

TITLE 10

SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

LCPR 137-048

CONSULTANT SELECTION: ARCHITECTURAL, ENGINEERING, PHOTOGRAMMETRIC MAPPING, TRANSPORTATION PLANNING, LAND SURVEYING, AND RELATED SERVICES CONTRACTS

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I. CONSULTANT SELECTION: ARCHITECTURAL, ENGINEERING, PHOTOGRAMMETRIC MAPPING, TRANSPORTATION PLANNING, LAND SURVEYING, AND RELATED SERVICES CONTRACTS

137-048-0100 Application

(1) Division 48 rules apply to the screening and selection of a Consultant to perform Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services, and set forth the following procedures:

(a) Procedures through which the County selects Consultants to perform Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services; and

(b) Two-tiered procedures for selection of Architects, Engineers, Photogrammetrists, Transportation Planners, Land Surveyors and providers of Related Services for certain Public Improvements owned and maintained by the County.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]

Stats. Implemented: ORS 279A.065, OL 2011 & ch 458

137-048-0110 Definitions

In addition to the definitions set forth in ORS 279A.010, ORS 279C.100, and LCPR 137-046-0110, the following definitions apply to Division 48 rules:

(1) “**Consultant**” means an Architect, Engineer, Photogrammetrist, Transportation Planner, Land Surveyor, or provider of Related Services. A Consultant includes a business entity that employs Architects, Engineers, Photogrammetrists, Transportation Planners, Land Surveyors or providers of Related Services, or any combination of the foregoing.

(2) “**Estimated Fee**” means the County’s reasonably projected fee to be paid for a Consultant’s services under the anticipated Contract, excluding all anticipated reimbursable or other non-professional fee expenses. The Estimated Fee is used solely to determine the applicable Contract solicitation method and is distinct from the total amount payable under the Contract. The Estimated Fee shall not be used as a basis to resolve other Public Contracting issues, including without limitation, direct purchasing authority or Public Contract review and approval under ORS 291.047.

(3) “**Price Agreement,**” for purposes of this Division 48, is limited to mean an agreement related to the Procurement of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services, under agreed-upon terms and conditions, including, but not limited to terms and conditions of later work orders or task orders for Project-specific Services, and which may include Consultant compensation information, with:

(a) No guarantee of a minimum or maximum purchase; or

(b) An initial work order, task order or minimum purchase, combined with a continuing Consultant obligation to provide Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services in which the County does not guarantee a minimum or maximum additional purchase.

(4) “**Project**” means all components of the County’s planned undertaking that gives rise to the need for a Consultant’s Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services under a Contract.

(5) “**Related Services**” means personal services, other than Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, or Land Surveying Services, that are related to planning, designing, engineering or overseeing a Public Improvement, or components of a Public Improvement, including but not limited to Landscape Architecture, Facilities Planning, Energy Planning, Space Planning, Hazardous Substances or Hazardous Waste or Toxic Substances Testing, Cost Estimating, Appraising, Material Testing, Mechanical System Balancing, Commissioning, Project Management, Construction Management, Owner’s Representation services, or Land-use Planning.

(6) “**Transportation Planning Services**” are defined in ORS 279C.100. Transportation Planning Services include only Project-specific transportation planning involved in the preparation of categorical exclusions, environmental assessments, environmental impact statements and other documents required for compliance with the National Environmental Policy Act, 42 USC 4321 et. seq. Transportation Planning Services do not include transportation planning for corridor plans, transportation system plans, interchange area management plans, refinement plans and other transportation plans not directly associated with an individual Project that will require compliance with the National Environmental Policy Act, 42 USC 4321 et. seq. Transportation Planning Services also do not include transportation planning for Projects not subject to the National Environmental Policy Act, 42 USC 4321 et. seq.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20]
Stats. Implemented: ORS 279A.065, OL 2011 & ch 458

137-048-0120 Applicable Selection Procedures; Pricing Information

(1) When selecting the most qualified Consultants to perform Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services, the County shall follow the applicable selection procedure under either LCPR 137-048-0210 (Informal Selection Procedure), LCPR 137-048-0220 (Formal Selection Procedure), or LCPR 137-048-0200 (Direct Appointment Procedure). In following the Direct Appointment Procedure under LCPR 137-048-0200, the County may base its selection of a Consultant on any information available to the County prior to beginning the Direct Appointment Procedure for the Project involved.

(2) The County may solicit or use pricing policies and pricing Proposals, or other pricing information, including the number of hours proposed for the services required, expenses, hourly rates and overhead, in any of the County's selection procedures to select Consultants to perform Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services pursuant to the requirements of LCPR 137-048-280 and ORS 279C.110(5).

(3) The County is not required to follow the procedures in Section (1) of this rule when the County has established Price Agreements with more than one Consultant and is selecting a single Consultant to perform Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services under an individual work order or task order. Provided, however, the criteria and procedures the County uses to select a single Consultant, when the County has established Price Agreements with more than one Consultant, must meet the requirements of LCPR 137-048-0270.

(4) The County may use electronic methods to screen and select a Consultant in accordance with the procedures described in Sections (1) and (2) of this rule. If the County uses electronic methods to

screen and select a Consultant, the County will first promulgate rules for conducting the screening and selection procedure by electronic means, substantially in conformance with LCPR 137-047-0330 (Electronic Procurement).

