

**CITY OF SILVERTON**  
**RESOLUTION**  
**16-23**

**A RESOLUTION OF THE CITY OF SILVERTON MODIFYING RESOLUTION 15-15 PUBLIC CONTRACTING RULES AND PROCEDURES FOR THE DISPOSAL OF SURPLUS PERSONAL PROPERTY BY ADDING PROVISIONS FOR PROJECTS UTILIZING ODOT TRANSIT AND/OR FEDERAL TRANSIT ADMINISTRATION (FTA) FUNDS.**

**WHEREAS,** The Silverton City Council last modified its public contracting rules in 2016; and

**WHEREAS,** The Council wants to update its rules to respond to State and Federal Regulations by modifying I.A and II.M in Section 2 of Resolution 15-15; and

**WHEREAS,** The Model Rules will continue to govern the City's solicitation and award of public contracts subject to those rules, except as this resolution provides to the contrary.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SILVERTON AS FOLLOWS:**

Section 1. The following *Italicized Underlined language* is added to the Public Contracting Rules and Procedures for the City of Silverton.

**II. PURCHASING PROCEDURES**

**M. Projects Utilizing ODOT Transit and/or Federal Transit Administration (FTA) fund**  
In addition to the applicable policies and procedures found within these rules, the Code, and the Model Rules, projects utilizing ODOT Transit and/or FTA funds shall conform to the following.

1. Use of an in-state of local geographic preference is prohibited.
2. Technical specifications or functional descriptions and performance levels for identifying products or components should be used rather than brand-names
3. When it is impractical or uneconomical to provide a clear and accurate description of the technical requirements of the property to be acquired, a "brand name or equal" description may be used to define the performance or other salient characteristics of a specific type of property. The recipient must identify the salient characteristics of the named brand that offerors must provide. When using a "brand name" specification, the recipient does not need to reverse-engineer a complicated part to identify precise measurements or specifications in order to describe its salient characteristics. FTA's "Best Practices Procurement Manual," (BPPM) contains additional information on preparation of specifications including examples with specific language. Specifying only a "brand name" product without allowing offers of "an equal" product, or allowing "an equal" product without listing the salient characteristics that the "equal" product must meet to be acceptable for award.

4. Metric Measurements. The Common Grant Rules require the recipient to accept property and services with dimensions expressed in metric measurements, to the extent practicable and feasible.
5. Preference should be given, to the extent practicable and economically feasible, for products and services that conserve natural resources, protect the environment, and are energy efficient.
6. ODOT and appropriate Federal representatives (or any of their representatives), are permitted to access and have the right to examine and inspect all records, documents, and papers, including contracts, related to any project financed with Federal assistance authorized by 49 U.S.C. Chapter 53.
7. No contract for rolling stock with a period of performance exceeding 5 years is permitted, unless the funding source is not federal, without FTA approval.
8. A complete record of procurement history shall be maintained as long as the asset is in use, plus three years after disposal.
9. *Prior to purchasing property and services, the Community Development Director will conduct a review to ensure the property or service is necessary, that it is not duplicative, and the quantities are intended to be or are likely to be used, based on reasonable expectations to support the transportation system. Any additional vehicle purchase should be supported based on FTA guidance.*

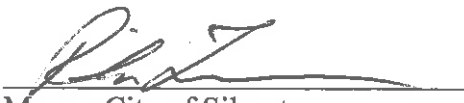
Section 2: The following *Italicized language* is added to the Public Contracting Rules and Procedures for the City of Silverton.

I. A. Ethics and Standards of Behavior


All purchasing functions will be conducted with absolute integrity. The very highest ethical standards will be maintained in all material activities and the Department Head will remain constantly aware of their responsibilities in spending public funds. *Public Officials and/or employees are subject to Oregon Government Ethics Standards found in Oregon Revised Statutes, Chapter 244.*

Section 3: That this resolution is and shall be effective after its passage by the City Council.

Resolution adopted by the City Council of the City of Silverton, this 11<sup>th</sup> day of July, 2016.

  
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Mayor, City of Silverton  
Rick Lewis

ATTEST

  
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City Manager/Recorder, City of Silverton  
Bob Willoughby