






**Marion Soil and Water Conservation District (MSWCD) Administrative Committee Meeting**  
**Friday, June 14, 2024, 9:00 am to 11:00 am**

HB2560 requires that all Oregon public meetings held by a governing body of a public body, excluding executive sessions, must provide to members of the public an opportunity to access and attend the meeting by telephone, video or other electronic or virtual means. This meeting will be held by video conference and by telephone.

 **Link to Video Conference:** [\(Zoom\) Meeting Link](#)  
 **Meeting Call in Number:** 1 (253) 215 - 8782  
 **Meeting ID:** 861 6125 6285 | **Passcode:** 720019  
**Staff Contact:** Linda Lovett, [linda.lovett@marionswcd.net](mailto:linda.lovett@marionswcd.net)

**Agenda**

**Chair:** Call Meeting to Order, Agenda Changes & Approval

Item #	Topic	Presenter	Purpose	Time
1	Public Comment	Chair	Feedback	5 min.
2	Review of March 8, 2024 Minutes	Chair	Procedure	5 min.
3	Policy Review Update	Sanchez	Discussion	10 min.
4	Amended Grant Limitation Policy	Sanchez	Review	15 min.
5	Amended Public Contracting Policy	Sanchez	Review	15 min.
6	USDA Policy Review	Sanchez	Review	10
7	Special Districts Insurance Policy	Sanchez	Review	10
8	Partner Grant Procedure	Sanchez	Discussion	10
9	Admin Committee Charter	Sanchez	Discussion	40 min.
	Meeting Adjournment	Chair		

**Agenda Brief**

Item #	Brief	Action
3	Policy Review Update – Apprise on status of policy work since review of Policy Binder.	Discuss progress to date
4	Amended Grant Limitation Policy – Policy revised to include the Partner Grant Program.	Recommend revised policy for Board approval
5	Amended Public Contracting Policy – Incorporates changes in State law related to equity in public procurements.	Recommend revised policy for Board approval

6	USDA Policy Review	Recommend policy for Archive
7	Special Districts Insurance Policy – Outdated insurance info	Recommend policy for Archive
8	Partner Grant Procedure – Apprise on status of process to date	Discussion
9	Admin Committee Charter	Discuss and begin developing charter



Marion Soil and Water Conservation District complies with the American with Disabilities Act (ADA) and does not discriminate based on race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. If special physical, language, or other accommodations are needed for this meeting, please advise the District Manager at 503-391-9927 as soon as possible, and at least 48 hours in advance of the meeting.

### Meeting Minutes

#### Attendance




Committee Members	Present/Absent	Staff	Guests
Darin Olson Peggy Hart Angela Plowhead Brenda Sanchez Linda Lovett			

Item #	Minutes and Action/ Vote Count
1	Public Comment
2	Review of March Minutes
3	Policy Review Update
4	Amended Grant Limitation Policy
5	Amended Public Contracting Policy
6	USDA Policy Review
7	Special Districts Insurance Policy
8	Partner Grant Procedure
9	Admin Committee Charter
	Meeting adjourned



**Marion Soil and Water Conservation District (MSWCD) Administrative Committee Meeting**  
**Friday, March 8, 2024, 9:00 am to 11:00 am**

HB2560 requires that all Oregon public meetings held by a governing body of a public body, excluding executive sessions, must provide to members of the public an opportunity to access and attend the meeting by telephone, video or other electronic or virtual means. This meeting will be held by video conference and by telephone.

 **Link to Video Conference:** [\(Zoom\) Meeting Link Meeting Call](#)  
**in Number:** 1 (253) 215 - 8782  
 **Meeting ID:** 861 6125 6285 | **Passcode:** 720019  
 **Staff Contact:** Brenda Sanchez, [Brenda.sanchez@marionswcd.net](mailto:Brenda.sanchez@marionswcd.net)


**Agenda**

**Chair:** Call Meeting to Order, Agenda Changes & Approval

Item #	Topic	Presenter	Purpose	Time
1	Public Comment	Chair	Feedback	5 min.
2	Review of January 2024 Minutes; vote on October 2023 Minutes	Chair	Procedure	10 min.
3	Partner Grant Application Review	Ortiz	Review/Discussion	75 min.
4	Pay Equity Analysis 2024 Report	Sanchez	Discussion	10 min.
5	Update on credit card process	Sanchez	Discussion	10 min.
6	Update on Strategic Planning	Sanchez	Discussion	10 min.
	Meeting Adjournment	Chair		

**Agenda Brief**

Item #	Brief	Action
3	Partner Grant Application Review: Each member should have reviewed the 10 applications and submitted evaluations through the online grant system. Committee will review rankings and make any recommendations for conditions or stipulations	Provide recommendations to the Board for application funding.
4	Pay Equity Analysis 2024: Review and decide whether to forward to the Board.	Approve Pay Equity Report and submit for Board approval in April.
5	District Credit Card: The District has changed its credit card number and revised some processes to ensure the security of the number.	Review current procedure.