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]

Stats. Implemented: ORS 279A.065, ORS 279C.100, ORS 279C.110, OL 2011 & ch 458, OL 2019 & ch 55

II. SELECTION PROCEDURES

137-048-0200 Direct Appointment Procedure

(1) The County may enter into a Contract directly with a Consultant without following the selection procedures set forth elsewhere in these rules if:

(a) Emergency. The County finds that an Emergency exists; or

(b) Small Estimated Fee. The Estimated Fee to be paid under the Contract does not exceed \$100,000; or

(c) Continuation of Project. Where a Project is being continued as more particularly described below, the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services to be performed under the Contract must meet the following requirements:

(A) The services consist of or are related to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services that have been substantially described, planned or otherwise previously studied in an earlier Contract with the same Consultant and are rendered for the same Project as the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services rendered under the earlier Contract; The County used either a formal selection procedure under LCPR 137-048-0220 or the formal selection procedure applicable to selection of the Consultant at the time of original selection to select the Consultant for the earlier Contract; and

(B) When the Estimated Fee exceeds \$250,000, the County makes Written findings that entering into a Contract with the Consultant, whether in the form of an amendment to an existing Contract or a separate Contract for the additional scope of services, will:

- (i) Promote efficient use of public funds and resources and result in substantial cost savings to the County; and
- (ii) Protect the integrity of the Public Contracting process and the competitive nature of the Procurement by not encouraging favoritism or substantially diminishing competition in the award of the Contract.

(2) The County may select Consultants for Contracts under this rule from any Consultant(s) offering the required Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services that the County reasonably can identify under the circumstances.

(3) As part of the County's assessment of the qualifications of any Consultant being considered for award of a Contract under this rule, the County can, at any time before entering into a contract with the Consultant, consider information pertaining to whether the Consultant owes a liquidated and delinquent debt to the State of Oregon.

(4) The County shall direct negotiations with Consultants selected under this rule toward obtaining Written agreement on:

- (a) The specific scope of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services to be provided by the Consultant;
- (b) The Consultant's performance obligations and performance schedule;
- (c) Payment methodology, the Consultant's rates and number of hours, and a maximum amount payable to the Consultant for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services,

or Related Services required under the Contract that is fair and reasonable to the County as determined solely by the County, taking into account the value, scope, complexity and nature of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services; and

(d) Any other provisions the County believes to be in the County's best interest to negotiate.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]

Stats. Implemented: ORS 279C.110, ORS 279C.115, OL 2011 & ch 458

137-048-0210 Informal Selection Procedure

(1) The County may use the informal selection procedure described in this rule to obtain a Contract if the Estimated Fee is expected not to exceed \$250,000.

(2) Under this rule, the County shall:

(a) Create a Request for Proposals that may include, but is not limited to, the following:

(A) A description of the Project for which Consultant's Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services are needed and a description of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services that will be required under the resulting Contract;

(B) The anticipated Contract performance schedule;

(C) Conditions or limitations, if any, that may constrain or prohibit the selected Consultant's ability to provide additional services related to the Project, including construction services;

(D) The date and time Proposals are due and other directions for submitting Proposals;

(E) Criteria upon which most qualified Consultant will be selected. Selection criteria may include, but are not limited to, the following:

- (i) The amount and type of resources and number of experienced staff Consultant has available to perform the Architectural, Engineering,

Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the Request for Proposals within the applicable time limits, including the current and projected workloads of such staff and the proportion of time such staff would have available for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services;

- (ii) Proposed management techniques for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the Request for Proposals;
- (iii) A Consultant's capability, experience and past performance history and record in providing similar Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services, including but not limited to quality of work, ability to meet schedules, cost control methods and contract administration practices;
- (iv) A Consultant's approach to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the Request for Proposals and design philosophy, if applicable;

- (v) A Consultant's geographic proximity to and familiarity with the physical location of the Project;
- (vi) Volume of work, if any, previously awarded to the Consultant, with the objective of effecting equitable distribution of Contracts among qualified Consultants, provided such distribution does not violate the principle of selecting the most qualified Consultant for the type of professional services required;
- (vii) A Consultant's ownership status and employment practices regarding women, minorities and emerging small businesses or historically under-utilized businesses;
- (viii) Whether the Consultant owes a liquidated and delinquent debt to the State of Oregon; and
- (ix) Pricing policies, proposals and other pricing information if the County is selecting a Consultant pursuant to the requirements of ORS 279C.110(5).

(F) A Statement that Proposers responding to the RFP do so solely at their expense, and the County is not responsible for any Proposer expenses associated with the RFP;

(G) A statement directing Proposers to the protest procedures set forth in Division 48; and

(H) A sample form of the Contract.

(b) Provide a Request for Proposals to a minimum of five (5) prospective Consultants. If fewer than five (5) prospective Consultants are available, the County shall provide the RFP to all available prospective Consultants and shall main-

tain a record of the County's efforts to locate available prospective Consultants for the RFP.

(c) Review and rank all Proposals received according to the criteria set forth in the Request for Proposals, and select the three highest ranked Proposers.

