

NORTHERN WASCO COUNTY PEOPLE'S UTILITY DISTRICT
SPECIAL SESSION
NOVEMBER 9, 2018

PRESENT: Dan Williams, President
Roger Howe, Secretary
Clay Smith, Treasurer
Howard Gonser, Director

ABSENT: Connie Karp, Vice President

President Williams called the Special Session to order at 8:30 a.m.

The following individuals were present during the Special Session:

Counsel: James Foster

NWCPUD Staff: General Manager Roger Kline; Assistant General Manager/Director of Power Resources Kurt Conger; Principal Engineer/Strategic Asset Planner Paul Titus; Executive Assistant Kathy McBride; CFO/Director of Finance & Enterprise Risk Harvey Hall; Senior Financial Analyst/Contracts, Risk and Supply Chain Sue Powers; Key Accounts Manager Justin Brock; Power Resources Coordinator Korenna Colquitt; and Power Resources Specialist Jen Kelly.

Visitors: None

Proposed Amendment to the Public Contracting Rules & Policy

General Counsel James Foster presented to the Board a copy of the Public Contracting Rules & Policy. The document has been red lined with proposed changes to the existing language. A copy of the proposed amended policy is hereto attached and marked as Exhibit 1.

Foster informed the Board that there is a need to amend the Public Contracting Rules & Policy to clarify the language when the Board can approve a special procurement of services versus special procurement of a public improvement. There is a technical difference between the two; one is for services and the other is the physical construction of the public improvement.

Foster pointed out the proposed amendments to the Policy as shown on Pages 5 and 6. Section 7.1.5 has been removed, and Sections 7.2.3 and 7.2.4 have been amended. The amendments comply with state statutes and Special Districts Association of Oregon's interpretation of the law.

Foster recommended that the Board adopt the proposed amendments to the Public Contracting Rules & Policy as presented.

{{{Director Smith moved to adopt the proposed amendments to the Public Contracting Rules & Policy as presented.

Some discussion occurred after questions were raised regarding the exemption of an entire class of contracts and Exhibit E.

Foster stated that the language is slightly ambiguous as to whether that constitutes a class representing one entity that is funding work for the District, or whether it represents an open door for anybody once the District has done this kind of exemption. Foster thinks it relates to the provider of the funding under this interpretation of the statute. Foster stated that he may come back to the Board and say once you have exempted it you don't have to do it again. However, Foster is hesitant to say that at this time.

Foster told the Board to disregard Exhibit E since it does not apply to what the Board is considering at this moment.

Director Gonser seconded the motion. The vote was called for; the motion passed unanimously.}}}

At 8:35 a.m. President Williams recessed the Regular Session to convene as the Contract Review Board for Northern Wasco County People's Utility District for purposes of approving an exemption from bidding and special procurements.

Public Hearing to consider the award of a public improvement contract. No funds of the District will be used directly or indirectly.

The Board was provided with a copy of Exhibit E – Findings to Support Exemption from Bidding-Special Procurements, dated November 8, 2018. A copy of Exhibit E is hereto attached and marked as Exhibit 2.

Foster informed the Board that Exhibit E is similar to what the Board looked at on Tuesday night. Exhibit E has been expanded and modified to fit the amendments to the Public Contracting Rules & Policy. The findings not only include the three work order numbers, but it now includes what are the services that are generally being provided under these specified work orders.

Some discussion occurred after several questions were raised by members of the Board of Directors.

Foster replied that any contractor providing services under the three identified work orders would fall under this exemption. Contracts under \$150,000 do not require the approval of the Contract Review Board.

{{{Director Smith moved to approve the Findings to Support the Exemption from Bidding for the GORGE and TransLink Projects, which are a private/public partnership where no funds of the District are required. Director Howe seconded the motion; it was then passed unanimously.}}}

At 8:38 a.m. the Board adjourned as the Contract Review Board to return to Special Session.

There being no further business the meeting adjourned at 8:39 a.m.