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## Meeting Minutes

### Attendance

Committee Members	Present/Absent	Staff	Guests
Darin Olson	Present	Susan Ortiz	
Peggy Hart	Present		
Angela Plowhead	Present		
Brenda Sanchez	Present		
Linda Lovett	Present		

Item #	Minutes and Action/ Vote Count
1	<p><b>Public Comment - None</b></p> <hr/> <p><b><u>Review of October 16, 2023, Meeting Minutes</u></b>                      Lovett explained that the recording of the November committee meeting was not started at the beginning of the meeting and it is unclear on the approval votes for the October meeting minutes, they are back up for approval.</p> <p><b>Action:</b> Hart motioned that the Committee <b>approve the October 16, 2023, meeting minutes</b>, 2<sup>nd</sup> by Plowhead. No further discussion. MOTION PASSED (Aye-4 [Sanchez, Plowhead, Lovett, and Hart], Opposed-0).)</p>
2	<p><b><u>Review of January 19, 2024, Meeting Minutes</u></b>                      Olson arrived.</p> <p><b>Action:</b> Hart motioned that the Committee <b>approve the January 19, 2024, meeting minutes</b>, 2<sup>nd</sup> by Plowhead. No further discussion. MOTION PASSED (Aye-5 [Sanchez, Plowhead, Olson, Lovett, and Hart], Opposed-0).</p> <hr/> <p><b><u>Partner Grant Application Review</u></b>                      Four Capacity Partner Grant applications for combined total of \$39,799.50, well below the \$50,000 cap.</p> <p>1. <u>Pudding River WC</u>: Score 44 - Do Fund: 5-0                      Plowhead had a concern that there was not a clearly identified project described. Discussion on capacity grants' goals and purposes. Ortiz will provide the grant handbook to the committee for the next round. Ortiz suggested adding a definition of "capacity support".</p>
3	<p>Darin commented that he would like to see different questions asked for capacity grants in the next cycle, but he supports this project.</p> <p>2. <u>North Santiam Watershed Council</u>: Score 45.5 - Do Fund: 5-0                      Hart stated most funds to be used for project management. Not clear how the funding would be coordinated and what obstacles would be overcome with advanced capacity. She felt the application was not as concise as the others, but still worthy.</p> <p>Plowhead asked about the source of matching funds, and Ortiz said generally for capacity grant the match funds are from outside. Ortiz can add a question on the capacity report (like the other non-capacity partner grants). Discussion of in-kind what</p>

qualifies for in-kind and cash match. Ortiz commented that the intent of these grants to were to keep the application as simple as possible.

3. Straub Outdoors: Score 47.5 – Do Fund: 5-0  
No Discussion

4. Western Invasive Network (WIN): Score 44.2 – Do Fund 4, Fund w/ Conditions 1  
Plowhead asked about time spent on projects in Marion County, vs. how much is being spent elsewhere, and who else is pitching in matching funds. She would like to see a breakdown of the total funding sources as percentages. Plowhead suggested getting this information before bringing it to the board.

Sanchez was also concerned about supporting regional work, but realized that invasive weeds don't heed boundaries, and the work benefits the district.

Olson supports the project but would like to have a larger discussion before the next grant cycle regarding funding criteria.

Ortiz explained staff works very closely with WIN, and the District has financially supported WIN on several occasions in the past.

Discussion regarding gathering more information. What is the cost of the entire position and specific information about supporting the district mission in Marion County.

Darin said this is our first round, everybody is learning, and suggested changing any parameters this round, but looking very closely at it moving forward and working with staff to have the applicant be more specific in the future.

Hart asked about the process of attaching conditions. Ortiz replied that the applicant should be notified and provided with limited additional information requested by the Committee. The applicant will provide information to Ortiz for the board meeting, and the Applicant should come to the board meeting to answer questions.

Hart would like to see a narrative of the long-term relationship with the District with a general idea of time spent working in Marion County. Ortiz will reach out to WIN.

6024003 = \$10,000  
6024004 = \$9999.90  
6424008 = \$9800

**Action:** Plowhead motioned to **recommend Partner Grants, 6024003, 6024004, and 6424008**, 2<sup>nd</sup> by Olson. No further discussion. MOTION PASSED (Aye-5 [Sanchez, Plowhead, Olson, Lovett, and Hart], Opposed-0).

**Action:** Hart motioned to **recommend Partner Grants, 6024009 with listed conditions**, 2<sup>nd</sup> by Plowhead. No further discussion. MOTION PASSED (Aye-5 [Sanchez, Plowhead, Olson, Lovett, and Hart], Opposed-0).

To be provided before the next board meeting.

- Short narrative History of the past relationship with the district.
  - Estimate of the time dedicated to time spent in the SWCD
  - Overall budge of position
-

Discussion regarding what information to collect on future applications and additional information available on Foundant. Peggy expressed her appreciation for being part of the process.

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#### **Pay Equity Analysis 2024 Report**

Sanchez explains that after legal review, it was necessary to consider the criteria further and revise Table 2 more. Sanchez has made relevant changes.

- Knowledge (education + experience)
- Effort (levels of responsibility exempt/non-exempt)
- Skill level (new definitions)
- Working conditions (add fieldwork, not just travel)
- Developed a new way to differentiate.
- No changes in comparable groups.

- 4 Looked at differences between groups in corrective actions. No change in leave benefit but added tele-work. Legal suggested a need to rework the salary table and tighten up job descriptions and recommended an executive session to look at these.

Linda asked about the definition of 'merit'. Brenda explained the "bonafide factors of compensation differences".

Correction action of 8 hours of vacation at time of hire and remove cap.

**Action:** Sanchez motioned that the Committee **recommend that the Pay Equity Analysis Report be presented to the Board**, 2<sup>nd</sup> by Hart. No further discussion. MOTION PASSED (Aye-5 [Sanchez, Plowhead, Olson, Lovett, and Hart], Opposed-0).

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#### **Update on Credit Card Process**

The process to use credit cards has changed significantly and Sanchez will be updating purchasing procedures.