(3) If the County does not cancel the RFP after it reviews and ranks each Proposer, and following the completion of any price evaluations completed pursuant to LCPR 137-048-280, the County shall begin negotiating a Contract with the highest ranked Proposer. The County shall direct negotiations toward discussing, refining and finalizing the following:

(a) The specific scope of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services to be provided by the Consultant;

(b) The Consultant's performance obligations and performance schedule;

(c) Payment methodology, Consultant's rates and number of hours, and a maximum amount payable to the Consultant for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services required under the Contract that is fair and reasonable to the County as determined solely by the County, taking into account the value, scope, complexity and nature of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services; and

(d) Any other provisions the County believes to be in the County's best interest to negotiate.

(4) The County shall, either orally or in Writing, formally terminate negotiations with the highest ranked Proposer if the County and Proposer are unable for any reason to reach agreement on a Contract within a reasonable amount of time. The County may thereafter negotiate with the second-ranked Proposer, and if necessary, with the third-ranked Proposer, in accordance with Section (3) of this rule, until negotiations result in a Contract. If negotiations with any of the top three

Proposers do not result in a Contract within a reasonable amount of time, the County may end the particular informal solicitation and thereafter may proceed with a new informal solicitation under this rule or proceed with a formal solicitation under LCPR 137-048-0220 (Formal Selection Procedure).

(5) When the Estimated Fee in an informal selection procedure is expected not to exceed \$150,000, the County is only required to provide the RFP under subsection (2)(b) of this rule to three (3) prospective Consultants. If fewer than three (3) prospective Consultants are available, the County shall provide the RFP to all available prospective Consultants and shall maintain a Written record of the County's efforts to locate available prospective Consultants for the RFP.

(6) The County shall terminate the informal selection procedure and proceed with the formal selection procedure under LCPR 137-048-220 if the scope of the anticipated Contract is revised during negotiations so that the Estimated Fee will exceed \$250,000. Notwithstanding the foregoing, the County may continue Contract negotiations with the Proposer selected under the informal selection procedure if the County makes Written determinations that Contracting with that Proposer will:

(a) Promote efficient use of the County's resources and result in substantial cost savings to the County; and

(b) Protect the integrity of the Public Contracting process and the competitive nature of the Procurement by not encouraging favoritism or substantially diminishing competition in the award of the Contract.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]
Stats. Implemented: ORS 279C.110, OL 2011 & ch 458, OL 2019 & ch 55

137-048-0220 Formal Selection Procedure

(1) Subject to LCPR 137-048-0130, the County shall use the formal selection procedure described in this rule to select Consultants if the Consultants cannot be selected under either LCPR 137-048-0200 (Direct Appointment Procedure) or under LCPR 137-048-0210 (Informal Selection

Procedure). The formal selection procedure described in this rule may otherwise be used at County's discretion.

(2) Under this rule, the County shall obtain Contracts through public advertisement of Requests for Proposals, or Requests for Qualifications followed by a Request for Proposals.

(a) Except as provided in subsection (b) of this rule, the County shall advertise each RFP and RFQ at least once in at least one newspaper of general circulation in Linn County.

(A) The County shall publish the advertisement within a reasonable time before the deadline for the Proposal submission or response to the RFP or RFQ but in any event no fewer than fourteen (14) calendar days before the closing date set forth in the RFP or RFQ.

(B) The County shall include a brief description of the following items in the advertisement:

- (i) The Project;
- (ii) A description of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services the County seeks;
- (iii) How and where Consultants may obtain a copy of the RFP or RFQ; and
- (iv) The deadline for submitting a Proposal or response to the RFQ.

(b) In the alternative to advertising in a newspaper as described in subsection 2(a) of this rule, the County may publish each RFP and RFQ by one or more of the electronic methods identified in the LCPR. The County shall comply with subsections 2(a)(A) and 2(a)(B) of this rule when publishing advertisements by electronic methods.

(c) The County may send notice of the RFP or RFQ directly to Consultants.

(3) **Request for Qualifications Procedure.** The County may use the RFQ procedure to evaluate potential Consultants and establish a short list

of qualified Consultants to whom the County may issue an RFP for some or all of the Architectural, Engineering, or Land Surveying Services, or Related Services described in the RFQ.

(a) The County may include, but is not limited to, the following in each RFQ:

(A) A brief description of the Project for which the County is seeking Consultants;

(B) A description of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services the County seeks for the Project;

(C) Conditions or limitations, if any, that may constrain or prohibit the selected Consultant's ability to provide additional services related to the Project, including construction services;

(D) The deadline for submitting a response to the RFQ;

(E) A description of required Consultant qualifications for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services Agency seeks;

(F) The RFQ evaluation criteria, including weights or points applicable to each criterion;

(G) A statement whether or not the County will hold a pre-qualification meeting for all interested Consultants to discuss the Project and the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFQ and if a pre-qualification meeting will be held, the location of the meeting and whether or not attendance is mandatory; and

(H) A Statement that Consultants responding to the RFQ do so solely at their expense, and the County is not responsible for any Proposer expenses associated with the RFQ.