President

ATTEST:



Secretary

| | |
|-----------------|--|
| Policy Number: | |
| Policy Type: | |
| Policy Title: | |
| Effective Date: | |

NORTHERN WASCO COUNTY P.U.D.

PUBLIC CONTRACTING RULES & POLICY**PURPOSE**

As a special district in the State of Oregon, Northern Wasco County PUD (NWCPUD) is required to comply with public contracting laws when purchasing goods, services, and construction projects. NWCPUD Contract Review Board has adopted these rules and regulations subject to the exceptions provided in this document. The following guidelines shall be adhered to by all employees when purchasing materials, supplies, services, or equipment.

1.0 REFERENCE

Purchasing must comply with applicable State Statutes and Regulations:

- 1.1 ORS 279A, B, C; Public Purchasing
- 1.2 ORS 190; Cooperative Purchasing
- 1.3 ORS 244; Oregon Standards and Practices laws which sets forth a code of ethics that must be adhered to by all public officials.
- 1.4 OAR 137-46-49; Public Contracting

2.0 DEFINITIONS

- 2.1 Agent – means an employee of NWCPUD with some level of purchase authority.
- 2.2 A/E Services – means Architect and Engineering Services, a subset of Personal Services, that also includes Photogrammetric Mapping, Land Surveying, and Transportation Planning.
- 2.3 Contract – means a binding agreement between the District and one or more parties to evidence the terms and conditions of a purchase.
- 2.4 Contract Review Board – means the NWCPUD Board of Directors.
- 2.5 District – means NWCPUD
- 2.6 Emergency – defined by circumstances that could not have been reasonably foreseen that create a substantial risk of loss, damage, interruption of service or threat to the public health that requires prompt execution of a contract to remedy.
- 2.7 ITB – Invitation to Bid – asking vendor to submit bids for products or services where the primary award criteria will be price.
- 2.8 Public Contract; Procurement – Any purchase, lease, rent or sale by the district of person property, public improvements or services other than agreements which are exclusively for personal service.
- 2.9 Purchase Order (PO) – a form or record that contains pricing, quantity, vendor and other purchasing information. A dollar-limit PO may be issued to a supplier for repetitive purchases/services within the year. A purchase order is considered a contract when it is the only document exchanged between NWCPUD and the vendor.
- 2.10 QBS – *Qualifications-Based Selection* – a competitive contract process whereby firms submit their qualifications, and then proposals for a specific project.
- 2.11 RFP – Request for Proposal – the solicitation of competitive proposals or offers to be used as a basis for making an acquisition or entering into a contract where price may not necessarily be the predominant determinant.

PUBLIC CONTRACTING RULES & POLICY

3.0 POLICY

3.1 The need for goods or services is determined by the public demand for the product the District provides and by its ability to conduct operations. The combination of the type of purchase and the dollar level will determine the required procedures and the regulation affecting the process. *See matrix in Exhibit A.*

3.2 Types of Purchases:

3.2.1 *Goods* (products, material & equipment) – purchases of tangible products; results in a purchase-order for a one-time purchase of an item as-needed, when-needed.

3.2.2 *Personal Services* – pursuant to ORS 279A.055, the Local Contract Review Board had defined “Personal Services” as: those that require specialized technical, creative, professional, or communications 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, computer programmers, artists, designers, performers, building/grounds maintenance, and consultants. Trade services are routine Personal Services that include tasks needed on a regular basis such as janitorial, office machine maintenance, and cellular service. Pursuant to ORS 279A.055, the General Manager or designees shall have the authority to determine whether a particular service is a Personal Service.

3.2.3 *Personal Services of Architects, Engineers, Land Surveyors, and related services* as defined in OAR 137-048-0100.

3.2.4 *Public Improvement and Construction Services* – Public Improvements include construction or reconstruction or major renovation or improvements of real property and must adhere to the rules found in OAR 137-049. Public Improvement does not include emergency work, minor alteration, ordinary repair or maintenance. If the construction services are not on real property, they are not Public Improvements but general construction services and must be competitively bid like a public procurement of goods and services under are under ORS 279B.