There was an accidental charge to the District's credit card on a staff Amazon Account. Brenda has cancelled the credit card linked to that account and has closed all Amazon accounts using District e-mails and have a single account using the office@ address.

- 5 Linda said she thinks the problem stems from people ordering supplies during COVID for home delivery and the turnover of staff and management.

COGENT IT also has a copy of the credit card. Olson asked why they don't invoice us. He asked about the policy on credit card responsibility. Sanchez will follow up with Cogent and ask if we can be invoiced,

There was discussion about general credit card security and the need for policy.

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#### **Update on Strategic Planning**

- 6 Good feedback from contractor. Moving forward towards completion.

Meeting adjourned

## Admin Committee Proposed Policy Work and Prioritization 2024

<b>Proposed Policy Work</b>					
<b>Policy</b>	<b>Notes</b>	<b>Priority #</b>	<b>Timeline</b>	<b>Revision Level</b>	<b>Committee</b>
#2020-03-11 Limitation and Cap	Update with new grants and amounts	1	April 24	Update/ Amend	Admin Comm
#2002-04-03 Special Districts Group Ins	Update w/ new insurance info	1	April 24	Update	Admin Comm
#2006-01-04 Records Retention	Draft a District Policy	1	July 24	Update	Admin Comm
#2021-11-03 Public Contracting Rules and Procedures	Update with new rules	1	May 24	Update	Admin Comm
#2005-02-03 Public Records Disclosure and Request Form	Complete revision	1	May 24	Revision	Admin Comm
#2006-07-06 Financial Management	Updates	1	June 24	Update	Admin Comm
#2007-05-02 Workers Comp for Volunteers	Update	1	May 24	Update	Admin Comm
#2021-12-01 Delegation of Authority	Updates/ Revisions Needed	1	December 24	Revision	Admin Comm
<b>2024 Proposed Policy to Draft and Adopt</b>					
<b>Proposed Policy</b>	<b>Notes</b>	<b>Priority #</b>	<b>Timeline</b>	<b>Revision Level</b>	<b>Committee</b>
Vehicle Use	Add to Personnel Policy	1	June 24	Draft/ Adopt	Admin Comm
Wildfire Smoke	New	1	April 24	Draft/ Adopt	Admin Comm/ NR
District Grant Policy-Procedures Manual	New	1	January 25	Draft/ Adopt	Admin Comm/ NR
Entry onto Property/ Landowner Agreement	New	1	July 24	Draft/ Adopt	Admin Comm/ NR
Conflict of Interest Form	Resolution state law w/ form	1	July 24	Draft/ Adopt	Admin Comm
<b>Policy to Abolish or Archive-Remove from Binder</b>					
<b>Policy</b>	<b>Notes</b>	<b>Priority #</b>	<b>Timeline</b>	<b>Revision Level</b>	<b>Committee</b>
#2003-09-03 USDA Conservation Plan Review	Meet w/NRCS USDA CREP	1	April 24	Abolish	Natural Resources



## Grant Limitation Policy

2008-05-07

Entity Payout Cap Policy

Marion Soil and Water Conservation District Grant Programs

Adopted: May 7, 2008

Amended: July 6, 2011

Amended: February 1, 2012

Amended: February 20, 2014

Amended: March 11, 2019

Amended: March 11, 2020

Amended: June 5, 2025

### **Background**

Marion Soil and Water Conservation District (Marion SWCD) currently offers several grant programs. The Grant Limitation Policy is applicable to the following programs:

- Conservation Assistance Grant (CAG)
  - Formerly Known As: Landowner Assistance Program (LAP)
- Conservation Learning Education And Resource Grant Program (CLEAR)
  - Salmon Watch
- Cover Crop Assistance Grant (CCA)
- Partner Grant Program (PGP)
- Special Project Grant (SPG)

The Board of Directors has final approval authority for all grant program applications.

### **Purpose**

While each grant has a different intention and purpose, the Marion SWCD seeks to afford the availability of grant funds to a broader range of entities. Therefore, the Board of Directors has established a Grant Limitation Policy (2008-05-07) to cap the total combined payout from all Marion SWCD grant funds that an entity can receive during a fiscal year and during a rolling five (5) fiscal year period. Payout limitations are reviewed on an as needed basis to ensure the needs of the grant programs are being met.

### **Definition**

For purposes of this policy, an **entity** is defined as:

- Community Organization
- Corporation, Limited Liability Company (LLC), or Partnership
  - Farm Corporations
  - Horticultural Nurseries
  - Other Corporate or LLC organization
- Educational Institution (Not a School Grade or a School Classroom)
- Government Agency
- Individual Landowner or Land Manager
- Native American Tribe
- Neighborhood Association
- Nonprofit Organization or group – 501 (c) (3) status is not required.



**Grant Limitation – CAG (LAP), CLEAR, CCA, and SPG Programs**

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**CAG (LAP), CLEAR, CCA, and SPG (or combination of)** – A maximum of **\$10,000** in grant funds will be permitted per **entity** during each fiscal year (a one-year period from July 1 to June 30).

Furthermore, a maximum of **\$30,000** in CAG (LAP), CLEAR, CCA, and SPG (or combination of) grant funds will be permitted per **entity** during any five consecutive fiscal year period. Five year rolling max will be three times the yearly max.

***Fiscal Year Example:*** In a fiscal year if an individual landowner has received CAG funds in the amount of \$4,100, that individual could qualify for an additional \$5,900 in grant funds through any of the above listed grants for a total of \$10,000.