(b) The County may include a request for any or all of the following in each RFQ:

(A) A statement describing Consultant's general qualifications and related performance information;

(B) A description of Consultant's specific qualifications to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFQ including Consultant's available resources and recent, current and projected workloads;

(C) A list of similar Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services and references concerning 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; A copy of all records, if any, of Consultant's performance under Contracts with any other government agencies;

(D) The number of Consultant's experienced staff available to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFQ, including such personnel's specific qualifications and experience and an estimate of the proportion of time that such personnel would spend on those services;

(E) Approach to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFQ and design philosophy, if applicable;

(F) The Consultant's geographic proximity to and familiarity with the physical location of the Project;

(G) The Consultant's ownership status and employment practices regarding women, minorities and emerging small businesses or historically underutilized businesses;

(H) Pricing policies, proposals and other pricing information pursuant to the requirements of LCPR 137-048-280 and ORS 279C.110(5);

(I) The Consultants' ability to assist a County in complying with the energy technology requirements of ORS 279C.527 and 279C.528;

(J) Whether the Consultant owes a liquidated and delinquent debt to the State of Oregon; and

(K) Any other information the County deems reasonable necessary to evaluate Consultants' qualifications.

(c) RFQ Evaluation Committee. The County shall establish an RFQ evaluation committee of at least two (2) individuals to review, score and rank the responding Consultants according to the evaluation criteria. The County may appoint to the evaluation committee County employees or employees of other public agencies with experience in Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, Related Services, construction services, or Public Contracting. The County may include on the evaluation committee private practitioners of architecture, engineering, photogrammetry, transportation planning, land surveying or related professions. The County will designate one member of the evaluation committee as the evaluation committee chairperson.

(d) The County may use any reasonable screening or evaluation method to establish a short list of qualified Consultants, including but not limited to:

(A) Requiring Consultants responding to an RFQ to achieve a threshold score before qualifying for placement on the short list;

(B) Placing a pre-determined number of the highest scoring Consultants on a short list;

(C) Placing on a short list only those Consultants with certain essential qualifications or experience, whose practice is limited to a particular subject area, or who practice in a particular geographic locale or region, provided that such factors are material, would not unduly restrict competition, and were announced as dispositive in the RFQ.

(e) After the evaluation committee reviews, scores and ranks the responding Consultants, the County will establish a short list of at least three qualified Consultants, provided how-

ever, that if four or fewer Consultants responded to the RFQ, then:

(A) The County may establish a short list of fewer than three qualified Consultants; or

(B) The County may cancel the RFQ and issue an RFP.

(f) No Consultant will be eligible for placement on the County's short list established under subsection (3)(d) of this rule if Consultant or any of Consultant's principals, partners or associates are members of the County's RFQ evaluation committee.

(g) Except when the RFQ is cancelled, the County shall provide a copy of the subsequent RFP to each Consultant on the short list.

(4) **Formal Selection of Consultants through Request for Proposals.** The County will use the procedure described in this Section (4) when issuing an RFP for a Contract described in Section (1) of this rule.

(a) RFP Required Contents. The County may include, but is not limited to, the following in each Request for Proposals, whether or not the RFP is preceded by an RFQ:

(A) General background information, including a description of the Project and the specific Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services sought for the Project, the estimated Project cost, the estimated time period during which the Project is to be completed, and the estimated time period in which the specific Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services sought will be performed.

(B) The RFP evaluation process and criteria which will be used to select the most qualified Proposer, including the number of points applicable to each criterion. If the County does not indicate the applicable number of points, then each criterion is worth the same number of points. Evaluation criteria may include, but are not limited to, the following:

- (i) Proposer's availability and capability to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP;
- (ii) Experience of Proposer's key staff persons in providing similar Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services on comparable Projects;
- (iii) The amount and type of resources, and number of experienced staff persons Proposer has available to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP;
- (iv) The recent, current and projected workloads of the staff and resources referenced in Section (4)(a)(B)(iii) of this rule;
- (v) The proportion of time Proposer estimates that the staff referenced in Section (4)(a)(B)(iii) of this rule, would spend on the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP;
- (vi) Proposer's demonstrated ability to complete successfully similar Architectural, Engineering,

- Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services on time and within budget;
- (vii) References and recommendations from past clients;
- (viii) Proposer's performance history in meeting deadlines, submitting accurate estimates, producing high quality work, meeting financial obligations, meeting financial obligations, price and cost data from previous projects, cost controls and contract administration;
- (ix) Status and quality of any required license or certification;
- (x) Proposer's knowledge and understanding of the Project and Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP as shown in Proposer's approach to staffing and scheduling needs for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services and proposed solutions to any perceived design and constructability issues;
- (xi) Results from interviews, if conducted;
- (xii) Design philosophy, if applicable, and approach to the Architectural, Engineering, Photogrammetric Mapping, Transportation

- Planning, Land Surveying Services, or Related Services described in the RFP;
- (xiii) Pricing policies, proposals and other pricing information pursuant to the requirements of LCPR 137-048-280 and ORS 279C.110(5); and
- (xiv) Any other criteria that the County seems relevant to the Project and Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP, including, where the nature and budget of the Project so warrant, a design competition between competing Proposers.

