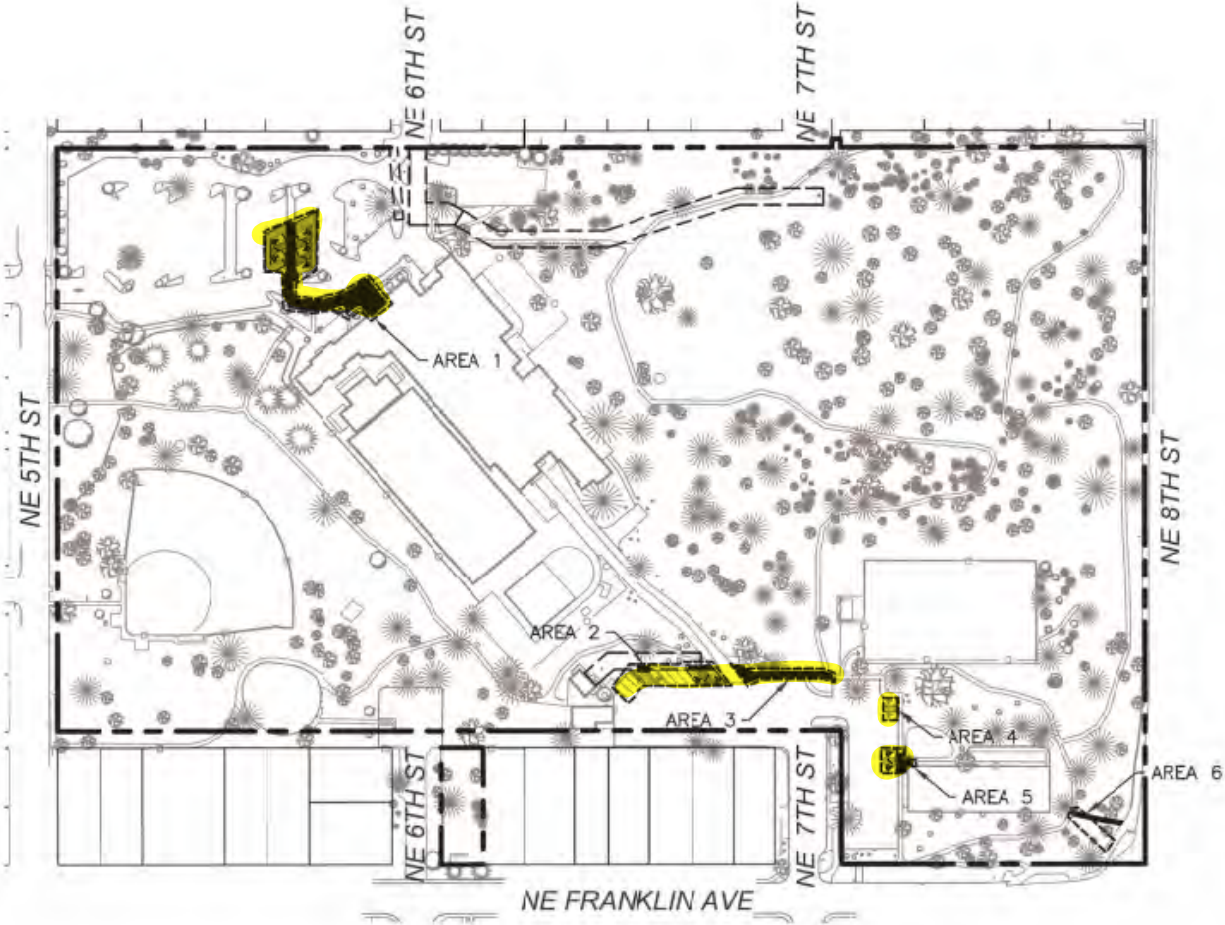
MOTION

I move to authorize the Executive Director to award a construction contract to Collins & Sons Excavating for the construction of the Juniper Park Accessibility Improvements Project, including the base bid in the amount of \$178,185 and to approve an additional construction contingency of 10 percent for a total construction budget not to exceed \$196,004.