***Exception:*** The District may allow an entity with a Large Project to request a one-time only payout of up to no more than the five years maximum available to an applicant. Large Projects are defined as projects with a total cost more than twice the five-year max

**Grant Limitation – Partner Grants Program**

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**Capacity Grant** – A maximum of **\$10,000** in Capacity grant funds will be permitted per **entity** during each fiscal year (a one-year period from July 1 to June 30).

Furthermore, a maximum of **\$30,000** in Capacity grant funds will be permitted per **entity** during any five consecutive fiscal year period. Five year rolling max will be three times the yearly max.

***No exceptions.***

**Education, Project Implementation, Outreach, and Technical Assistance (or combination of)** – A maximum of **\$35,000** in Education, Project Implementation, Outreach, and Technical Assistance (or combination of) grant funds will be permitted per **entity** during each fiscal year (a one-year period from July 1 to June 30).

Furthermore, a maximum of **\$105,000** in Education, Project Implementation, Outreach, and Technical Assistance (or combination of) grant funds will be permitted per **entity** during any five consecutive fiscal year period. Five year rolling max will be three times the yearly max.

***No exceptions.***

**Accountability**

To maintain a record of the amount of grant funds that have been received by an **entity** and ensure that the grant limitations are not exceeded, grant tracking shall be maintained by Marion SWCD.

The amended policy was adopted by a **5-0** vote of the Board of Directors at its regularly scheduled meeting on **June 5, 2024**.

Marion Soil and Water Conservation District

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Chair



338 Hawthorne Ave NE, Salem, OR 97301 Phone: 503-391-9927

## Grant Limitation Policy

2008-05-07

### Entity Payout Cap Policy for Grant Programs Amended

Policy to take effect July 1<sup>st</sup> of 2020

#### **Background:**

Marion Soil & Water Conservation District (Marion SWCD) currently manages four grant programs. Those programs are as follows:

- Conservation Learning Education And Resource (CLEAR)
- Landowner Assistance Program (LAP)
- Cover Crop Program (CCP)
- Special Project Grant (SPG)

The Board of Directors has final approval authority for all grant program applications.

#### **Purpose:**

While each grant has a different intention and purpose, the Marion SWCD seeks to afford the availability of grant funds to a broader range of entities. Therefore, the Board of Directors has established a Grant Limitation Policy (2008-05-07) to cap the total combined payout from all Marion SWCD grant funds that an entity can receive during a fiscal year and during a rolling five (5) fiscal year time period. Payout limitations are reviewed on an as needed basis to ensure the needs of the grant programs are being met.

#### **Definition:**

For purposes of this policy, an **entity** may be defined as:

- Corporation, Limited Liability Company (LLC), or Partnership
  - Farm Corporations
  - Horticultural Nurseries
  - Other Corporate or LLC organization

- Individual Landowner or Land Manager
- Educational Institution (Not a School Grade or a School Classroom)
- Government Agency
- Native American Tribe
- Nonprofit Organization or group – 501 (c) (3) status is not required
- Neighborhood Association
- Community Organization

**Policy:**

A maximum of **\$7,500.00** in grant funds from all Marion SWCD grant programs will be permitted per **entity** during each fiscal year.

*Example: If an individual landowner has received LAP funds in the amount of \$4,100.00, that individual would qualify for \$3,400.00 more in grant funds through a CLEAR grant or SPG Grant for a total of \$7,500.*

**Exception: The District may allow an entity with a Large Project to request a one-time only payout of up to \$22,500 the maximum available to an applicant. Large Projects are defined as projects with a total cost in excess of \$45,000.**

**Policy:**

A maximum of \$22,500 in grant funds from all Marion SWCD grant programs will be permitted per **entity** during any five consecutive fiscal year period.

**Accountability:**

In order to maintain record of the amount of grant funds that have been received by an **entity**, and ensure that **\$7,500.00 or \$22,500.00** limit is not exceeded, grant tracking shall be maintained by the Marion SWCD.

The amended policy was adopted by a, 5 in favor – 1 against, vote of the Board of Directors at its regularly scheduled meeting on **March 11, 2020.**

Marion Soil and Water Conservation District

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Terry Hsu, Chair

Adopted: May 7, 2008  
 Amended: July 6, 2011  
 Amended: February 1, 2012  
 Amended: February 20, 2014  
 Amended: March 11, 2019

# Senate Bill 1047

Sponsored by Senator WAGNER (at the request of Governor Tina Kotek)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Raises contract price threshold under which contracting agency may apply certain solicitation and procurement methods for public contracts. Requires state contracting agency that awards public contract with contract price of \$10,000 or more to document in state contracting agency's procurement file actions that state contracting agency takes to provide notice of procurement to Governor's Policy Advisor for Economic and Business Equity and to invite or consider for participation in procurement businesses or enterprises that Certification Office for Business Inclusion and Diversity certifies.

Requires Oregon Department of Administrative Services to promote policy of diversity, equity and inclusion in public contracting by engaging in efforts to increase public contracting opportunities for businesses and enterprises that Certification Office for Business Inclusion and Diversity has certified. Requires department to review and evaluate results of disparity study, to develop plan to implement and implement priority recommendations of study and to report periodically to Governor's Policy Advisor for Economic and Business Equity concerning progress of department's plan and implementation.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to equity in public procurements; creating new provisions; amending ORS 279B.065,  
3 279B.070 and 279C.335; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 279B.065 is amended to read:

6 279B.065. (1) A contracting agency may award a [*procurement of*] **public contract for** goods or  
7 services that does not exceed [*\$10,000*] **a contract price of \$25,000** in any manner the contracting  
8 agency deems practical or convenient, including by direct selection or award. A contract awarded  
9 under this section may be amended to exceed [*\$10,000*] **\$25,000** only in accordance with rules  
10 adopted under ORS 279A.065.

