ARTICLE 6

GENERAL RULES FOR SOLICITATIONS

6.1 OBJECTIVE SPECIFICATIONS. Specifications for Goods, Services and Public Improvements shall be written to encourage open and fair competition among products, Services and contractors and shall not be Unnecessarily Restrictive. The Specification content must be determined in the sole discretion of the city.

6.1.1 DEVELOPMENT OF SPECIFICATIONS. It is the policy of the State of Oregon to encourage the development of clear, precise and accurate Specifications in Solicitations for Public Contracts. To that end, in developing Specifications, the city may consult, under contract or otherwise, with technical experts, suppliers, prospective contractors and representatives of the industries with which the city contracts. However, a Solicitation Agent shall take reasonable measures to ensure that no Person who prepares or assists in the preparation of Solicitation Documents, Specifications, plans or scopes of work, and no business with which the Person is associated, realizes a material competitive advantage in a procurement that arises from the city’s use of the Solicitation Documents, Specifications, plans or scopes of work. The policy against the realization of a material competitive advantage from the character of the Specifications developed in conjunction with Persons outside the city does not proscribe advantages that result incidentally from a city’s Specification of the characteristics of a product or work to meet the city’s needs.

6.2 PREFERENCES; ESB/DBE; SUSTAINABILITY.

6.2.1 PREFERENCE FOR OREGON GOODS AND SERVICES; NON-RESIDENT BIDDERS. For the purposes of awarding a Public Contract, the city shall:

(a) Give preference to Goods or Services that have been manufactured or produced in Oregon if price, fitness, availability and quality are otherwise equal; and
(b) Add a percent increase to the Bid of a non-Resident bidder equal to the percent, if any, of the preference given to the bidder in the state in which the bidder resides, as shown in the list published by DAS.

6.2.2 PREFERENCE FOR RECYCLED PRODUCTS.

6.2.2.1 Recycled Materials. Notwithstanding provisions of law requiring the city to award a contract to the lowest Responsible bidder or best proposer or provider of a quotation, the city shall give preference to the Procurement of Recycled Products if the Recycled Product:

(a) Is available;
(b) Meets applicable contract Specifications and standards;
(c) Can be substituted for a comparable non-recycled product; and
(d) Does not cost more than five percent (5%) more than the non-recycled product.

6.2.2 Oil. The city shall purchase Lubricating Oil and Industrial Oil from the seller whose oil product contains the greater percentage of recycled oil, unless a specific oil product containing recycled oil is:

(a) Not available within a reasonable period of time or in quantities necessary to meet the city's needs;
(b) Not able to meet the performance requirements or standards recommended by the equipment or vehicle manufacturer, including any warranty requirements; or
(c) Available only at a cost greater than 105% of the cost of comparable virgin oil products.

6.2.3 Subcontracting to Emerging Small Businesses. The Solicitation Agent may require a contractor to subcontract some part of a contract to, or to obtain materials to be used in performing the contract from, a Person that is certified under ORS 200.055 as disadvantaged, a minority, a woman or an emerging small business enterprise.

6.2.4 Affirmative Action; Disadvantaged Business Enterprise Program. It is the policy of the city that Disadvantaged Business Enterprises (DBE) shall be afforded an equal opportunity to participate and compete in the competitive marketplace for city business.

6.2.4.1 Statement of Qualification. A Person may submit a statement to the Solicitation Agent that it is a minority or women business enterprise or as a disadvantaged business enterprise as defined in ORS 200.005. The Solicitation Agent, may, but shall not be required to, investigate the facts asserted in any statement.

6.2.4.2 Contracting for Affirmative Action. A Solicitation Agent may limit competition to Persons who submit a statement described in 6.2.4.1 that they are either a minority-owned women-owned or disadvantaged business enterprises for:

(a) A Public Contract for Goods and Services, or
(b) Any other Public Contract estimated to cost $50,000 or less.

The Solicitation can be limited to business of a certain category or sub-category of classification.

6.2.4.3 DBE Directory. When requested by a vendor, the city shall add a designation in its vendor base to indicate the vendor’s status as a state-certified or self-declared minority or women business enterprise, emerging small business enterprise or disadvantaged business enterprise.
6.2 .5 Sustainability Principles and Guidelines.

6.2 .5 .1 Policy. It is the policy of the city to exercise sustainable purchasing practices, to the maximum extent possible. In accordance with the principles and guidelines included in this Section 6.2.5, the Purchasing Agent will seek Goods and Services that have a reduced impact on human health and the environment.

6.2 .5 .2 Sustainability Principles. The following principles shall serve as general guidance to the Purchasing Agent in the Procurement of Goods and Services:

(a) Seek Goods that are produced in a closed-loop system of recycling. Seek Goods that are recyclable and/or made with recycled content.
(b) Seek Goods and Services that are produced locally because they generally have less environmental impact than Goods and Services produced elsewhere as a result of the reduced amount of energy required for transport.
(c) Minimize reliance on Goods that have negative impacts on local, regional, and global habitats through direct alteration, pollution, over-harvesting or overuse.
(d) Avoid Goods containing toxic, persistent and bio-accumulative compounds.
(e) Use all resources, including but not limited to energy, water and materials with increasing efficiency over time.
(f) Minimize life-cycle costs and impacts, wherever it is reasonably feasible to determine life-cycle information.
(g) Reduce greenhouse gas emissions in general, and in particular, to meet local, state, and national goals and regulations.
(h) Select Goods and Services that enhance or, at a minimum, do not negatively compromise, the health of city residents.
(i) Leverage existing efforts where environmental and sustainability related policies have already been completed. Whenever reasonably possible and practicable, all Procurements by the city should build upon and assist in the implementation of these completed efforts.

6.2 .5 .3 Sustainability Guidelines.

(a) The city shall procure Goods and Services in accordance with the Sustainability Principles to the maximum extent practicable.
(b) To the extent possible and practicable, the city shall include in a Solicitation of Services evaluation criteria that are consistent with the Sustainability Principles.
(c) The city shall develop and thereafter include in all construction and Services contracts a Contractor Sustainability program form.