

**PORT OF BROOKINGS HARBOR
CURRY COUNTY, OREGON**

RESOLUTION NO. 2023-06

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
AMENDING PUBLIC CONTRACTING RULES AND PRESCRIBING
RULES AND PROCEDURES FOR PUBLIC CONTRACTING**

WHEREAS, the Port of Brookings Harbor is an Oregon special district which is subject to Oregon Public Contracting Law; and

WHEREAS, on March 21, 2005, the Commission adopted Resolution No. 368 adopting the Oregon Attorney General's Model Public Contracting Rules ("Model Rules") with some variations; and

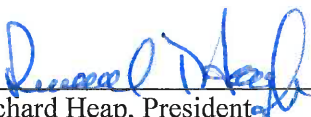
WHEREAS, the Commission now wishes to increase the intermediate procurements per ORS279B.070.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF BROOKINGS HARBOR THAT:

1. Paragraph (7) of Section V: Intermediate Procurements of Exhibit A to Resolution No. 368, is hereby amended to read as follows:

- (1) A contracting agency may award a procurement of goods or services that exceeds \$10,000 but does not exceed \$150,000 in accordance with intermediate procurement procedures. A contract awarded under this section may be amended to exceed \$150,000 only in accordance with rules adopted under ORS 279A.065 (Model rules generally).
- (2) A contracting agency may not artificially divide or fragment a procurement so as to constitute an intermediate procurement under this section.
- (3) When conducting an intermediate procurement, a contracting agency shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The contracting agency shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the contracting agency shall make a written record of the effort the contracting agency makes to obtain the quotes or proposals.
- (4) If a contracting agency awards a contract, the contracting agency shall award the contract to the offeror whose quote or proposal will best serve the interests of the contracting agency, taking into account price as well as considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility under ORS 279B.110 (Responsibility of bidders and proposers).
[2003 c.794 §54; 2013 c.66 §2]

APPROVED AND ADOPTED by the Board of Commissioners this 21th day of June, 2023.


Richard Heap, President

ATTEST:


Sharon Hartung, Secretary/Treasurer

279B.070 Intermediate procurements. (1) A contracting agency may award a procurement of goods or services that exceeds \$10,000 but does not exceed \$150,000 in accordance with intermediate procurement procedures. A contract awarded under this section may be amended to exceed \$150,000 only in accordance with rules adopted under ORS 279A.065.

(2) A contracting agency may not artificially divide or fragment a procurement so as to constitute an intermediate procurement under this section.

(3) When conducting an intermediate procurement, a contracting agency shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The contracting agency shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the contracting agency shall make a written record of the effort the contracting agency makes to obtain the quotes or proposals.

(4) If a contracting agency awards a contract, the contracting agency shall award the contract to the offeror whose quote or proposal will best serve the interests of the contracting agency, taking into account price as well as considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility under ORS 279B.110. [2003 c.794 §54; 2013 c.66 §2]