11 **(2) A state contracting agency that awards a public contract with a contract price of**  
12 **\$10,000 or more using a method permitted under this section shall document in the state**  
13 **contracting agency's procurement file the actions the state contracting agency takes to:**

14 **(a) Comply with ORS 200.035; and**

15 **(b) Consider for the procurement businesses or enterprises that the Certification Office**  
16 **for Business Inclusion and Diversity certifies under ORS 200.055.**

17 [(2)] **(3) A contracting agency may not artificially divide or fragment a procurement so as to**  
18 **constitute a small procurement under this section.**

19 **SECTION 2.** ORS 279B.070 is amended to read:

20 279B.070. (1) A contracting agency may award a [*procurement of*] **public contract for** goods or  
21 services that exceeds [*\$10,000*] **a contract price of \$25,000**, but does not exceed [*\$150,000*] **a con-**  
22 **tract price of \$250,000, [in accordance with intermediate procurement procedures] as provided in**  
23 **subsection (4) of this section.** A contract awarded under this section may be amended to exceed  
24 [*\$150,000*] **\$250,000** only in accordance with rules adopted under ORS 279A.065.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1       **(2) A state contracting agency that awards a public contract with a contract price of**  
 2 **\$10,000 or more using a method permitted under this section shall document in the state**  
 3 **contracting agency's procurement file the actions the state contracting agency takes to:**

4       **(a) Comply with ORS 200.035; and**

5       **(b) Invite to participate in the procurement qualified businesses or enterprises that the**  
 6 **Certification Office for Business Inclusion and Diversity certifies under ORS 200.055.**

7       [(2)] **(3)** A contracting agency may not artificially divide or fragment a procurement so as to  
 8 constitute an intermediate procurement under this section.

9       [(3)] **(4)** When conducting an intermediate procurement, a contracting agency shall seek at least  
 10 three informally solicited competitive price quotes or competitive proposals from prospective con-  
 11 tractors. The contracting agency shall keep a written record of the sources of the quotes or pro-  
 12 posals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the  
 13 contracting agency shall make a written record of the effort the contracting agency makes to obtain  
 14 the quotes or proposals.

15       [(4)] **(5)** If a contracting agency awards a **public** contract, the contracting agency shall award  
 16 the **public** contract to the offeror whose quote or proposal will best serve the interests of the con-  
 17 tracting agency, taking into account price as well as considerations including, but not limited to,  
 18 experience, expertise, product functionality, suitability for a particular purpose and contractor re-  
 19 sponsibility under ORS 279B.110.

20       **SECTION 3.** ORS 279C.335 is amended to read:

21       279C.335. (1) A contracting agency may award a public improvement contract only in response  
 22 to competitive bids, except for:

23       (a) A public improvement contract with a qualified nonprofit agency that provides employment  
 24 opportunities for individuals with disabilities under ORS 279.835 to 279.855.

25       (b) A public improvement contract that is exempt under subsection (2) of this section.

26       (c) A public improvement contract with a value of less than [~~\$10,000~~] **\$25,000. A state con-**  
 27 **tracting agency that awards a public improvement contract with a contract price of \$10,000**  
 28 **or more under this paragraph shall document in the state contracting agency's procurement**  
 29 **file the actions the state contracting agency takes to:**

30       **(A) Comply with ORS 200.035; and**

31       **(B) Invite to participate in the procurement qualified businesses or enterprises that the**  
 32 **Certification Office for Business Inclusion and Diversity certifies under ORS 200.055.**

33       (d) A public improvement contract with a contract price that does not exceed \$100,000 made  
 34 under procedures for competitive quotes in ORS 279C.412 and 279C.414.

35       (e) A contract to repair, maintain, improve or protect property the Department of Veterans'  
 36 Affairs obtains under ORS 407.135 and 407.145 (1).

37       (f) An energy savings performance contract that a contracting agency enters into in accordance  
 38 with rules of procedure adopted under ORS 279A.065.

39       (g) A public improvement contract with an estimated contract price of \$250,000 or less that a  
 40 contracting agency awards to an emerging small business certified under ORS 200.055 and funds  
 41 with moneys from the Emerging Small Business Account established under ORS 200.180. A con-  
 42 tracting agency that awards a public contract exempted from competitive bidding under this para-  
 43 graph shall solicit competitive quotes as provided in ORS 279C.414 before making the award.

44       (2) Subject to subsection (4)(b) and (c) of this section, the Director of the Oregon Department  
 45 of Administrative Services, a local contract review board or, for contracts described in ORS

1 279A.050 (3)(b), the Director of Transportation may exempt a public improvement contract or a class  
2 of public improvement contracts from the competitive bidding requirement of subsection (1) of this  
3 section after the Director of the Oregon Department of Administrative Services, the Director of  
4 Transportation or the local contract review board approves the following findings that the con-  
5 tracting agency submits or, if a state agency is not the contracting agency, that the state agency  
6 that is seeking the exemption submits:

7 (a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts  
8 or substantially diminish competition for public improvement contracts.

