



**PUBLIC NOTICE OF PROPOSED AMENDMENTS  
TO LINN COUNTY PUBLIC CONTRACTING RULES**

NOTICE IS HEREBY GIVEN that the Linn County Board of Commissioners ("Board") is considering various amendments to the Linn County Public Contracting Rules. The purpose of these amendments is to: (1) Adopt findings and amend the Class Special Procurement for insurance contracts agent of record to allow for a five year term and ensure agents of record are knowledgeable in providing agent of record services to government entities; (2) Amend the scope of personal services contracts to include contracts for computer software, hardware, and network system implementation, support, repair, and maintenance services, and increase the direct appointment cost and term of personal services contracts; and (3) Increase the small purchase limit for public improvement contracts to assure conformity with ORS 279C.

Interested persons may obtain copies of the proposed amendments in person at the Linn County Commissioners' Office, located in Room 201 of the Linn County Courthouse, 300 4th Avenue SW, Albany, OR 97321, online at [www.co.linn.or.us](http://www.co.linn.or.us), or by contacting the Office of the County Attorney at (541) 967-3840. Please note that the Linn County Commissioners' Office hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

Written comments regarding the proposed amendments or exemptions may be submitted in writing to the Board at the following address:

LINN COUNTY BOARD OF COMMISSIONERS  
RE: LCPR AMENDMENTS  
PO BOX 100  
ALBANY, OR 97321

A public meeting to accept and consider written comments and consider the amendments shall be held at the Linn County Courthouse, 300 SW 4th Avenue in Albany, Oregon, during the regularly scheduled Linn County Board of Commissioners meeting on Tuesday, February 13, 2024. Final action on the proposed amendments will be taken by the Board at the conclusion of the public meeting.

*To be run once in Democrat Herald on Tuesday, January 9, 2024.*

(a) Prior to the selection of a contractor, the County has made reasonable efforts to inform known companies providing food services of the subject matter of the contract and solicit proposals including public advertisements in at least one newspaper of general circulation in the area where the contract is to be performed;

(b) The contractor is selected on the basis of the most competitive offer considering cost, quality of the product and the service to be rendered.

[Adopted 2005-052 eff 3/1/05; amd 2020-163 eff 06/23/20]  
Stats. Implemented: ORS 279A.065 ORS 279B.085

### 137-047-0860 Employee Benefit Insurance

(1) The County may purchase employee benefit insurance without competitive bidding.

[Adopted 2005-052 eff 3/1/05; amd 2020-163 eff 06/23/20]  
Stats. Implemented: ORS 279B.085

### 137-047-0865 Insurance Contracts

Contracts for insurance where either the annual or aggregate premium exceeds \$5,000 must be let by using the methods of source selection described in Division 47 or by one of the following procedures:

(1) *Agent of Record*: The County may appoint a licensed insurance agent ("agent of record") to perform insurance services in connection with more than one insurance contract. Among the services to be provided is the securing of competitive proposals from insurance carriers for all coverages for which the agent of record is given responsibility:

(a) Prior to the selection of an agent of record, the County shall make reasonable efforts to inform known insurance agents in the competitive market area that it is considering such selection. These efforts shall include a public advertisement in at least one newspaper of general circulation in Linn County. The advertisement shall generally describe the nature of the insurance that the County requires. If the amount of the annual premium for insurance, other than employee benefits insurance is likely to exceed \$10,000 per year, such notice shall also include a public adver-

tisement in at least one trade publication of general circulation in the state;

(b) Any appointment period shall not exceed ~~three~~ **five** years. Agents may serve more than one appointment period. Agents must qualify for appointment prior to each period as if each appointment period were the first;

(c) In selecting an agent of record, the County shall select the agent(s) most likely to perform the most cost-effective services **and who are knowledgeable in providing such services to governmental agencies.**

(2) *Specific Proposals for Insurance Contracts*: The County may solicit proposals from licensed insurance agents for the purpose of acquiring specific insurance contracts subject to the following conditions:

(a) The County shall make reasonable efforts to inform known insurance agents in the competitive market area of the subject matter of the contract, and to solicit proposals for providing the services required in connection with the contract. Such efforts shall include public advertisements in at least one newspaper of general circulation in Linn County. If the amount of annual premium for insurance, other than employee benefits insurance is likely to exceed \$10,000 per year, such notice shall also include a public advertisement in at least one trade publication of general circulation in the state;

(b) The County shall select an agent on the basis of the most competitive offer considering coverage, premium cost, and service to be provided.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]  
Stats. Implemented: ORS 279B.085

### 137-047-0870 Ballots, Ballot Pages, and Ballot Cards

Linn County is exempt from competitive bidding requirements for the printing of ballots, including ballot pages, insertions, and mailing of ballots.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]  
Stats. Implemented: ORS 279B.085

### 137-047-0894 Temporary Extensions or Renewals

The County may temporarily extend or renew a contract that is for a single period of one year or less that is expiring or recently expired.