(C) Conditions or limitations, if any, that may constrain or prohibit the selected Consultant's ability to provide additional services related to the Project, including construction services;

(D) Whether interviews are possible and if so, the weight or points applicable to the potential interview;

(E) The date and time Proposals are due, and the delivery location for Proposals;

(F) Reservation of the right to seek clarifications of each Proposal;

(G) Reservation of the right to negotiate a final Contract that is in the best interest of the County;

(H) Reservation of the right to reject any or all Proposals and reservation of the right to cancel the RFP at anytime if doing either would be in the public interest as determined by the County;

(I) A Statement that Proposers responding to the RFP do so solely at their expense, and the County is not responsible for any Proposer expenses associated with the RFP;

(J) A statement directing Proposers to the protest procedures set forth in Division 48;

(K) Special Contract requirements, including but not limited to disadvantaged business enterprise (“DBE”), minority business enterprise (“MBE”), women business enterprise (“WBE”) and emerging small business enterprise (“ESB”) participation goals or good faith efforts with respect to DBE, MBE, WBE and ESB participation, and federal requirements when federal funds are involved;

(L) A statement whether or not the County will hold a pre-Proposal meeting for all interested Consultants to discuss the Project and the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP and if a pre-Proposal meeting will be held, the location of the meeting and whether or not attendance is mandatory;

(M) A request for any information the County deems reasonably necessary to permit the County to evaluate, rank and select the most qualified Proposer to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP; and

(N) A sample form of the Contract.

(b) RFP Evaluation Committee. The County shall establish a committee of at least three individuals to review, score and rank Proposals according to the evaluation criteria set forth in the RFP. If the RFP has followed an RFQ, the County may include the same members who served on the RFQ evaluation committee. The County may appoint to the evaluation committee County employees or employees of other public agencies with experience in Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying, Related Services, construction services, or Public Contracting. The County may include on the evaluation committee private practitioners of architecture, engineering, photogrammetry, transportation planning, land surveying, or related professions. The County shall

designate one of its employees who also is a member of the evaluation committee as the evaluation committee chairperson.

(A) No Proposer will be eligible for award of the Contract under the RFP if Proposer or any of Proposer’s principals, partners or associates are members of the County’s RFP evaluation committee for the Contract;

(B) If the RFP provides for the possibility of Proposer interviews, the evaluation committee may elect to interview Proposers if the evaluation committee considers it necessary or desirable. If the evaluation committee conducts interviews, it shall award up to the number of points indicated in the RFP for the anticipated interview; and

(C) The evaluation committee shall provide to the County the results of the scoring and ranking for each Proposer.

(c) If the County does not cancel the RFP after it receives the results of the scoring and ranking for each Proposer, and following the completion of any price evaluations completed pursuant to LCPR 137-048-280, the County shall begin negotiating a Contract with the highest-ranked Proposer. The County shall direct negotiations toward discussing, refining and finalizing the following :

(A) The specific scope of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services to be provided by the Consultant;

(B) The Consultant’s performance obligations and performance schedule;

(C) Payment methodology and a maximum amount payable to Contractor for the Architectural, Engineering, or Land Surveying Services, or Related Services required under the Contract that is fair and reasonable to the County as determined solely by the County, taking into account the value, scope, complexity and nature of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, or Land Surveying Services, or Related Services; and

(D) Any other conditions or provisions the County believes to be in the County's best interest to negotiate.

(d) The County shall, either orally or in Writing, formally terminate negotiations with the highest-ranked Proposer if the County and Proposer are unable for any reason to reach agreement on a Contract within a reasonable amount of time. The County may thereafter negotiate with the second ranked Proposer, and if necessary, with the third ranked Proposer, and so on, in accordance with Section (4)(c) of this rule, until negotiations result in a Contract. If negotiations with any Proposer do not result in a Contract within a reasonable amount of time, the County may end the particular formal solicitation. Nothing in this rule precludes the County from proceeding with a new formal solicitation for the same Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP that failed to result in a Contract.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]
Stats. Implemented: ORS 279C.110, OL 2011 & ch 458, OL 2019 & ch 55

137-048-0230 Ties Among Proposers

(1) If the County is selecting a Consultant on the basis of qualifications alone and determines after the ranking of Proposers that two or more Proposers are equally qualified, the County may select a candidate through any process that the County believes will result in the best value for the County taking into account the scope, complexity and nature of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services. The process shall instill public confidence through ethical and fair dealing, honesty and good faith on the part of the County and Proposers and shall protect the integrity of the Public Contracting process. Once a tie is broken, the County and the selected Proposer shall proceed with negotiations under LCPR 137-048-0210(3) or LCPR 137-048-0220 (4)(c), as applicable.

(2) If the County is selecting a Consultant on the basis of price and qualifications and determines

after the ranking of Proposers that two or more Proposers are identical in terms of price and qualifications, then the County shall follow the procedure set forth in LCPR 137-047-0300.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20]
Stats. Implemented: ORS 279C.110, OL 2011 & ch 458, OL 2019 & ch 55

137-048-0240 Protest Procedures

(1) **RFP Protest and Request for Change.** Pursuant to ORS 279C.110(8), Consultants may submit a protest of the County's selection of a Consultant for award of a Contract as follows: Consultants may submit a protest of anything contained in an RFP and may request a change to any provision or specification contained in an RFP, no later than seven (7) calendar days prior to the date Proposals are due, unless a different deadline is indicated in the RFP. Each protest and request for change must include the reasons for the protest or request, and any proposed changes to the RFP provisions or specifications. The County may not consider any protest or request for change that is submitted after the submission deadline.

(2) **Protest of Consultant Selection.** Pursuant to ORS 279C.110(8), Consultants may submit a protest of the County's selection of a Consultant for award of a Contract as follows:

(a) Single Award. The County shall provide to all Proposers a copy of the selection notice that the County sent to the highest-ranked Proposer. A Proposer who claims to have been adversely affected or aggrieved by the selection of the highest-ranked Proposer may submit a protest of the selection to the County no later than seven (7) calendar days after the date of the selection notice unless a different deadline is indicated in the RFP. A Proposer submitting a protest must claim that the protesting Proposer is the highest-ranked Proposer because the Proposals of all higher-ranked Proposers failed to meet the requirements of the RFP, or because the higher-ranked Proposers otherwise are not qualified to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP.

