

Mr. Brooks reviewed the original scope of work for the improvements in Shevlin Park.

- Replace Hixon covered Bridge
- Construct accessible trail from main parking lot to Aspen Meadow/Tumalo Creek
- Improve ADA parking spaces and walkway at Aspen Hall

Next he spoke about the revised scope of work (new and original plan items)

- Remove Hixon Covered Bridge (with no replacement)
- Repurpose Larch Grove Bridge to be ADA accessible
- Restore riparian corridor where the covered bridge was removed
- Install interpretive signage about the original train trestle
- Decommission trail on east side of the creek between the two bridges and restore the area to reconnect wetland complex
- State Parks has approved the revised SOW, no loss of grant funds
- Construct accessible trail from main parking lot to Aspen Meadow/Tumalo Creek
- Improve ADA parking spaces and walkway at Aspen Hall

Mr. Brooks explained the assessment that staff commissioned in 2016 on the bridge. The bridge was originally built in 1930; it served as a train trestle and a vehicular bridge over the years. In 1993 the Walt Disney Co. built the covered addition for the purpose of a movie prop for the film "Homeward Bound". Due to age, the bridge is rotting in various places; Mr. Brooks expressed his concern for spending tax payer money for extensive and costly repairs or replacement of the existing bridge. He said that the original plan when the grant was written included replacing the bridge; however, the current recommendation is to not replace the bridge and with the funds, add ADA enhancements to a nearby bridge (570 feet away) which will satisfy the needs of the park patrons. In addition, removing the bridge would allow for the money to be spent on restoration work that will improve the general health of the riparian corridor.

He continued to speak about the next steps of the process:

- Design – Summer/Fall 2018
- Bidding – Fall 2018
- Construction – Winter/Spring 2019
- Project Closeout – Summer 2019

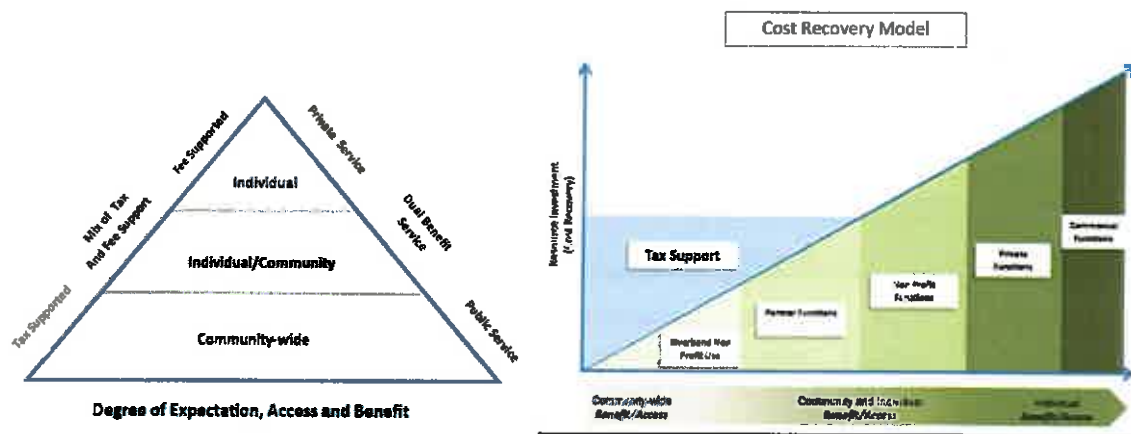
Director Grover asked questions about the impact of removing the bridge and decommissioning a trail on the other side, which would direct park users to walk a short distance on the road. She asked that the team look at the pros and cons of removing the trail and is concerned about the loss of recreational attributes. Mr. Brooks responded that people are already using the road in this area and the benefits to removing the bridge and the abutments that contribute to the erosion of the area. Mr. Hudspeth joined the discussion and said he would look into adding a single track trail, but was concerned that there would not be enough room. Executive Director Horton agreed to investigate the true cost of replacing the bridge and bring that information back to the Board as well

2. Rental and Special Event Cost Recovery Recommendations – *Matt Mercer and Michael Egging*

Mr. Mercer reviewed the completed tasks to date:

- Review cost recovery philosophy and methodology
- Provide conceptual model for facility rentals and community events.
- Analyze and determine costs
- Estimate current cost recovery levels
- Recommend future cost recovery levels

Next Mr. Mercer reviewed the follow Tax Use Model and Cost Recovery Model:



Mr. Mercer said the Tax Use Model is the foundation for the recreation program cost recovery. The fundamental assumption of this approach is that the appropriate level of tax and fee support for services should be based on the degree of community versus individual access and benefit that the service provides.

The Cost Recovery Model takes the tax use model philosophy and puts it into an operational model recognizing that programs and services fall more on a continuum than the 3 distinct levels shown in the tax use model. On the horizontal axis, programs and services are classified into categories based on the relative level of community wide versus individual access and benefit for the service. In this example, the categories are based on the user function or type—partner, non-profit, private and commercial. On the vertical axis is the cost recovery scale starting from 0 to over 100 percent. Cost recovery guidelines or targets are established for each category that informs pricing and level of service. The gap between the target cost recovery and full cost recovery is filled through tax support.

Mr. Egging explained the 3 factors that inform the cost recovery methodology



The following slides were provided to the Board for reference as Mr. Egging described the recommended cost recovery levels

Included Costs and Subsidy Level

Facility Type	Cost Type					
	Reservation Costs	Direct Service Costs	Operating Costs	Organizational Support Costs	Capital Improvements	Initial Investment
Parks/ Shelters	Yes	Yes	No	No	No	No
Athletic Fields	Yes	Yes	No	No	No	No
Operated Recreation Facilities	Yes	Yes	Yes	No	No	No
Rental Halls	Yes	Yes	Yes	Yes	Yes	No

Reservation Costs: This includes the costs associated with reserving and renting the facility, including processing reservations, permits, logistical plans, etc.

