

**ORDINANCE NO. 1948**

BY GVL CODIFIED  
Date 6/29

(An ordinance amending 2.32.060—Personal Services Contracts, of the Hood River Municipal Code)

WHEREAS, Chapter 2.32 of the Hood River Municipal Code contains the City’s public contracting provisions;

WHEREAS, Section 2.32.060 contains the City’s provisions for contracting for personal services;

WHEREAS, certain personal service contracts for legal services, such as legal counsel, expert witnesses, court-appointed attorneys, stenographers and other legal services (“legal services contracts”) should be exempt from the competitive procurement process because of the unique qualifications of the professionals providing those services, and the City Attorney’s knowledge of those individuals, including their integrity and track record for providing quality services;

WHEREAS, the City Attorney has specific knowledge and familiarity with the City’s legal services needs;

WHEREAS, although the City Attorney should have some authority to enter into legal services contracts on behalf of the City, the City Council should nevertheless retain authority to enter into such contracts if the amount is expected to exceed \$25,000, and final approval authority for appointment of legal counsel;

WHEREAS, certain personal services contracts for engineering, land surveying, and architecture services should be exempt from the competitive procurement process because of the unique qualifications of the professionals providing these services, and the City Engineer’s knowledge of those individuals, including their integrity and track record for providing quality services;

WHEREAS, the City Engineer has special knowledge and familiarity with the City’s engineering, land surveying and architectural needs; and

WHEREAS, although the City Engineer should have some authority to enter into

engineering, land surveying and architectural contracts on behalf of the City, the City Council should nevertheless retain authority to enter into such contracts if the amount is expected to exceed \$25,000.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 2.32.060 of the Hood River Municipal Code is amended to read as follows [additions are shown in underline and deletions are shown in ~~strikeout~~]:

2.32.060 Personal Services Contracts.

- A. The following procedures shall apply to the award of personal services contracts:
1. Personal Service Contracts for \$5,000 to \$10,000. Personal services contracts involving an anticipated fee of Five Thousand Dollars or more but less than Ten Thousand Dollars per fiscal year shall be awarded by the Contracting Agency following solicitation of offers for personal services by written invitation or advertisement in sufficient number to provide a choice for the City from among qualified service providers. The Contracting Agency shall determine the selection criteria to be included in the written invitation or advertisement and shall have authority to negotiate and enter into the contract.
  2. Personal Service Contracts From \$10,000. Personal services contracts to which subsection (1) does not apply and having an anticipated fee of Ten Thousand Dollars or more shall be awarded by the City Council following solicitation of offers based on the procedure and selection criteria adopted by the City Council before offers are solicited.
  3. Except as otherwise provided in this Section or the Public Contracting Code, for all other personal services contracts, including amendments to and annual renewals or extensions of existing contracts and emergencies, the Contracting Agency may enter into the contract without a solicitation of offers. A personal services contract shall not be artificially divided or fragmented to qualify for the award procedures provided by this subsection.
- B. The following criteria shall be considered in the evaluation and selection of a personal services contractor. The criteria are not listed in order of preference or importance. This section does not preclude the use of other additional criteria:
1. Timeliness of delivery of services.
  2. Expertise of the contractor in the area of specialty called for.
  3. References from successfully completed projects managed by the contractor.
  4. Utilization of locally procured goods, services, or personnel.
  5. Other services provided by the contractor not specifically listed in the Request for Proposal.
  6. Total cost to the agency for delivery of services.
  7. Other criteria specially listed in the solicitation document on a case by case basis.
- C. By Resolution, the City Council may exempt from the requirements of subsection (A) a personal services contract or class of personal services contracts if doing so would:
1. Be unlikely to encourage favoritism or to diminish competition;
  2. Result in cost savings to the City; or

3. Otherwise promote the best interests of the City or the public.

D. Personal service contracts for legal counsel, legal services, expert witnesses, court-appointed attorneys, stenographers and other legal services are exempt from the competitive procurement requirements of this section and may be entered into based upon the judgment of the City Attorney. The City Attorney shall obtain City Council approval of any expenditure for legal services paid to a single legal services provider that is expected to exceed \$25,000 prior to entering into the contract. In addition, except for legal counsel hired by the City to provide legal services to indigent criminal defendants prosecuted by the City, the City Attorney shall select and retain all outside legal counsel hired by the City subject to the approval of the City Council.

E. Personal service contracts for engineering, land surveying, and architectural services are exempt form the competitive procurement requirements of this section and may be entered into based upon the judgment of the City Engineer. The City Engineer shall obtain City Council approval of any expenditure for a personal services contract for engineering, land surveying, and/or architecture services paid to a single provider that is expected to exceed \$25,000 prior to entering into the contract.

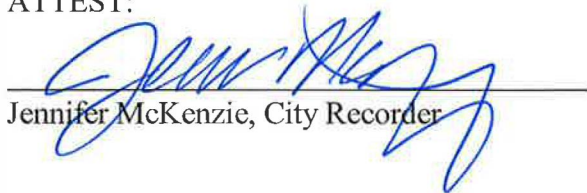
Read for the first time: May 12, 2008.

Read for the second time and passed: May 27, 2008, to become effective thirty (30) days hence.

Signed May 27, 2008.

  
Linda Streich, Mayor

ATTEST:

  
Jennifer McKenzie, City Recorder