3.3 Levels of Purchases:

3.3.1 In determining the level of the purchase, the total cost must be determined. This will be the accumulative potential value of the contract. A purchase of a service for \$20k a year with a contract that could extend for 5 years, the total is \$100k. A purchase cannot be fragmented to change the dollar level.

3.3.2 Small Procurements \$0-\$10,000 (ORS 279B.065)

3.3.3 Intermediate Procurements \$10,000 - \$150,000 (ORS 279B.070) or \$5,000-\$100,000 if a Public Improvement (ORS 279C.335(c)(d))

3.3.4 Other Procurements - \$150,000 and up

4.0 CONTRACTING AUTHORITY

The Board of Directors delegates the General Manager and his/her designees the authority and responsibility to interpret and implement the policy of the District regarding public purchasing and contracting or to recommend to the Board, when appropriate, a course of action. Only the Board of Directors may contractually bind the district, though it may delegate the authority to approve

PUBLIC CONTRACTING RULES & POLICY

certain contracts. All NWCPUD purchases over \$150,000 must have Board approval, unless otherwise excluded.

5.0 SELECTION OF VENDOR AND AWARDS OF CONTRACTS

- 5.1 For goods, awards are based on fixed prices for a particular quality of product per the specifications.
- 5.2 For Personal Services, selection of vendor shall be by the criteria set forth in each solicitation; price may be a factor but need not be the predominant award criteria. Other factors may consist of firm expertise and personnel experience on similar projects, adequacy of equipment and physical plant, financial capacity, past performance, safety records, proposed method of construction, references, proposed milestone dates, project understanding, and matters that affect cost or quality.
- 5.3 For A/E Services, awards are generally based on the qualifications of the Consultant according to ORS 279C.110(1). A direct appointment is allowed on contracts up to \$100,000 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 is a continuation of that project, per OAR 137-048-0200.
- 5.4 For Public Improvement, per ORS 279C.325(1) contracting agencies shall make every effort to construct public improvements at the least cost to the agency.
- 5.5 In competitive bidding the general rule is to award the lowest responsive, responsible bidder.

6.0 BIDDING REQUIREMENTS / PROCEDURES

- 6.1 Per ORS 279B.065, small procurements, \$0-\$10,000, may be exempt from competitive bidding. The District requires an approved PO and, where feasible, three (3) quotes.
- 6.2 Intermediate Procurements, defined in ORS 279B.070 as purchases/contracts between \$10,000-\$150,000, and between \$5,000-\$100,000 if a Public Improvement, require an approved PO and a minimum of three (3) informally solicited competitive quotes. If three are not available, a written record of the effort to obtain the quotes is required. A contract agency may negotiate with a proposer to clarify its quote, bid or proposal or to effect modifications that will make the quote, bid, or proposal accessible or make it more advantageous to the contracting agency. In accordance with OAR 137-047-0800(2) and OAR 137-047-0270(3), an intermediate procurement contract may be amended but the cumulative amendments shall not increase the total price by more than \$150,000 or 25% of the original, whichever is greater.
- 6.3 When the purchase amount exceeds \$150,000, after Board approval, the agent shall proceed with a formal competitive bidding procedure. If the purchase contract being considered is for A/E services, then informal processes may be used up to \$250,000, after which it must be processed using the formal, documented methodology per ORS 279B.060 with a solicitation which shall:

PUBLIC CONTRACTING RULES & POLICY

- 6.3.1 ~~_____~~ In accordance with OAR 137-048-0220, state the evaluation criteria by which the contract will be awarded and the role of an evaluation committee, if used. Criteria may include, but are not limited to cost, quality, service, compatibility, reliability, time required to commence and complete the improvement (if applicable).
- 6.3.2 State all compliant processes and remedies available.
- 6.3.3 ~~_____~~ State the provisions made for persons interested in responding to comment on any specifications which they feel limit competition.
- 6.3.4 ~~_____~~ Specify the name and title of the person designated to receive proposals as well as the date responses must be received.
- 6.3.5 ~~_____~~ Not inhibit competition or encourage favoritism and will result in cost savings to NWCPUD.
- 6.3.6 ~~_____~~ The district may, at its discretion, use Request for Proposals (as opposed to ITB) procurement methods and must state the contractual requirements and describe the methods by which the contractor shall competitively select other contractors and subcontractors to perform the work of the improvement. Further, the contract may require the contractor to describe completely the methods by which the contractor and its affiliated entities, if any, either have or will complete to perform portions of the work of the improvement.
- 6.3.7 ~~_____~~ The District shall prepare written findings to support the use of the RFP versus an ITB. The findings must address as many of the following as are applicable:
- Competitive bids failed to receive a responsive, responsible bid within the cost estimate.
 - There are expected substantial savings on direct construction costs.
 - The District needs to have use of the project within a stated project schedule and there will be program and cost consequences if the required use is delayed.
 - The complexity, special circumstances or unique character of the project requires coordination of multiple disciplines.
 - The use of value engineering through the cooperation among the architect/engineer, contractor, and NWCPUD is important to the project's delivery on time and within budget.
 - There are other factors which demonstrably affect costs.

6.4 ~~_____~~ A/E Services generally require a Qualifications-Based Selection (QBS). See Attachment 1. Pursuant to ORS 279C.100, the Contract Review Board has adopted the following:

- 6.4.1 Direct Appointment is possible if:
- Purchase level is under \$100,000 per OAR 137-48-0200(1)(b)
 - It is a continuation of a project with an Intermediate fee where estimated cost for project being continued does not exceed \$250,000 and which was originally awarded using the formal process (OAR 137-048-0200(1)(c), or
 - The consultant will be assisting the Board by providing analysis, testing, testimony or similar services where the project is reasonably anticipated to be the subject of a claim; see OAR 137-048-0200(1)(e)
- 6.4.2 If purchase level is between \$100,000-250,000, the contract may be made through the informal process per OAR 137-048-0210.
- 6.4.3 If above \$250,000, must use formal QBS with public posting of a RFP or Request for Qualifications (RFQ) followed by RFP. See OAR-137-048-0220.

PUBLIC CONTRACTING RULES & POLICY

6.5 Public Improvement Contracts are projects for construction, reconstruction, or major renovation on real property and are governed by ORS 279C and OAR 137-49. Public Improvement Contracts between \$5,000 and \$100,000 may use the informal process; if above \$100,000 formal process is required.

6.5.1 Public improvements do not include emergency work, minor alterations, or ordinary repair and maintenance. Also excluded are projects for which no funds of NWCPUD are directly or indirectly used such as those being funded by a private source in a public-private partnership agreement.

6.5.2 Generally, in accordance with ORS 279C.340, if all responsible bids exceed NWCPUD's cost estimate, prior to awarding the contract, the District may negotiate value engineering and other options in an attempt to bring the project within the estimate.

7.0 EXEMPTIONS FROM BIDDING

7.1 Exemptions are procurements excused from the requirements under certain circumstances. Exemptions must be based on written findings.

7.1.1 Emergency Procurement; (Exhibit C) such circumstances are defined by:

- Could not have been reasonably foreseen
- Create a substantial risk of loss, damage or interruption of services or a threat to the property, health, or safety.
- Require prompt execution of a contract to remedy.

7.1.2 Sole-Source Procurement; (Exhibit D) where findings may include: - The efficient utilization of existing goods may require the acquisition of compatible goods or services,

- The exchange of software or data may be from a single source,
- The goods/services may be for required for a pilot or experimental project.
- At least 14 days prior, NWCPUD must give public notice of sole-source awards over \$150,000 in a manner similar to public notice of competitive sealed bids under ORS 279B.055(4), The public notice shall describe the goods or services to be acquired by a sole-source procurement, identify the prospective contractor and include the date, time and place that protests are due.
- Protests to sole-source procurements: an affected person may protest the contract review authority's determination in accordance with OAR 137047-0710.