(b) Multiple Award. In the event of an award to more than one Proposer, the County shall provide to all Proposers copies of the selection notices that the County sent to the highest-ranked Proposers. A Proposer who claims to have been adversely affected or aggrieved by the selection of the highest ranked Proposers may submit a protest of the selection to the County no later than seven (7) calendar days after the date of the selection notices, unless a different deadline is indicated in the RFP. A Proposer submitting a protest must claim that the protesting Proposer is one of the highest-ranked proposers because the Proposals of all higher ranked Proposers failed to meet the requirements of the RFP, or because a sufficient number of Proposals of higher ranked Proposers failed to meet the requirements of the RFP. In the alternative, a Proposer submitting a protest must claim that the Proposals of all higher ranked Proposers, or a sufficient number of higher ranked Proposers, are not qualified to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP.

(c) Effect of Protest Submission Deadline. The County may not consider any protest that is submitted after the submission deadline.

(3) **Resolution of Protests**. A duly authorized representative of the County shall resolve all timely submitted protests within a reasonable time following the County's receipt of the protest and once resolved, shall promptly issue a decision on the protest to the Proposer who submitted the protest. If the protest results in a change to the RFP, the County shall revise the RFP accordingly and shall re-advertise the RFP in accordance with these rules.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]
Stats. Implemented: ORS 279A.065, ORS 279C.110, OL 2011 & ch 458, OL 2019 & ch 55

137-048-0250 Solicitation Cancellation, Delay or Suspension; Rejection of all Proposals or Responses; Consultant Responsibility for Costs

The County may cancel, delay, or suspend a solicitation, RFQ, or other preliminary Procurement document, whether related to a Direct Appointment Procedure (LCPR 137-048-0200), the Informal Selection Procedure (LCPR 137-048-0210), and the Formal Selection Procedure (LCPR 137-048-0220), or reject all Proposals, responses to RFQs, responses to other preliminary Procurement documents, or any combination of the foregoing, if the County believes it is in the public interest to do so. In the event of any such cancellation, delay, suspension or rejection, the County is not liable to any Proposer for any loss or expense caused by or resulting from any such cancellation, delay, suspension or rejection. Consultants responding to either solicitations, RFQs, or other preliminary Procurement documents, are responsible for all costs they may incur in connection with submitting Proposals, responses to RFQs, or responses to other preliminary Procurement documents.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20]
Stats. Implemented: ORS 279A.065, ORS 279C.110

137-048-0260 Two-Tiered Selection Procedure for County Public Improvement Projects Procured through a State Agency

If the County requires a Consultant to perform Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services for a Public Improvement owned and maintained by the County, and a State agency will serve as the lead contracting agency and will enter into Contracts with Consultants for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services, for that Public Improvement, the State contracting agency shall utilize the two-tiered selection process described in ORS 279C. 125 and OAR 137-048-0260.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]
Stats. Implemented: ORS 279C.125

137-048-0270 Price Agreements

(1) The County may establish Price Agreements for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services, when the County cannot determine the precise quantities of those services which the County will require over a specified time period.

(2) When establishing Price Agreements under this rule, the County shall select no fewer than three (3) Consultants, when feasible. The selection procedures for establishing Price Agreements shall be in accordance with LCPR 137-048-0130(1) or LCPR 137-048-0130(2), as applicable. The County may select a single Consultant, when a Price Agreement is awarded to obtain services for a specific Project or a closely-related group of Projects.

(3) In addition to any other applicable solicitation requirements set forth in these division 48 rules, solicitation materials and the terms and conditions for a Price Agreement for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services must:

(a) Include a scope of services, menu of services, a specification for services or a similar description of the nature, general scope, complexity and purpose of the Procurement that will reasonably enable a prospective bidder or Proposer to decide whether to submit a bid or proposal;

(b) Specify whether the County intends to award a Price Agreement to one Consultant or to multiple Consultants. If the County will award a Price Agreement to more than one Consultant, the Solicitation Document and Price Agreement shall describe the criteria and procedures the County will use to select a Consultant for each individual work order or task order. Subject to the requirements of ORS 279C.110, the criteria and procedures to assign work orders or task orders that only involve or predominantly involve Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying services are at the County's sole discretion. In accordance with

LCPR 137-048-280 and ORS 279C.110, the selection criteria and procedures may be based solely on the qualifications of the Consultants, or on a combination of both qualifications and pricing information. Pricing information may include the number of hours proposed for the services required, expenses, hourly rates, the number of hours, overhead and other price factors. Work order or task order assignment procedures under Price Agreements may include direct appointments, subject to the requirements of LCPR 137-048-0200; and

(c) Specify the maximum term for assigning Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services under the Price Agreement.

(4) When the solicitation materials and terms and conditions for a Price Agreement involve a two-tiered selection process pursuant to ORS 279C.125 and LCPR 137-048-0260(1), the solicitation materials and terms and conditions for a Price Agreement must meet the requirements of subsection (3) of this rule, except as provided in this subsection (4). In the event of a planned multiple award of Price Agreements under a Procurement, the solicitation materials and terms and conditions for the Price Agreements must include assignment procedures for Project-specific work orders or task orders that will allow the County to select a Consultant for a work order or task order from the Consultants who have executed Price Agreements with the County.

