

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 19-08-20-03

IN THE MATTER OF AMENDING LANE MANUAL CHAPTER 20 TO ADD PROVISIONS PERTAINING TO OUTSIDE LITIGATION SERVICES AND TO UPDATE DELEGATED AUTHORITY PERTAINING TO PUBLIC IMPROVEMENT PROJECTS ON THE PUBLIC WORKS FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM LIST (LM 20.255, LM 20.660)

The Board of County Commissioners of Lane County ORDERS as follows:

Lane Manual Chapter 20 is amended by making the deletions and additions as depicted in Exhibit A of this Order, which is attached and incorporated by this reference, to Manual section LM 20.255 and LM 20.660.

If any section, subsection, sentence, clause, phrase or portion of this Order or the referenced Lane Manual provisions is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

Said sections are attached hereto and incorporated herein by reference. The purpose of this substitution is to add provisions related to outside litigation services (LM 20.255) and update delegated authority in (LM 20.660).

ADOPTED this 20th day of August 2019.



Peter Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 8/16/19 Lane County


OFFICE OF LEGAL COUNSEL

20.255 Litigation Services.

Subject to the limitations of LM 61.040, the County may contract for personal services related to litigation or legal matters without competitive selection when County Counsel deems it necessary to do so. Such services may include, but are not limited to, outside legal representation, expert witnesses, consultants, arbitrators, mediators, investigators or other specialized personnel. Notwithstanding the provisions of LM 20.670, the County Counsel's authority to contract for such services is not limited by amount or duration. However, County Counsel must advise the Board and the department of the status of such matters on a regular basis, not less than quarterly, including costs related to representation.

(Revised by Order No. 15-09-01-05, Effective 10-15-15)

20.260 Employee Benefit Insurance.

The County may purchase employee benefit insurance without competitive selection.

(Revised by Order No. 15-09-01-05, Effective 10-15-15)

20.265 Investments.

The County may contract for the purpose of the investment of public funds or the borrowing of funds without competitive selection, when such investment or borrowing is contracted pursuant to a enacted statute, order, ordinance, charter, or constitution.

(Revised by Order No. 15-09-01-05, Effective 10-15-15)

20.270 Insurance.

(1) The County may purchase insurance without a formal competitive selection when the annual or aggregate premium is less than or equal to \$100,000.

(2) Contracts for insurance where either the annual or aggregate premium exceeds \$150,000 must be let by competitive selection or through an agent of record.

(3) Agent of Record. The County may appoint a licensed insurance agent as its agent of record to perform insurance services in connection with more than one insurance contract, including the securing of proposals from insurance carriers for all coverages for which the agent of record is given responsibility, provided that:

(a) The County has made reasonable efforts to inform known insurance agents in the competitive market area that it is considering such appointment, including a public advertisement describing the nature of the agent of record services,

(b) The appointment does not exceed three years, and

(c) In making the appointment, the County has selected the agent most likely to perform cost-effective services.

(Revised by Order No. 15-09-01-05, Effective 10-15-15; Revised by Order No.19-05-21-03, Effective 05-21-19)

20.275 Oil or Hazardous Material Removal.

The County may enter into contracts without competitive selection when necessary to comply with a cleanup order issued under the authority granted the Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680, provided that:

(1) The order necessitates the prompt establishment and performance of the contract in order to comply with the statutes regarding spill or release of oil or hazardous material that have created an emergency condition,

(2) The order contains time limitations that do not permit hiring a contractor under the usual competitive selection procedures,

(3) To the extent reasonable under the circumstances, the County has encouraged competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods or services, and

(4) The cleanup is conducted in accordance with the rules set forth at OAR 340-122-0205 to 340-122-0360.

(Revised by Order No. 15-09-01-05, Effective 10-15-15)

20.660 County Administrator's Authority to Execute Contracts.

(1) The County Administrator is delegated authority to execute all contracts and agreements that do not exceed \$150,000 in cost or revenue nor three years in length.

(2) The County Administrator is further delegated authority to execute contracts that exceed three years in length, or are by their terms self-renewing, but only if:

(a) The cost or revenue for the first three years does not exceed \$50,000, and

(b) The contract contains a provision allowing the County to terminate the contract upon not more than one year's notice.

(3) The County Administrator is further delegated authority to execute, without limitation of amount or length:

(a) All contracts that have been awarded or expressly approved by the Board.

(b) Contracts specifically identified in a budget adoption order or supplemental budget order approved by the Board.

(c) Insurance nonwaiver agreements and insurance endorsements to original policies.