7.1.3 Special Procurements; (Exhibit E) – which may qualify as such if:

- It is unlikely to encourage favoritism or substantially diminish competition for public contracts.
- It is likely result in substantial savings to the utility.
- Will otherwise substantially promote the public interest in a manner that could not practicably be realized through the competitive process.

7.1.4 Contracts made with, or the cost of which is provided by, other public agencies or the Federal government.

7.1.5 ~~Public Improvement projects excluded by 6.5.1~~

PUBLIC CONTRACTING RULES & POLICY

7.2 Public Improvement and other Exemptions

7.2.1 Pursuant to ORS 279C.335 and this rule, the District may declare that circumstances exist that require a prompt execution of a Public Improvement contract. Such written emergency declaration shall include the anticipated harm from failure to enter into a Public Improvement contract and shall be kept on file as a public record.

- Any contract awarded under this rule must be awarded within 60 days of the declaration unless an extension is granted under ORS 279C.335(5)
- Although no dollar limitation applies the scope of the contract must be limited to the work that is necessary and appropriate as described in the declaration.
- Public Improvement exemption contracts may be modified by change order or amendment to address the conditions described in the original declaration or an amended declaration that further describes additional work necessary and appropriate for the circumstances.
- Pursuant to ORS 279C.380(4) and this rule, the exemption declaration may also state that the contracting agency waives the requirement of furnishing a performance bond and payment bond for the public improvement contract. After making such a declaration, the bonding requirements are excused for the procurement.

7.2.2 For an emergency procurement of construction other than a public improvement, the contracting agency shall ensure competition for an emergency contract as reasonable and appropriate under the circumstances and the agency shall set an appropriate solicitation time period given the circumstances and may include written or oral request for offers, or direct appointment without competition in cases of extreme necessity.

7.2.3 Per ORS 279B.085, the Contract Review Board (CRB) may exempt an entire class of contracts. Personal Services contracts existing on the effective date of these Rules are exempt and hereby extended by direct appointment. Contracts for legal, accounting, underwriting, investments, financial and insurance advising, IT consulting, projects where no funds of the District are required as in a private-public partnership per 6.5.1, and specialized corporate communication contracts may be exempt. Once approved by the CRB, contracts within these classes may be awarded, in perpetuity, without further approvals or bidding.

7.2.4 The ~~Local~~ Contract Review Board may, by resolution, exempt other contracts or classes of contracts from competitive bidding as per ORS 279B.085(4) and ORS 279C.335(2)

7.3 Approvals of Exemptions: Per ORS 379B.080, The General Manager may make or authorize others to make emergency procurements in certain situations, and under ORS 279B.075, sole-source procurements may be allowed. These situations require written findings and approvals by a person(s), designated in writing. Further, per OAR 137-0480200(1) the General Manager may enter into a contract directly with a Consultant without pursuing a qualifications-based solicitation under certain circumstances. Per Exhibit F, the General Manager has approved the following exemption approval matrix:

PUBLIC CONTRACTING RULES & POLICY

| | Findings Notation | Purchase Approval |
|---------------|--|--|
| \$10k-\$50k | Any Staff | GM, AGM, CFO, Director of Corp. Services, Director of Eng.& Ops, or Principal Eng. |
| \$50k-\$100k | GM, AGM, CFO, Director of Corp. Services, Director of Eng.& Ops, or Principal Eng. | Any <i>additional</i> signature from: GM, AGM, CFO, Director of Corp. Services, Director of Eng.& Ops, or Principal Eng. |
| \$100k-\$150k | GM, AGM, CFO | Any <i>additional</i> signature from: GM, AGM, CFO, Director of Corp. Services, Director of Eng.& Ops, or Principal Eng. |

8.0 PROTESTS RELATING TO PROCUREMENTS OF GOODS AND SERVICES:

8.1 If a bidder or proposer wishes to protest the procurement process, the contents of a solicitation document related to a cooperative procurement, or the award or proposed award of an original contract, the bidder or proposer shall direct the protest to NWCPUD and shall make such protest in accordance with ORS 279B.400 – ORS 279B.425.