9 (b) Awarding a public improvement contract under the exemption will likely result in substantial  
10 cost savings and other substantial benefits to the contracting agency or the state agency that seeks  
11 the exemption or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to  
12 the contracting agency or the public. In approving a finding under this paragraph, the Director of  
13 the Oregon Department of Administrative Services, the Director of Transportation or the local  
14 contract review board shall consider the type, cost and amount of the contract and, to the extent  
15 applicable to the particular public improvement contract or class of public improvement contracts,  
16 the following:

17 (A) How many persons are available to bid;

18 (B) The construction budget and the projected operating costs for the completed public im-  
19 provement;

20 (C) Public benefits that may result from granting the exemption;

21 (D) Whether value engineering techniques may decrease the cost of the public improvement;

22 (E) The cost and availability of specialized expertise that is necessary for the public improve-  
23 ment;

24 (F) Any likely increases in public safety;

25 (G) Whether granting the exemption may reduce risks to the contracting agency, the state  
26 agency or the public that are related to the public improvement;

27 (H) Whether granting the exemption will affect the sources of funding for the public improve-  
28 ment;

29 (I) Whether granting the exemption will better enable the contracting agency to control the  
30 impact that market conditions may have on the cost of and time necessary to complete the public  
31 improvement;

32 (J) Whether granting the exemption will better enable the contracting agency to address the size  
33 and technical complexity of the public improvement;

34 (K) Whether the public improvement involves new construction or renovates or remodels an  
35 existing structure;

36 (L) Whether the public improvement will be occupied or unoccupied during construction;

37 (M) Whether the public improvement will require a single phase of construction work or multi-  
38 ple phases of construction work to address specific project conditions; and

39 (N) Whether the contracting agency or state agency has, or has retained under contract, and  
40 will use contracting agency or state agency personnel, consultants and legal counsel that have  
41 necessary expertise and substantial experience in alternative contracting methods to assist in de-  
42 veloping the alternative contracting method that the contracting agency or state agency will use to  
43 award the public improvement contract and to help negotiate, administer and enforce the terms of  
44 the public improvement contract.

45 (c) As an alternative to the finding described in paragraph (b) of this subsection, if a contracting

1 agency or state agency seeks an exemption that would allow the contracting agency or state agency  
2 to use an alternative contracting method that the contracting agency or state agency has not pre-  
3 viously used, the contracting agency or state agency may make a finding that identifies the project  
4 as a pilot project for which the contracting agency or state agency intends to determine whether  
5 using the alternative contracting method actually results in substantial cost savings to the con-  
6 tracting agency, to the state agency or, if the contract is for a public improvement described in ORS  
7 279A.050 (3)(b), to the contracting agency or the public. The contracting agency or state agency  
8 shall include an analysis and conclusion regarding actual cost savings, if any, in the evaluation re-  
9 quired under ORS 279C.355.

10 (3) In making findings to support an exemption for a class of public improvement contracts, the  
11 contracting agency or state agency shall clearly identify the class using the class's defining char-  
12 acteristics. The characteristics must include a combination of project descriptions or locations, time  
13 periods, contract values, methods of procurement or other factors that distinguish the limited and  
14 related class of public improvement contracts from the agency's overall construction program. The  
15 agency may not identify a class solely by funding source, such as a particular bond fund, or by the  
16 method of procurement, but shall identify the class using characteristics that reasonably relate to  
17 the exemption criteria set forth in subsection (2) of this section.

18 (4) In granting exemptions under subsection (2) of this section, the Director of the Oregon De-  
19 partment of Administrative Services, the Director of Transportation or the local contract review  
20 board shall:

21 (a) If appropriate, direct the use of alternative contracting methods that take account of market  
22 realities and modern practices and are consistent with the public policy of encouraging competition.

23 (b) Require and approve or disapprove written findings by the contracting agency or state  
24 agency that support awarding a particular public improvement contract or a class of public im-  
25 provement contracts, without the competitive bidding requirement of subsection (1) of this section.  
26 The findings must show that the exemption of a contract or class of contracts complies with the  
27 requirements of subsection (2) of this section.

28 (c) Require a contracting agency or state agency that procures construction manager/general  
29 contractor services to conduct the procurement in accordance with model rules the Attorney Gen-  
30 eral adopts under ORS 279A.065 (3).

31 (5)(a) A contracting agency or state agency may hold a public hearing before approving the  
32 findings required by subsection (2) of this section and before the Director of the Oregon Department  
33 of Administrative Services, the Director of Transportation or the local contract review board grants  
34 an exemption from the competitive bidding requirement for a public improvement contract or a class  
35 of public improvement contracts.

36 (b) Notification of a proposed exemption under subsection (2) of this section must be published  
37 in at least one trade newspaper of general statewide circulation a minimum of 14 days before the  
38 date on which the contracting agency intends to take action to approve or disapprove the ex-  
39 emption.

40 (c) The notice must state that in response to a written request, the contracting agency or state  
41 agency will hold a public hearing for the purpose of taking comments on the draft findings for an  
42 exemption from the competitive bidding requirement.

43 (d) If the contracting agency or state agency conducts a public hearing, the contracting agency  
44 or state agency shall offer an opportunity for any interested party to appear and comment.

45 (e) If a contracting agency or state agency must act promptly because of circumstances beyond

1 the agency's control that do not constitute an emergency, notification of the proposed exemption  
 2 may be published simultaneously with the agency's solicitation of contractors for the alternative  
 3 public contracting method, as long as responses to the solicitation are due at least five days after  
 4 the agency intends to take action to approve or disapprove the proposed exemption.