(d) Land use improvement agreements, Building Program Quick Start Agreements and acceptance and release of land use performance bonds.

(e) Contracts and assignments for the collection of County judgments.

(f) All contracts that implement public improvement projects described on the adopted Public Works five-year Capital Improvement Program list, the adopted Parks Capital Improvement Program priorities list, and the Public Works and County Administration public improvement lists prepared for filing with the Commissioner of the Bureau of Labor and Industries (BOLI) pursuant to ORS 279C.305. This delegation includes, without limitation, contracts to prepare for, design, administer, and construct listed projects, as well as those contracts reflecting the County paid portion of the project, those reflecting any amount to be paid by other governmental agencies or housing development entities for assisted housing projects, and those covering environmental mitigation responsibility.

(Revised by Order No. 15-09-01-05, Effective 10-15-15; Revised by Order No.19-05-21-03, Effective 05-21-19)

20.665 County Administrator's Authority to Execute Amendments.

Subject to the limitations on cumulative contract amount in LM 20.630, the County Administrator is delegated authority to:

(1) Execute amendments to contracts that do not cause the contract amount to exceed \$150,000 in cost or revenue nor three years in length,

(2) Execute amendments to contracts, without limitation of amount or length, if the amendment amount or length is within limits authorized by the Board for that specific contract or class of contracts, and

(3) Execute amendments to contracts where the original contract amount exceeds \$150,000, subject to the following limitations:

(a) If the original contract amount is greater than \$500,000, the total of all amendments to that contract may not exceed 25 percent of the contract amount approved by the Board.

(b) If the original contract amount is \$500,000 or less, the total of all amendments may not exceed 50 percent of the contract amount approved by the Board, and

(c) The amendment does not extend the length of the contract beyond three years, unless the original contract contained a provision for a longer duration and was awarded or expressly approved by the Board.

(Revised by Order No. 15-09-01-05, Effective 10-15-15; Revised by Order No.19-05-21-03, Effective 05-21-19)

20.670 Department Directors' Authority to Execute Contracts and Amendments.

(1) Each Department Director is delegated authority to execute contracts that do not exceed \$50,000 nor three years in length.

20.255 Litigation Services.

Subject to the limitations of LM 61.040, ~~the~~ County may contract for personal services related to litigation or legal matters without ~~competitive selection~~ when County Counsel deems it necessary to do so. **Such services may include** ~~ing,~~ but **are** not limited to, outside legal representation, ~~expert witnesses,~~ consultants, arbitrators, mediators, investigators or other specialized personnel. **Notwithstanding the provisions of LM 20.670, the County Counsel's authority to contract for such services is not limited by amount or duration. However, County Counsel must advise the Board and the department of the status of such matters on a regular basis, not less than quarterly, including costs related to representation.**

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(a) The County has made reasonable efforts to inform known insurance agents in the competitive market area that it is considering such appointment, including a public advertisement describing the nature of the agent of record services,

(b) The appointment does not exceed three years, and

(c) In making the appointment, the County has selected the agent most likely to perform cost-effective services.

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(3) The County Administrator is further delegated authority to execute, without limitation of amount or length:

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(b) Contracts specifically identified in a budget adoption order or supplemental budget order approved by the Board.

(c) Insurance nonwaiver agreements and insurance endorsements to original policies.

(d) Land use improvement agreements, Building Program Quick Start Agreements and acceptance and release of land use performance bonds.

(e) Contracts and assignments for the collection of County judgments.

(f) All contracts ~~with terms of three years or less~~ that implement public improvement projects described on the adopted Public Works five-year Capital Improvement Program list, the adopted Parks Capital Improvement Program priorities list, and the Public Works and County Administration public improvement lists prepared for filing with the Commissioner of the Bureau of Labor and Industries (BOLI) pursuant to ORS 279C.305. This delegation includes, without limitation, contracts to prepare for, design, administer, and construct listed projects, as well as those contracts reflecting the County paid portion of the project, those reflecting any amount to be paid by other governmental agencies or housing development entities for assisted housing projects, and those covering environmental mitigation responsibility.

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(3) Execute amendments to contracts where the original contract amount exceeds \$150,000, subject to the following limitations:

(a) If the original contract amount is greater than \$500,000, the total of all amendments to that contract may not exceed 25 percent of the contract amount approved by the Board.

(b) If the original contract amount is \$500,000 or less, the total of all amendments may not exceed 50 percent of the contract amount approved by the Board, and

(c) The amendment does not extend the length of the contract beyond three years, unless the original contract contained a provision for a longer duration and was awarded or expressly approved by the Board.

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