9.0 DISPOSAL OF SURPLUS PROPERTY

9.1 Real Property: Land and/or buildings no longer used by or useful to NWCPUD may be sold or transferred in a manner approved by the Board. The use of appraised value, market value and/or salvage value shall be used to sell and/or dispose of the property in a manner deemed in the best interest of the utility and our customers. The sale or disposal of property may be on a competitive or negotiated bases as determined by the Board given the facts and circumstances surrounding the sale and the property involved.

9.2 Vehicles: Trucks, pickups, trailers, tractors and similar vehicles and road/off road equipment no longer of reliable use to NWCPUD, but operationally functional, may be traded in as part of a purchase transaction or sold on a competitive basis as approved by the Board. Non-operational and/or worn out vehicles may be scrapped for its scrap value if that is the best method of disposal and is of equal or greater economic value.

9.3 Equipment and Tools: As a requirement of the purchase of tools, hand tools, smaller non-vehicular equipment, gas or electric powered tools or equipment, electronic and/or computer type equipment tools and components; the replaced item should first be traded in for replacement of that item or reasonable replacement of other tools and/or equipment. If the piece of equipment or tool is not tradable with the transaction for replacement and is

PUBLIC CONTRACTING RULES & POLICY

not technologically, mechanically or otherwise obsolete, it may be sold for a fair market value or donated to a school, education facility or other non-profit for education and/or training.

- 9.4 ____ -In those instances where equipment and/or tools are kept for the purpose of providing parts for keeping operational other equipment, any unnecessary or useful pieces/parts should be recycled and/or disposed of in an environmentally acceptable manner. Donation of all or part to education and/or other training facilities is permitted.

PUBLIC CONTRACTING RULES & POLICY

10.0 DOCUMENT REVISIONS

| REVISED BY | TITLE | DATE | COMMENTS | REVISION # |
|------------|---------------------------|----------|----------|------------|
| Sue Powers | Contracts/Risk Specialist | 03/15/18 | Creation | 01 |
| | | | | |
| | | | | |

11.0 DOCUMENT ANNUAL REVIEW

| REVIEWED BY | TITLE | DUE DATE | COMMENTS | REVISION # |
|-------------|-------|----------|----------|------------|
| | | | | |
| | | | | |
| | | | | |

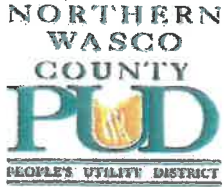
12.0 DOCUMENT APPROVAL

ADOPTED this _____ day of _____, 2016

President

ATTEST:

Secretary



FINDINGS TO SUPPORT EXEMPTION FROM BIDDING-SPECIAL PROCUREMENTS

DATE: _____

REQUESTOR _____ DEPT: _____

ESTIMATED COST: \$ _____

Type of Procurement: PQ

In accordance with ORS 279B.085(4), for good and services ~~and ORS 279C.335(2) for Public Improvements~~, NWCPUD may award a contract for goods or services without competition when the General Manager and/or his designees, after reviewing findings of fact, determines that the goods or services or class of goods or services, are allowable as Special Procurements and exempt from bidding. ~~Determination must be based on written findings that may include: When exempting a public improvement from competitive bidding, the Local Contract Review Board may authorize the contract to be awarded using a Request for Proposal process for public improvements as described in OAR 137-0490640 through 137-049-0690. A public hearing is required for an exemption on a public improvement contract. Determination must be based on written findings that may include:~~

