

DIVISION 200 - PERSONAL SERVICES CONTRACTS**GENERALLY****10.200 Statutory Authority**

ORS 279A.055 requires all public agencies to adopt procedures for the screening and selection of persons to perform personal services.

10.210 Scope of Personal Services Contracts

- (1) The following are 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, architectural or land use planning consultant, physician or dentist, registered professional engineer, appraiser or surveyor, passenger 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 specialized, creative and research-oriented, noncommercial nature.
 - (d) Contracts for Services as a consultant.
 - (e) Contracts for education and human custodial care services.
- (2) The following are not Personal Services Contracts:
 - (a) Contracts, even though in a professional capacity, if predominately for a product. For example, a Contract with a landscape architect to design a garden is a Personal Services Contract, but a contract to design and supply all the shrubs and trees is not a Personal Services Contract.
 - (b) A service Contract to supply labor which is of a type that can generally be done by any competent worker. For example, Contracts for janitorial, security guard, or laundry services are not Personal Services Contracts.
 - (c) Contracts for a trade-related activity, even though a specific license is required to engage in the activity. For example, a Contract for the repair and maintenance of equipment or structures is not a Personal Services Contract.

SELECTION**10.220 Competitive Process for Personal Services Contracts; Exceptions**

- (1) Except as otherwise provided in section (3) or otherwise provided by law, the County shall select and award all personal services by the Competitive Sealed Proposal process set forth in ORS 279B.060.

- (2) The Proposals submitted by the Competitive Sealed Proposal process may be evaluated by one of the following methods to be determined by the County on an individual project basis:
 - (a) Negotiation with the highest ranked Proposer;
 - (b) Discussions leading to best and final offers as set forth in CR10.141;
 - (c) Serial negotiations, beginning with the highest ranked Proposer, as set forth in CR 10.141;
 - (d) Competitive simultaneous negotiations, as set forth in CR 10.141; or
 - (e) A Multistep Sealed Proposals, as set forth in CR 10.142.
- (3) The County shall select and award all Personal Services Contracts by the Competitive Sealed Proposal process set forth in ORS 279B.060, except as follows:
 - (a) The County may purchase Personal Services without Competitive Process if the estimated fee is less than \$10,000.
 - (b) The County may purchase Personal Services using the Informal Selection Procedure in CR 10.230 if the estimated fee is less than \$150,000. For purchases Personal Services anticipated to fall between \$50,000 and \$150,000, the Department or Office initiating the purchase shall consult with County Counsel to determine whether the County would benefit from awarding the contract based upon Competitive Sealed Proposals;
 - (c) The County may purchase Personal Services without Competitive Process when the County declares that Emergency circumstances exist as defined by ORS279A.010(1)(f). This declaration shall be by a written declaration that describes the circumstances creating the Emergency, and the anticipated harm from failure to enter into an Emergency Contract;
 - (d) The County may purchase hospitalization, medical, behavioral health or dental services without Competitive Process;
 - (e) The County may purchase software and hardware maintenance services without Competitive Process;
 - (f) The County may purchase litigation and legal services Contracts without Competitive Process, which includes attorneys, court reporters, expert witnesses, arbitrators, mediators, trial consultants, or investigators, upon approval by the Board;
 - (g) The County may purchase grant writing services without the Competitive Process;
 - (h) The County may purchase research services without the Competitive Process; and
 - (i) The County may purchase architect, engineer or land surveyor services without the Competitive Process if the project described in the contract consists of work that has been substantially studied or rendered in an earlier contract and the new contract is a continuation of that project.
- (4) If the requirements of ORS 279C.110(2) are met for the selection of architectural, engineering or surveying services for ORS 279C.110(1), which provides that pricing

policies and other pricing information may only be used after the County has selected a candidate pursuant to ORS 279C.110(3).

10.230 Informal Selection Procedure for Personal Services Contracts

- (1) The County, prior to contacting prospective Proposers will determine in writing the selection criteria for the Personal Services Contract. The selection criteria may be limited to price or some combination of price, experience, specific expertise, availability, project understanding, Contractor capacity, responsibility and similar factors.
- (2) The County will contact a minimum of three prospective Proposers with which it has had previous successful experience or which are known by the County to be qualified for a Quote to offer the sought-after services. The County shall utilize written requests for Quotes whenever reasonably practicable. The County must describe substantially the same specifications to each of the prospective contractors. Written request for Quotes shall include the selection criteria to be utilized in selecting a Contractor and, if the criteria are not of equal value, their relative value or ranking, and include the applicable insurance requirements. When requesting quotations orally, prior to requesting the price quote the County shall state any additional selection criteria and, if the criteria are not of equal value, their relative value.
- (3) If three Quotes are not reasonably available, fewer will suffice, but the County shall make a written record of the effort made to obtain the Quotes.
- (4) If a Contract is awarded, the County shall award the Contract to the Proposer that will best serve the interests of the County, 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.

10.240 Multi-Year Personal Services Contracts

The County may appoint a contractor as an Agent of Record for a multi-year Contract if the selection of the Agent of Record was done by Competitive Process. Subsequently, the County may enter into multi-year Contracts for personal services with an Agent of Record without Competitive Process for up to five years or such other length of time as the Board of Commissioners may determine is necessary for a particular project. The Board of Commissioners may extend the term of an Agent of Record as it determines is necessary to complete a project.