[Adopted 2005-052 eff 3/1/05]

### 137-047-0895 Student Affiliation Agreements

The County may contract with higher educational systems, public or otherwise, to provide practicum-learning experience to students, including, but not limited to, supervised clinical fieldwork or internship programs.

[Adopted 2020-163 eff 06/23/20]

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## IX. PERSONAL SERVICE CONTRACTS

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### 137-047-0910 Personal Service Contracts Generally; Statutory Authority

(1) ORS 279A.070 requires the County to create procedures for the screening and selection of persons to perform Personal Services. Personal Services Contracts shall be awarded pursuant to LCPR 137-047-0925.

(2) Personal Services Contracts are not Contracts for the purposes of ORS Chapters 279A, 279B, 279C, and, unless otherwise provided, the LCPR. This rule was created in accordance with, and pursuant to, ORS 279A.055.

(3) Contracts for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, or Related Services are subject to the provisions of LCPR 137-048-0100 to 137-048-0320.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2021-191 eff 07/20/21]

Stats. Implemented: ORS 279A.055

### 137-047-0915 [repealed]

[Adopted 2005-052 eff 3/1/05; repealed 2020-060 eff 03/17/20]

Stats. Implemented: ORS 279A.055

### 137-047-0920 Scope

(1) The following are considered Personal Services Contracts:

(a) Contracts for services performed as an independent Contractor in a professional capacity, including but not limited to, the services of an accountant, attorney, physician or dentist, passen-

ger aircraft pilot, aerial photographer, timber cruiser, data processing consultant, or broadcaster.

(b) Contracts for services as an artist in the performing or fine arts, including but not limited to, persons identified as photographer, filmmaker, painter weaver, or sculptor.

(c) Contracts for services of a specialized, creative and/or research-oriented nature;

(d) Contracts for marketing;

(e) Contracts for educational and human custodial care services;

(f) Contracts for mental health, public health, developmental disabilities, addiction services specialists and counselors, and other licensed individuals;

(g) Contracts for consultants not otherwise provided for under LCPR Division 48;

(h) Contracts for custom-built software design and maintenance;

(i) Contracts for computer software, hardware, and networking system implementation, support, repair, and maintenance services, including but not limited to such services for software purchased as COTS software pursuant to LCPR 137-047-0892;

(j) Contracts for unemployment claims administration, including management of the County's unemployment cost control program, administration of all County unemployment compensation claims, unemployment hearings representation, and any related endorsement services;

(k) Contracts for legislative representation;

(l) Contracts for property managers; and

(m) Contracts for any other Services determined to be a Personal Services Contract by the Board.

(2) The following are not considered Personal Services:

(a) Contracts, even though in a professional capacity, if predominately for a product, e.g. a Contract with a marketing consultant is for Personal Services, but a Contract to produce

marketing booklets is predominately for a tangible product.

(b) A Service Contract to supply labor which is of a type that can generally be done by any competent worker, e.g. data entry, key punch, crowd management, crop spraying, janitorial, security guard, laundry and landscape maintenance service contracts; and

(c) Contracts for trade-related activity, even though a specific license is required to engage in the activity, e.g. repair and/or maintenance of all types of equipment or structures.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2021-191 eff 07/20/21]  
Stats. Implemented: ORS 279A.055

### 137-047-0925 Personal Service Contracts

(1) Personal Service Contracts may be awarded in the following manner:

(a) For Personal Services Contracts with an estimated Contract Price less than or equal to ~~\$250,000~~-\$150,000 per year, by direct selection without competition;

(b) For Personal Services Contracts with an estimated Contract Price greater than \$250,000 \$150,000 per year, in accordance with the informal selection procedures outlined in LCPR 137-047-0270;

(c) Through any Procurement process described in LCPR 137-047-0000 to 137-047-0900.

(2) Renewal of an existing Personal Services Contract is permitted so long as the Contract Price does not exceed ~~\$250,000~~-\$150,000 per year, and the total Contract term does not exceed ~~ten (10)~~ five (5) years.

(3) The decision to award a Contract in any manner described in this rule is in the sole discretion of the County.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20; amd 2021-191 eff 07/20/21]  
Stats. Implemented: ORS 279A.055

### 137-047-0930 Multi-Year Personal Services Contracts

The County may enter into multi-year Personal Services Contracts. However, a multi-year Personal Services Contract shall not exceed ~~ten (10)~~ five (5) years, and the Contract Price shall not exceed ~~\$250,000~~-\$150,000 per year.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2021-191 eff 07/20/21]  
Stats. Implemented: ORS 279A.055

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**Statutory References and Other Authorities:**  
ORS 203; ORS 279A, 279B, 279C; OAR137-047