(5) All Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services assigned under a Price Agreement require a work order or task order issued by the County. Any work orders or task orders assigned under a Price Agreement must include, at a minimum, the following:

(a) The specific scope of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services to be provided by the Consultant;

(b) The Consultant's performance obligations and performance schedule;

(c) The payment methodology, Consultant's rates and number of hours, and a maximum amount payable to the Consultant for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services required under the work order or task order that is fair and reasonable to the County, as determined solely by the County, taking into account the value, scope, complexity and nature of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services being provided;

(d) Language that incorporates all applicable terms and conditions of the Price Agreement into the work order or task order; and

(e) Any other conditions or provisions the County believes to be in the County's best interest.

[Adopted 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]
Stats. Implemented: ORS 279A.065, ORS 279C.110, ORS 279C.120, OL 2011 & ch 458

137-048-0280 Using Pricing as Part of the Selection Process

(1) **Informal Selection Process.** When the County will be using pricing policies, proposals, or other pricing information as part of the County's screening and informal selection of prospective Consultants, pursuant to ORS 279C.110(5), the County shall:

(a) Create an RFP that meets the requirements of LCPR 137-048-0210. In providing an estimate of the cost of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP, the County may provide a specific estimate of that cost, or a range of estimated costs;

(b) In the initial phase of the RFP, evaluate each prospective Consultant on the basis of each Consultant's qualifications to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP;

(c) At the end of the initial phase of the RFP, announce the evaluation scores of each Consultant and rank each Consultant according to the evaluation scores. The County shall identify up to three (3) of the highest ranked prospective Consultants as being qualified to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP, and as being eligible to participate in the second phase of the RFP process;

(d) In the second phase of the RFP, request a pricing proposal from the highest ranked prospective Consultants identified in the initial phase of the RFP, with each pricing proposal consisting of the following information: A schedule of hourly rates that the prospective Consultant will charge for the work of each individual or each labor classification that will perform the professional services the County is requesting, in the form of an offer that is irrevocable for not less than 90 days after the date of the proposal;

(A) A reasonable estimate of hours that the prospective Consultant will require to perform the professional services the County is requesting; and

(B) At the discretion of the County:

(i) A description of each task that the prospective Consultant understands as comprising the professional services;

(ii) A list of each individual or labor classification that will perform each task, together with the hourly rate that applies to the individual or labor classification; and

(iii) A list of expenses, including travel expenses, that the prospective Consultant expects to incur in connection with providing the professional services.

(e) Complete the evaluation of the highest ranked prospective Consultants that have decided

to provide price proposals. In the County's final evaluation of the prospective Consultants who have provided price proposals, the County cannot assign more than fifteen (15) percent of the overall weight of the evaluation criteria in the second phase of the RFP to each Consultant's price proposal;

(f) If the County does not cancel the RFP after it reviews the qualifications of all prospective Consultants, reviews the price proposals received from the highest ranked Consultants, and ranks the highest ranked Consultants from the second phase of the RFP, the County shall begin negotiating a Contract with the highest ranked prospective Consultant. The County shall direct Contract negotiations in accordance with LCPR 137-048-0210(3)-(6).

(2) **Formal Selection Process.** When the County will be using pricing policies, proposals, or other pricing information as part of the County formal selection process of prospective Consultants, pursuant to ORS 279C.110(5), the County shall:

(a) Create an RFP that meets the requirements of LCPR 137-048-0220(4). In providing an estimate of the cost of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the RFP, the County may provide a specific estimate of that cost, or a range of estimated costs;

(b) In the initial phase of the RFP, evaluate each prospective Consultant on the basis of each Consultant's qualifications to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services described in the RFP;

(c) At the end of the initial phase of the RFP, rank each Consultant according to the evaluation scores. The County shall identify up to three (3) of the highest ranked prospective Consultants as being qualified to perform the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services described in the RFP, and as being

eligible to participate in the second phase of the RFP process;

(d) In the second phase of the RFP, request a pricing proposal from each of the highest ranked prospective Consultants identified in the initial phase of the RFP, with each pricing proposal consisting of the following information: A schedule of hourly rates that the prospective Consultant will charge for the work of each individual or each labor classification that will perform the professional services the County is requesting, in the form of an offer that is irrevocable for not less than 90 days after the date of the proposal;

(A) A reasonable estimate of hours that the prospective Consultant will require to perform the professional services the County is requesting; and

(B) At the discretion of the County:

(i) A description of each task that the prospective Consultant understands as comprising the professional services;

(ii) A list of each individual or labor classification that will perform each task, together with the hourly rate that applies to the individual or labor classification; and

(iii) A list of expenses, including travel expenses, that the prospective Consultant expects to incur in connection with providing the professional services.

(e) Complete the evaluation of the highest ranked prospective Consultants that have decided to provide price proposals. In the County's final evaluation of the prospective Consultants who have provided price proposals, the County cannot assign more than fifteen (15) percent of the overall weight of the evaluation criteria in the second phase of the RFP to each Consultant's price proposal.