ATTACHMENT

Attachment A – Site Plan

ATTACHMENT A



SITE MAP

SCALE: NTS





PLANNING & DEVELOPMENT PROJECT UPDATES August 2018



Deschutes River Trail (DRT):

Putnam to Riley Ranch Nature Reserve Bridge Segment – Brooks Resources provided an easement for the trail and parking area. However, development of this segment of trail and the parking area on this property are contingent upon acquisition of a trail easement on the adjoining property with an active surface mine, which may delay the trail project for several more years.

Kirkaldy Ct. to Putnam Rd. Segment – After meetings with adjacent property owners and the Awbrey Meadows Home Owners Association Board of Directors, the issue of the District acquiring a trail easement over the buried Tumalo Irrigation pipeline has not yet been resolved. The trail alignment is also pending acquisition of other necessary trail easements from the surface mining property.

Galveston to Miller’s Landing Park Segment – The District is negotiating with the City of Bend to determine the scope of this project. Staff anticipates a modification to the intergovernmental agreement (IGA) to address additional utility work necessitated by the project. Due to the utility work that was completed over the last two years in the neighborhood, the City wanted to wait for a couple more years before beginning another project in that area. This will give both the City and BPRD time to work on a revised scope of work and amend the current IGA.



Alpenglow Community Park: At this time and per Board approval, Amendment #3 has been fully executed by the District and ESA. This phase of the project includes schematic design and 30 percent design documents only. This step helps provide the District with certainty about the materials, size and design of the custom elements within the park. It also allows the design team to put together a 30 percent design package and an estimate of probable construction costs. Any value engineering, if necessary, would be done at the completion of the 30 percent design.

The District is continuing to work on obtaining the temporary access permit to perform survey work at the location of the railroad pedestrian bridge. Contract language is being refined by both the District and BNSF with the goal of execution by the middle of August. Earlier this

month District staff met with the City of Bend, Roats Irrigation and the Bend-La Pine School District to further the coordination of the ongoing projects in that part of town. Per current plans at this time, Alpenglow Park, the new High School and the Murphy Road extension projects will be under construction at the same time.



Shevlin Park: Staff recently completed the 100% design package for new interpretive, wayfinding, and regulatory signs in Shevlin Park, and for the 329 acre expansion of Shevlin Park, formerly known as the Tree Farm. The signage package will be going out to bid soon. Design work for the ADA accessibility projects, which is funded by the State’s Local Government Grant (LGG), has begun with construction occurring in summer of 2019.



Larkspur Center (Bend Senior Center): The design team continues working on construction documents. The current schedule would have CDs completed by late summer, with the permit process continuing through next winter. The Land Use Permits with the City of Bend are complete. The District’s Construction Manager / General Contractor, (CMGC) is tentatively planning on bidding the project in late October, early November. This would allow additional time to work on subcontractor costs, prior to providing the guaranteed maximum price and finalizing the construction contract with the District. The project is expected to start construction in the spring of 2019, pending permitting with the City of Bend.



Big Sky Park Expansion: The hearing before the hearings examiner was held on June 12 with a continuation of the hearing held on July 17. For the first hearing, District staff abstained from testifying knowing there would be an opportunity at the continuation to discuss the project. At the continuation, approximately 35 individuals attended, with 16 testifying in support of the improvements. DOWL Engineers continues to work on the construction drawings and hopes to have those wrapped up by late summer. It is still anticipated that the project will be bid on spring of 2019.



Drake Park DRT & Bank Improvement Project: GreenWorks PC has been securing their sub-consultant contracts. A kickoff design meeting is being scheduled for August. From there, the design team will start the construction documents necessary to permit and construct the project. Pending permitting, construction could start as early as the fall of 2019.