**Legislative History of LCPR 137-047:**  
1<sup>st</sup> Adopted 2005-052 eff 3/1/05; effectiveness reaffirmed 2010-003 eff 1/5/10  
Amendments to 2005-052:  
#1 2020-060 eff 03/17/20  
#2 2020-163 eff 06/23/20  
#3 2021-191 eff 07/20/21

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670); and all of the Prevailing Wage Rates requirements (ORS 279C.800 through 870) for Public Works Contracts.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20]  
Stats. Implemented: ORS 279C.320

### **137-049-0150 Contracts for Emergency Work; Bidding and Bonding Exemptions**

(1) **Emergency Declaration.** The County may declare that Emergency circumstances exist that require prompt execution of a Public Contract for Emergency construction or repair Work. The declaration shall be made by either the Board or the Linn County Administrative Officer by a Written declaration that describes the circumstances creating the Emergency and the anticipated harm from failure to enter into an Emergency Contract. The Emergency declaration shall exempt the Public Contract from the competitive Bidding requirements of ORS 279C.335(1) and shall thereafter be kept on file as a public record.

(2) **Competition for Contracts.** Pursuant to ORS 279C.320(1), Emergency Contracts are regulated under ORS 279B.080, which provides that the County will ensure competition that is reasonable and appropriate under the Emergency circumstances, and may include Written requests for Offers, oral requests for Offers, or direct appointment without competition in cases of extreme necessity, in whatever Solicitation time periods the County considers reasonable in responding to the Emergency.

(3) **Emergency Contract Scope.** Although no dollar limitation applies to Emergency Contracts, the scope of the Contract must be limited to Work that is necessary and appropriate to remedy the conditions creating the Emergency as described in the declaration.

(4) **Emergency Contract Modification.** Emergency 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 related Emergency circumstances.

(5) **Excusing Bonds.** Pursuant to ORS 279C.380(4) and this rule, the Emergency declaration may also state that the County waives the requirement of furnishing a performance bond and payment bond for the Emergency Contract. After making such an Emergency declaration the bonding requirements are excused for the Procurement, but this Emergency declaration does not affect the separate Public Works bond requirement for the benefit of the Bureau of Labor and Industries (BOLI) in enforcing prevailing wage rate and overtime payment requirements. See LCPR 137-049-0815 and BOLI rules at OAR 839-025-0015.

[Adopted 2005-052 eff 3/1/05; amd 2020-060 eff 03/17/20; amd 2020-163 eff 06/23/20]  
Stats. Implemented: ORS 279B.080, 279C.320 & 279C.380

### **137-049-0155 Small Public Improvement Contracts Exempted from Competitive Bids**

(1) Pursuant to ORS 279C.335(1)(c), the County may Award a Public Improvement Contract with a value of less than ~~\$10,000~~ **\$25,000** (a "Small Public Improvement Contract") in any manner deemed practical or convenient by the County, including by direct selection, appointment, or Award.

(2) A Small Public Improvement Contract may be modified in accordance with LCPR 137-049-0910, but the cumulative modifications shall not increase the total Contract Price to greater than ~~\$10,000~~ **\$25,000**. If the Contract Price exceeds ~~\$10,000~~ **\$25,000**, the Work must be competitively bid or quoted as otherwise required herein.

(3) A Procurement may not be artificially divided or fragmented so as to establish a Small Public Improvement Contract under this rule.

[Adopted 2020-060 eff 03/17/20; amd 2022-004 eff 02/01/22]  
Stats. Implemented: ORS 279C.335

**FINDINGS IN SUPPORT OF AMENDING A  
CLASS SPECIAL PROCUREMENT EXEMPTION FOR  
AGENT OF RECORD CONTRACTS LCPR 137-047-0865**

ORS 279B.085 authorizes the Linn County Board of Commissioners (the "Board"), acting as the Linn County Local Contract Review Board pursuant to LCC 430, to exempt the award of a specific contract or classes of contracts from competition. Pursuant to that authority, the Board makes the following findings in support of exempting Insurance Agent of Record services from competitive procurements.

A knowledgeable Licensed Insurance Agent of Record performs services for Linn County in connection with multiple insurance contracts, included but not limited to securing of competitive proposals from insurance carriers.

The Board makes the following findings supporting the amendment of a Class Special Procurement for Insurance Agent of Record services for an appointment of up to five years:

1. Is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts because the County will make reasonable efforts to inform known insurance agents in the competitive market area that it is considering selection of an Insurance Agent of Record, including an advertisement in at least one paper of general circulation in Linn County.
2. Exempting Insurance Agent of Record services from competitive procurement will result in substantial cost savings to the County because the County will select a knowledgeable agent, or agents, of record based on likelihood to perform the most cost effective services over the period of appointment.
3. Exempting Insurance Agent of Record services from competitive procurement substantially promotes the public interest because allowing appointment for the most knowledgeable cost effective services for an appointment period of five years will streamline the acquisition of Insurance Agent of Records services and save the County time in procuring such services over a stable appointment period.