5 (6) The purpose of an exemption is to exempt one or more public improvement contracts from  
 6 competitive bidding requirements. The representations in and the accuracy of the findings, including  
 7 any general description of the resulting public improvement contract, are the bases for approving  
 8 the findings and granting the exemption. The findings may describe anticipated features of the re-  
 9 sulting public improvement contract, but the final parameters of the contract are those character-  
 10 istics or specifics announced in the solicitation document.

11 (7) A public improvement contract awarded under the competitive bidding requirement of sub-  
 12 section (1) of this section may be amended only in accordance with rules adopted under ORS  
 13 279A.065.

14 (8) A public improvement contract that is excepted from the competitive bidding requirement  
 15 under subsection (1)(a), (c), (d), (e), (f) or (g) of this section is not subject to the exemption require-  
 16 ments of subsection (2) of this section.

17 **SECTION 4. The Oregon Department of Administrative Services shall promote and apply**  
 18 **a policy of diversity, equity and inclusion in public contracting by engaging in efforts to in-**  
 19 **crease public contracting opportunities for businesses and enterprises that the Certification**  
 20 **Office for Business Inclusion and Diversity has certified under ORS 200.055. The department**  
 21 **shall undertake the following actions:**

22 (1) Review and evaluate the recommendations of a statewide study of disparities in  
 23 awarding public contracts;

24 (2) Develop a plan to implement the priority recommendations set forth in the study de-  
 25 scribed in subsection (1) of this section;

26 (3) Implement the priority recommendations set forth in the study described in sub-  
 27 section (1) of this section; and

28 (4) Report to the Governor's Policy Advisor for Economic and Business Equity concern-  
 29 ing the department's plan and implementation every six months until the earlier of the date  
 30 on which the department has fully implemented the priority recommendations or June 30,  
 31 2025. The department shall submit the first report not later than 90 days after the com-  
 32 pletion of the study described in subsection (1) of this section.

33 **SECTION 5. Section 4 of this 2023 Act and the amendments to ORS 279B.065, 279B.070**  
 34 **and 279C.335 by sections 1 to 3 of this 2023 Act apply to procurements that a contracting**  
 35 **agency advertises or otherwise solicits or, if the contracting agency does not advertise or**  
 36 **otherwise solicit the procurement, to public contracts into which the contracting agency**  
 37 **enters on or after the operative date specified in section 6 of this 2023 Act.**

38 **SECTION 6. (1) The amendments to ORS 279B.065, 279B.070 and 279C.335 by sections 1 to**  
 39 **3 of this 2023 Act become operative on January 1, 2024.**

40 (2) A contracting agency that adopts rules under ORS 279A.065 or 279A.070 may adopt  
 41 rules and take any other action before the operative date specified in subsection (1) of this  
 42 section that is necessary for the contracting agency to undertake and exercise all of the  
 43 duties, functions and powers conferred on the contracting agency by the amendments to ORS  
 44 279B.065, 279B.070 and 279C.335 by sections 1 to 3 of this 2023 Act.

45 **SECTION 7. This 2023 Act takes effect on the 91st day after the date on which the 2023**



1 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

2

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Marion SWCD

24-0410 Public Contracting Attachment A

Relating to:

- Creating new provisions for equity in public procurements;
- Amending ORS 279B.065, 279B.070 and 279C.335

~~Strikethrough is for language that has been changed.~~

**BOLD is for language that has been added**

*Summary of Changes:*

*Raises contract price threshold under which contracting agency may apply certain solicitation and procurement methods for public contracts. Requires state contracting agency that awards public contract with contract price of \$10,000 or more to document in state contracting agency's procurement file actions that state contracting agency takes to provide notice of procurement to Governor's Policy Advisor for Economic and Business Equity and to invite or consider for participation in procurement businesses or enterprises that Certification Office for Business Inclusion and Diversity certifies.*

*Requires Oregon Department of Administrative Services to promote policy of diversity, equity and inclusion in public contracting by engaging in efforts to increase public contracting opportunities for businesses and enterprises that Certification Office for Business Inclusion and Diversity has certified. Requires department to review and evaluate results of disparity study, to develop plan to implement and implement priority recommendations of study and to report periodically to Governor's Policy Advisor for Economic and Business Equity concerning progress of department's plan and implementation.*

## SECTION 1

1. A contracting agency may award a ~~procurement of~~ **public contract for** goods or services that does not exceed ~~[\$10,000]~~ **a contract price of \$25,000** in any manner the contracting agency deems practical or convenient, including by direct selection or award. A contract awarded under this section may be amended to exceed ~~[\$10,000]~~ **\$25,000** only in accordance with rules adopted under ORS 279A.065.

2. **A state contracting agency that awards a public contract with a contract price of \$10,000 or more using a method permitted under this section shall document in the state contracting agency's procurement file the actions the state contracting agency takes to:**

a. **Comply with ORS 200.035; and**

b. **Consider for the procurement businesses or enterprises that the Certification Office for Business Inclusion and Diversity certifies under ORS 200.055.**

3. A contracting agency may not artificially divide or fragment a procurement so as to constitute a small procurement under this section.

## SECTION 2

1. A contracting agency may award a ~~procurement of~~ **public contract for** goods or services that exceeds ~~[\$10,000]~~ **a contract price of \$25,000** but does not exceed ~~[\$150,000]~~ **a contract price of \$250,000**, ~~[in accordance with intermediate procurement procedures]~~ **as provided in subsection (4) of this section**. A contract awarded under this section may be amended to exceed ~~[\$150,000]~~ **\$250,000** only in accordance with rules adopted under ORS 279A.065.

