

## Exhibit A

### Findings in Support of the Adoption of Public Contracting Regulations Including Special Procurement Rules and Exemptions to Certain Public Improvement Competitive Bidding Requirements

1. The 2003 Oregon legislature adopted new public contracting laws, repealing and replacing nearly all of the previous state law on public contracting, all with an effective date of March 1, 2005.
2. One provision of the new law invalidated all local contracting board rules, requiring that local contracting boards adopt new rules regulating their local public contracting procedures.
3. The Oregon Attorney General has developed Model Rules for Public Contracting. Unless the local contracting board adopts its own regulations, the Model Rules will apply. The Model Rules were developed for statewide applicability, and with the intent that every agency or local government in the state would adopt alternative or supplemental rules. The Model Rules do not reflect the special characteristics of Lane County or some of the operational requirements of LCOG. For example, the Model Rules do not have any provisions for some common and important contracting procedures, such as purchases of goods and services with a total value of less than \$5,000.
4. LCOG has determined that the Attorney General Model Rules are of limited applicability to LCOG. Therefore, LCOG finds that the Model Rules adopted by the Attorney General shall not apply to LCOG.
5. Except where LCOG has adopted specific Regulations, or made a specific determination regarding a particular public contract procurement process, LCOG adopts the Model Rules adopted and in effect on March 2, 2005, as published in the Attorney General's 2004 annual publication Public Contract Manual, as a part of the LCOG Regulations, to apply to future contract proceedings.
6. There are no fundamental changes to the State Public Contracting Law adopted to be effective March 1, 2005, as it applies to LCOG. The procedures developed by LCOG under the previous public contracting law served LCOG well, providing for efficient contracting that preserved competition and allowing effective contracting without adding unnecessary cost for LCOG. Wherever possible it is appropriate to maintain the established LCOG public contracting procedures, adapted as necessary to current requirements.
7. The proposed exemptions to the public improvement contracting requirements included in LCOG's Resolution do not significantly modify the process for public improvement contracting set forth in ORS Chapter 279C. Specific exemptions, such as the adoption of categories of public improvements similar to those set forth in the Model Rules, and the application of appropriate portions of the Model Rules, are unlikely to encourage favoritism

in the awarding of public contracts, are unlikely to substantially diminish competition and will provide a substantial cost savings to LCOG.

8. The election to provide for the potential of applying LCOG rules for procurement of goods and services to an opportunity for LCOG to seek the services of architects, engineers, land surveyors and related services does not preclude LCOG using qualifications based selection either by itself, or in conjunction with a review of qualifications based on cost or price of services, will not encourage favoritism, should encourage competition and will allow LCOG to take advantage of any cost savings.
9. Adoption of rules for electronic procurement reflects the growing importance of electronic communication and continues LCOG's policy of leading local governments in developing a diversity of methods to communicate important matters to the public. The safeguards put in place concerning electronic procurement will assure that competition is preserved, favoritism is avoided and LCOG will be able to take advantage of any cost savings that exists.
10. The selection of special procurement rules for certain processes governing the acquisition of goods and services will not diminish effective competition, will protect against favoritism in the selection of contractors and will allow for cost savings by LCOG. The special procurement procedures promote the public interest in a manner that could not be realized using standard solicitation processes. The Lane County market often includes small firms that could not afford to prepare a full scale response to proposals or other formal solicitation. Selection of alternate methods that make the participation of such small firms more likely will increase the opportunity for effective competition and will certainly promote the public interest. Appropriate elimination of bid bonds will result in lower cost proposals for smaller solicitations and will therefore result in lower costs for LCOG. The occasional use of special solicitation processes for goods and service, and some public improvements will allow LCOG the opportunity to make timely solicitations, thus taking advantage of seasonal or other variations in the general cost of services and improvements, resulting in a more efficient use of staff time, and a potential cost savings for LCOG.