Direct Service Costs: This includes any direct services provided by the District to support the rental that the District would not otherwise provide. Examples include: athletic field preparation for specific activity, athletic field lighting, additional trash or restroom service, site and utility modifications, staff logistical support, delivery and/or set-up of equipment, etc.

General Operating and Maintenance Costs: This includes the direct costs of operating and maintaining a facility. Examples include: utilities, maintenance, janitorial service, general turf maintenance, and the staffing and materials required to support the ongoing maintenance and operations of a facility.

Organizational Support Costs: This includes District services that support the overall operation of the District, including: Human Resources, Finance, Business, IT, Community Relations, Planning and Development, Executive Directors office, etc.

Capital Improvement Costs: This includes capital costs required to maintain existing District facilities and assets as well as cost to complete improvements to facilities.

Initial Capital Investment Costs: This includes the initial capital cost to develop the facility, including annual debt service payments, or depreciation of these investments.

Mr. Egging reviewed the recommended levels in the chart that he provided. The broad recommendation is for community events to recover a lower percentage of the incurred costs (subsidized with more tax support) and exclusive rentals not subsidized at all with sport user groups falling somewhere in the middle.

Recommended Cost Recovery Levels

Rental Function	Expression/Incidental	Partner	Non-Profit	Private	Commercial
Community Events	0%	0-50%	50-75%	N/A	100-125%
Athletic Field Sports User Groups	N/A	0-50%	75-100%	100-125%	125-150%
Operated Facility Sports User Groups	N/A	0-50%	75-100%	100-125%	125-150%
Exclusive Rentals	N/A	0-50%	100-125%	125-150%	150-200%

The Board expressed their appreciation for the model that has been built for this topic. There was some concern about the delta of what is currently charged and what will be charged and how it will be perceived by the public. It was noted that Bend is an expensive place to live and the District should be cautious about trying to get too much from the users. The Board requested examples of fees in advance of the next meeting on this topic. The Board philosophically agreed with the model presented.

7:00 p.m. REGULAR MEETING

VISITORS

Gary Wirth: Covered Bridge – Mr. Wirth expressed his concerns for the removal of the covered bridge in Shevlin Park, he is part of a cancer survivor group that spends time in the park and use the bridge for their group photos. He has gathered a group of people that are willing to help rebuild the bridge and is willing to seek donations for the materials. Mr. Wirth asked the Board to consider letting his group help in the project.

CONSENT AGENDA

1. Meeting Minutes – 7/17/2018

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

BUSINESS SESSION

1. Resolution No. 416, adopting Revised Contracting Rules and Related District Policies – *Dave Crowther*

Mr. Crowther presented Resolution No. 416 which is an update to Resolution No. 386. He explained that the Executive Director can approve projects at \$120,000 and under with a contingency of 24%, asking the board to approve the spending level at \$150,000 adding that all items over \$120,000 will still be brought to the Board as usual.

Mr. Crowther went through the changes to the document which adds clarity and updated language to the resolution. The resolution is included in the minutes (Exhibit A).

Director Grover made a motion to adopt Resolution No. 416, Amending Public Contacting Rules and Procedures and its related Exhibits A, B, and C as presented 8/7/2018. Director Schoenborn seconded. The motion passed unanimously, 3-0.

2. Pioneer Park Restroom renovation construction contract award – Jason Powell

Mr. Powell reviewed the Board report in the Board packet for this project. He said the current improvements 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.

[https://www.bendparksandrec.org/wpcontent/uploads/2015/06/BPRD Transition Plan Final.pdf](https://www.bendparksandrec.org/wpcontent/uploads/2015/06/BPRD_Transition_Plan_Final.pdf)

Mr. Powell explained that the project went out for bid in May, a pre-bid meeting was held and sealed bids were opened and read out-loud. The lowest bidder, NW Paving, LLC, was chosen for the project. The work will begin around Labor Day and finish by the end of the calendar year.

Director Schoenborn made a motion 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 20% for a total construction budget not to exceed \$167,364. Director Grover seconded. The motion passed unanimously, 3-0.

3. Juniper Park ADA and construction contract award – Jason Powell

Mr. Powell reviewed the Juniper Park project explaining that the project will be handled in two phases. 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. The accessible parking spaces, walkways and access ramps to the south parking lots will also be included. The project went out for bid in June, a pre-bid meeting was held and the sealed bids were opened and read out-loud. The lowest bidder, Collins & Sons Excavating, was chosen for the contract.

Director Grover made a motion 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% for a total construction budget not to exceed \$196,004. Director Schoenborn seconded. The motion passed unanimously, 3-0.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Horton reported that the strategic plan proposals have been reviewed and narrowed down to 3 vendors, SDC RFPs are due on Thursday and the survey work for recreation needs will go out sometime this week.

BOARD MEETINGS CALENDAR REVIEW

PROJECT REPORT: attachment in Board Report

GOOD OF THE ORDER

ADJOURN 7:42 p.m.



EXECUTIVE SESSION - The Board met in Executive Session following 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.

Prepared by,
Sheila Reed
Executive Assistant



Brady Fuller, Chair

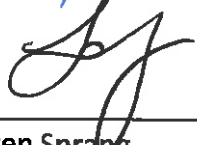


Ted Schoenborn, Vice-Chair



Ellen Grover

Nathan Hovekamp



Lauren Sprang

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 \$150,000 or more must be approved by the Board of Directors. All public contracts estimated to cost less than \$150,000 may be entered into by the Executive Director without Board approval. However, emergency contracts may be entered into by either the Board or the Executive Director pursuant to Paragraph 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.