Juniper Park: Bids have been received for the ADA upgrades. Staff will bring the contract award to the Board for approval on August 7th. Construction will coincide with the 50m pool shutdown in early September 2018.



Goodrich Park: BPRD staff and members of the Orchard neighborhood selected Vallier Design from Bend to work with staff for the park's design. Staff anticipates being complete with the construction drawings in late fall/early winter this year with construction possibly starting this year or early 2019. Staff is also working with the City of Bend on an IGA for construction of the final 200 +/- feet of Quimby Ave and sidewalk connections along 8th Street. The City has agreed to pay for all design and construction work to finish off the gravel street section. Staff will bring the IGA to the Board for approval later this summer.



Pioneer Park Restroom & Accessibility: Staff will bring a contract award to the Board for approval on the August 7 meeting. Accessibility improvements to the entry, parking area, and restroom will start in September and be completed by the end of 2018.



COID Trail Surface Installation: The trail surface has been installed and will continue to be refined. Signage, trash receptacles and dog stations are being installed along the trail to create a better user experience. New gates are also to be installed at five locations to improve pedestrian and bicycle traffic as well as standardize the appearance of the canal trail.



Haul Road Trail: Staff is working with the City of Bend and Western Federal Lands to get all easement and right of way issues worked out. Work on the trail is not expected to begin until mid-2020.



PCMS Fields: The IGA with the School District is signed. Staff will be putting out an RFP for design in August.



Empire Crossing Park: This is an existing park the District acquired from the homeowners association. Work has started on the preliminary design for a new playground and trail work along the NW corner of the site. Later this month, staff will start an outreach program with the local neighborhood to develop the final concepts for the new playground.

PLANNING PROJECT UPDATES

Bend Park and Recreation District Comprehensive Plan: Staff worked to incorporate comments from agencies and the general public into the final draft of the Comprehensive Plan in June. Staff then shared the final plan with the Board in early July, and the Board adopted the plan on July 17. The final plan is available on the District's website: www.bendparksandrec.org/compplan.

Staff is currently working with the City of Bend to update the chapters of their Comprehensive Plan that reference BPRD.

Strategic Plan: In early July, staff issued a Request for Proposals (RFP) for the 2018 Strategic Plan. The plan will help guide the future of District operations for the next five years. Staff received eight proposals and is currently working to score them. If necessary, staff will conduct interviews with qualified firms in late August.

System Development Charge Methodology (SDC): The District is currently advertising an RFP for the preparation of a new SDC methodology. Proposals are due August 9. Notice to proceed on the project is expected in late September or early October.

Deschutes River Restoration Planning: The Executive Director has signed the MOU with Upper Deschutes Watershed Council (UDWC) following approval from the Board in April. The UDWC and staff has applied for a Technical Assistance Grant for design work from OWEB to complete the design and engineering on the section of river from the Bill Healy Bridge to the Farewell Bend Bridge along river left. Announcements on whether BPRD is successful in receiving the grant will occur this fall. Staff will also conduct an outreach campaign once design has started.

Deschutes River Access Planning: Public lands in and around the City of Bend are experiencing a rapid increases in recreational use as growing numbers of residents and visitors use public lands for recreation and leisure. With increased use, sensitive wetland and riparian habitats along the Deschutes River have been impacted as hikers, cyclists, bird- watchers, anglers and floaters gravitate to the river corridor for recreational activities. In an effort to get a handle on and manage access to the river, District staff is starting a public outreach effort to gain a better understanding on how patrons utilize the river and how to make access more sustainable.

Stormwater Planning: The Oregon Department of Environmental Quality (DEQ) is still in process of reviewing the District's assessment report filed on September 13, 2017. Once review has been completed, the DEQ will schedule a meeting with District staff and consultants to determine next steps in the process of permitting and ongoing maintenance requirements.