(f) If the County does not cancel the RFP after it reviews the qualifications of all prospective

Consultants, reviews the price proposals received from the highest ranked Consultants, and ranks the highest ranked Consultants from the second phase of the RFP, the County shall begin negotiating a Contract with the highest ranked prospective Consultant. The County shall direct Contract negotiations in accordance with LCPR 137-048-0220(4)(c)-(d).

(3) If the County will use the Request for Qualifications process, as provided in LCPR 137-048-0220(3), and the County intends to use pricing policies, proposals or other pricing information as part of the County's screening and selection of prospective Consultants, the County cannot request cost proposals or otherwise use pricing policies, proposals or other pricing information as part of the Request for Qualifications. The County may only request cost proposals or otherwise use pricing policies, proposals, or other pricing information during the RFP phase of the RFQ process, following the establishment of a short list of qualified Consultants through the Request for Qualifications process.

[Adopted 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]
Stats. Implemented: ORS 279C.110, OL 2019 & ch 55

III. POST-SELECTION CONSIDERATIONS

137-048-0300 Prohibited Payment Methodology; Purchase Restrictions

(1) Except as otherwise allowed by law, the County shall not enter into any Contract which includes compensation provisions that expressly provide for payment of:

(a) Consultant's costs under the Contract plus a percentage of those costs; or

(b) A percentage of the Project construction costs or total Project costs.

(2) Except as otherwise allowed by law, the County shall not enter into any Contract in which:

(a) The compensation paid under the Contract is solely based on or limited to the Consultant's hourly rates for the Consultant's personnel working on the Project and reimbursable expenses incurred during the performance of work on the

Project (sometimes referred to as a "time and materials" Contract); and

(b) The Contract does not include a maximum amount payable to Contractor for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services required under the Contract.

(3) Except in cases of Emergency or in the particular instances noted in the subsections below, the County shall not purchase any building materials, supplies or equipment for any building, structure or facility constructed by or for the County from any Consultant under a Contract with the County to perform Architectural, Engineering Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services, for the building, structure or facility. This prohibition does not apply if either of the following circumstances exists:

(a) Consultant is providing Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services under a Contract with the County to perform Design-Build services or Energy Savings Performance Contract services (see LCPR 137-049-0670 and LCPR 137-049-0680); or

(b) That portion of the Contract relating to the acquisition of building materials, supplies or equipment was awarded to Consultant pursuant to applicable law governing the award of such contracts.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20]
Stats. Implemented: ORS 279A.065, OL 2011 & ch 458

137-048-0310 Expired or Terminated Contracts; Reinstatement

(1) If the County enters into a Contract for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services and that Contract subsequently expires or is terminated, the County may proceed as follows, subject to the requirements of subsection (2) of this rule:

(a) Expired Contracts. If the Contract has expired as the result of Project delay caused by the

County, or caused by any other occurrence outside the reasonable control of the County or the Consultant, and if no more than one year has passed since the Contract expiration date, the County may amend the Contract to extend the Contract expiration date, revise the description of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services required under the Contract to reflect any material alteration of the Project made as a result of the delay, and revise the applicable performance schedule. Beginning on the effective date of the amendment, the County and the Consultant shall continue performance under the Contract as amended; or

(b) Terminated Contracts. If the County or both parties to the Contract have terminated the Contract for any reason, and if no more than one year has passed since the Contract termination date, then the County may enter into a new Contract with the same Consultant to perform the remaining Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services not completed under the original Contract, or to perform any remaining Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services not completed under the Contract as adjusted to reflect a material alteration of the Project.

(2) The County may proceed under either subsection (1)(a) or subsection (1)(b) of this rule only after making findings that amending the existing Contract or entering into a new Contract with the Consultant will:

(a) Promote efficient use of public funds and resources and result in substantial cost savings to the County;

(b) Protect the integrity of the Public Contracting process and the competitive nature of the Procurement process by not encouraging favoritism or substantially diminishing competition in the award of Contracts; and

(c) Result in a Contract that is still within the scope of the final form of the original Procurement document.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20]
Stats. Implemented: ORS 279A.065, ORS 279C.110, OL 2011 & ch 458

137-048-0320 Contract Amendments

(1) The County may amend any Contract if the County, in its sole discretion, determines that the amendment is within the scope of services contemplated under the Solicitation Document and that the amendment would not materially impact the field of competition for the for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services described in the final form of the original Procurement document. In making this determination, the County shall consider potential alternative methods of procuring the services contemplated under the proposed amendment. An amendment would not materially impact the field of competition for the services described in the Solicitation Document if the County reasonably believes that the number of Proposers would not significantly increase if the RFP were re-issued to include the additional services.

(2) The County may amend any Contract if the additional services are required by reason of existing or new laws, rules, regulations or ordinances of federal, state or local agencies, that affect performance of the original Contract.

(3) All amendments to Contracts must be in Writing, must be signed by an authorized representative of the Consultant and the County, and must receive all required approvals before the amendments will be binding on the County.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]
Stats. Implemented: ORS 279A.065, ORS 279C.110, OL 2011 & ch 458

Statutory References and Other Authorities:

ORS 203; ORS 279A, 279B, 279C; OAR137-048;

Legislative History of LCPR 137-048:

1st Adopted 2005-052 eff 3/1/05;effectiveness
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#1 2020-060 eff 03/17/20

#2 2020-163 eff 06/23/20