- (a) That the special procurement is unlikely to encourage favoritism or to substantially diminish competition for public contracts; and
- (b) It will result in a substantial cost savings to NWCPUD, or,
- (c) Otherwise substantially promote the public interest in a manner that could not practically be realized and,
- ~~(d) Otherwise excluded under 6.5.1 of Rules and Policy document. Is in a contract class exempt per policy, section 7.2.3, or 7.2.4.~~

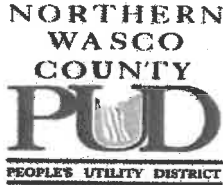
Description of Findings:

Findings Notated by: _____ Date: _____

Approved By: _____ Date: _____

| | FINDINGS NOTATION | PURCHASE APPROVAL |
|----------------------|---|--|
| \$10k-\$50k | Any Staff | GM, AGM, CFO, Director of Corp. Services, Director of Eng. & Ops, or Principal Eng. |
| \$50k-\$100k | GM, AGM, CFO, Director of Corp. Services, Director of Eng. & Ops, or Principal Eng. | Any <i>additional</i> signature from GM, AGM, CFO, Director of Corp. Services, Director of Eng. & Ops, or Principal Eng. |
| \$100k-\$150k | GM, AGM, CFO | Any <i>additional</i> signature from GM, AGM, CFO, Director of Corp. Services, Director of Eng. & Ops, or Principal Eng. |

Findings for ~~Sole-Source~~ Special Procurements exemptions above \$150,000 must be pre-approved by the Local Contract Review Board. Public Notice of approval is required in accordance with ORS 279B.055(4) and OAR 137-047-0300 at least 7 days prior to award of the contract. If the approval is for a class special procurement, contracts within that class may be awarded, in perpetuity, without further approvals or bidding.



**FINDINGS TO SUPPORT
EXEMPTION FROM BIDDING-SPECIAL PROCUREMENTS**


DATE: 11/06/2018

REQUESTOR: POWER RESOURCES

DEPT: 13

ESTIMATED COST: \$3.0 Million PO # All POs for Work Orders: 18-0075, 18-0164, 18-0163


In accordance with ORS 279B.085(4), for good and services and ORS 279C.335(2) for Public Improvements, NWCPUD may award a contract for goods or services without competition when the General Manager and/or his designees, after reviewing findings of fact, determines that the goods or services or class of goods or services, are allowable as special procurements and exempt from bidding. When exempting a public improvement from competitive bidding, the Local Contract Review Board may authorize the contract to be awarded using a Request for Proposal process for public improvements as described in OAR 137-0490640 through 137-049-0690. A public hearing is required for an exemption on a public improvement contract. Determination must be based on written findings that may include:

- (a) That the special procurement is unlikely to encourage favoritism or to substantially diminish competition for public contracts; and
- (b) It will result in a substantial cost savings to NWCPUD.
- (c) Otherwise substantially promote the public interest in a manner that could not practically be realized.
-  (d) Otherwise excluded under 6.5.1 of Rules and Policy document.

Description of Findings:

No funds of NWCPUD directly or indirectly are used, funded by a private source in a public-private partnership.

Findings Notated by:  Date: 11/6/2018

Approved By:  Date: 11/6/18

| | FINDINGS NOTATION | PURCHASE APPROVAL |
|----------------------|---|--|
| \$10k-\$50k | Any Staff | GM, AGM, CFO, Director of Corp. Services, Director of Eng. & Ops, or Principal Eng. |
| \$50k-\$100k | GM, AGM, CFO, Director of Corp. Services, Director of Eng. & Ops, or Principal Eng. | Any <i>additional</i> signature from GM, AGM, CFO, Director of Corp. Services, Director of Eng. & Ops, or Principal Eng. |
| \$100k-\$150k | GM, AGM, CFO | Any <i>additional</i> signature from GM, AGM, CFO, Director of Corp. Services, Director of Eng. & Ops, or Principal Eng. |

Findings for Special Procurement exemptions above \$150,000 must be pre-approved by the board.