**Board Calendar
2018-2019**

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

August 21

Work Session

Business Session

- ◆ Hold Public Hearing and First Reading of Park Rules Ordinance – *Jeff Hagler and Sasha Sulia (30 min)*
- ◆ Land Acquisition
- ◆ Approve IGA with City of Bend for Quimby and 8th Ave. - *Perry Brooks (10 min)*

September 4

Work Session

- ◆ Recreation Program Report: Lifeguard Program - *Heather Brenda (15 min)*
- ◆ Foundation Update

Business Session

- ◆ Park Rules Second Reading – *Jeff Hagler (15 min)*
- ◆ Approve BMX Ground Lease – *Matt Mercer (15 min)*

September 18

Work Session

- ◆ Alcohol Permits – *Sasha Sulia (20 min)*

Business Session

October 2

Work Session

- ◆ River stewardship grant update – *Perry Brooks (20 min)*

Business Session

- ◆ PCMS Fields Award Design Contract – *Ian Isaacson (15 min)*

October 16

Work Session

Business Session

- ◆ Drake Park DRT Trail Easements – *Brian Hudspeth (20 min)*

November 6

Work Session

- ◆ 2018 Events in Parks Report – *Chris Zerger & Sasha Sulia (20 min)*

Business Session

November 20

Work Session

Business Session

- ◆ Empire Crossing Park – Award Construction Contract – *Jason Powell (20 min)*

December 4

Work Session

Business Session

- ◆ Appoint Budget Committee Member(s) – *Lindsey Lombard*

December 18

Work Session

Business Session

- ◆ Approve Guaranteed Maximum Price for Construction of Larkspur Community Center – *Brian Hudspeth (45 min)*
- ◆ Shevlin Park ADA / Bridge Work Award Construction Contract – *Brian Hudspeth (20 min)*

January 2019

Board Workshop - 8:00 a.m. – 4:00 p.m.

- ◆ Annual Strategic Action Plan (Mid-Year Review)
- ◆ Financial Forecast
- ◆ Capital Improvement Plan (CIP) Discussion
- ◆ Property Tax Prioritization
- ◆ Board Self-Assessment

January 15

Work Session

Business Session

February 5

Work Session

Business Session

- ◆ Goodrich Park Award Construction Contract – *Jason Powell (20 min)*

February 19

Work Session

Business Session

- ◆ Cedarwood Trailhead Award Design Contract – *Perry Brooks (20 min)*

March 5

Work Session

Business Session

- ◆ Northpointe Park Award Design Contract – *Laura Underhill (20 min)*

March 19

Work Session

Business Session

April 2

Work Session

Business Session

April 16

Work Session

Business Session

April - Budget Committee Tour

May 7

Work Session

Business Session

May BUDGET MEETINGS (Tentative: May 20, 22 & 23)

May 21

Board Meeting Canceled

June 4

Work Session

Business Session

- ◆ Adopt Resolution No. XXX – Adopting a Revised Fee Schedule for System Development Charges, effective July 1, 2019 – *Lindsey Lombard*
- ◆ Hold Public Hearing and Adopt Resolution No. XXX – Adopting the Budget and Making Appropriations for Fiscal Year 2019-20, and Adopt Resolution No. XXX - Imposing and Categorizing Taxes for Fiscal Year 2018-19 – *Lindsey Lombard*
- ◆ Adopt Resolution No. XXX – Adopting the Capital Improvement Plan Summary for Fiscal Years Ending 2020 - 2024 – *Michelle Healy (10 min)*

June 18

Work Session

Business Session

TBD

IGA with the City for Planning – *Michelle Healy and Don Horton (45 min)*

Award construction contract for Big Sky Park – *Brian Hudspeth (15 min)*

Alpenglow’s BNSF Aerial Easement – Ian Isaacson

PCMS Fields Award Construction Contract – Brian Hudspeth

Adopt Strategic Plan

Strategic Plan Update

First and Second Reading for SDC Ordinance and Methodology

SDC Methodology Updates