2. A state contracting agency that awards a public contract with a contract price of **\$10,000** or more using a method permitted under this section shall document in the state contracting agency's procurement file the actions the state contracting agency takes to:

- a. Comply with ORS 200.035; and
- b. Invite to participate in the procurement qualified businesses or enterprises that the Certification Office for Business Inclusion and Diversity certifies under ORS 200.055.

3. A contracting agency may not artificially divide or fragment a procurement so as to constitute an intermediate procurement under this section.

4. When conducting an intermediate procurement, a contracting agency shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The contracting agency shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the contracting agency shall make a written record of the effort the contracting agency makes to obtain the quotes or proposals.

5. If a contracting agency awards a **public** contract, the contracting agency shall award the **public** contract to the offeror whose quote or proposal will best serve the interests of the contracting agency, 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 under ORS 279B.110.

### **SECTION 3.**

1. A contracting agency may award a public improvement contract only in response to competitive bids, except for:

a. A public improvement contract with a qualified nonprofit agency that provides employment opportunities for individuals with disabilities under ORS 279.835 to 279.855.

b. A public improvement contract that is exempt under subsection (2) of this section.

c. A public improvement contract with a value of less than **[\$10,000]** **\$25,000. A state contracting agency that awards a public improvement contract with a contract price of \$10,000 or more under this paragraph shall document in the state contracting agency's procurement file the actions the state contracting agency takes to:**

**A. Comply with ORS 200.035; and**

**B. Invite to participate in the procurement qualified businesses or enterprises that the Certification Office for Business Inclusion and Diversity certifies under ORS 200.055.**

d. A public improvement contract with a contract price that does not exceed \$100,000 made under procedures for competitive quotes in ORS 279C.412 and 279C.414.

e. A contract to repair, maintain, improve or protect property the Department of Veterans' Affairs obtains under ORS 407.135 and 407.145 (1).

f. An energy savings performance contract that a contracting agency enters into in accordance with rules of procedure adopted under ORS 279A.065.

**Commented [TW1]:** There are no changes after this, only the addition of sections 4,5,6

g. A public improvement contract with an estimated contract price of \$250,000 or less that a contracting agency awards to an emerging small business certified under ORS 200.055 and funds with moneys from the Emerging Small Business Account established under ORS 200.180. A contracting agency that awards a public contract exempted from competitive bidding under this paragraph shall solicit competitive quotes as provided in ORS 279C.414 before making the award.

2. Subject to subsection (4)(b) and (c) of this section, the Director of the Oregon Department of Administrative Services, a local contract review board or, for contracts described in ORS 279A.050 (3)(b), the Director of Transportation may exempt a public improvement contract or a class of public improvement contracts from the competitive bidding requirement of subsection (1) of this section after the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board approves the following findings that the contracting agency submits or, if a state agency is not the contracting agency, that the state agency that is seeking the exemption submits:

a. The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.

b. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. In approving a finding under this paragraph, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the

extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

- A. How many persons are available to bid;
- B. The construction budget and the projected operating costs for the completed public improvement;
- C. Public benefits that may result from granting the exemption;
- D. Whether value engineering techniques may decrease the cost of the public improvement;
- E. The cost and availability of specialized expertise that is necessary for the public improvement;
- F. Any likely increases in public safety;
- G. Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;
- H. Whether granting the exemption will affect the sources of funding for the public improvement;
- I. Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;

J. Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;

K. Whether the public improvement involves new construction or renovates or remodels an existing structure;

L. Whether the public improvement will be occupied or unoccupied during construction;

M. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and

N. Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

c. As an alternative to the finding described in paragraph (b) of this subsection, if a contracting agency or state agency seeks an exemption that would allow the contracting agency or state agency to use an alternative contracting method that the contracting agency or state agency has not previously used, the contracting agency or state agency may make a finding that identifies the project as a pilot project for which the contracting agency or state agency intends to determine whether using the alternative contracting method actually results in substantial cost savings to the



contracting agency, to the state agency or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. The contracting agency or state agency shall include an analysis and conclusion regarding actual cost savings, if any, in the evaluation required under ORS 279C.355.

3. In making findings to support an exemption for a class of public improvement contracts, the contracting agency or state agency shall clearly identify the class using the class's defining characteristics. The characteristics must include a combination of project descriptions or locations, time periods, contract values, methods of procurement or other factors that distinguish the limited and related class of public improvement contracts from the agency's overall construction program. The agency may not identify a class solely by funding source, such as a particular bond fund, or by the method of procurement, but shall identify the class using characteristics that reasonably relate to the exemption criteria set forth in subsection (2) of this section.
4. In granting exemptions under subsection (2) of this section, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall:
  - a. If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition.
  - b. Require and approve or disapprove written findings by the contracting agency or state agency that support awarding a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirement of subsection (1) of this section. The findings must show that the exemption of a contract or class

of contracts complies with the requirements of subsection (2) of this section.

c. Require a contracting agency or state agency that procures construction manager/general contractor services to conduct the procurement in accordance with model rules the Attorney General adopts under ORS 279A.065 (3).

5.

a. A contracting agency or state agency may hold a public hearing before approving the findings required by subsection (2) of this section and before the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board grants an exemption from the competitive bidding requirement for a public improvement contract or a class of public improvement contracts.

b. Notification of a proposed exemption under subsection (2) of this section must be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the date on which the contracting agency intends to take action to approve or disapprove the exemption.

c. The notice must state that in response to a written request, the contracting agency or state agency will hold a public hearing for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement.

d. If the contracting agency or state agency conducts a public hearing, the contracting agency or state agency shall offer an opportunity for any interested party to appear and comment.

e. If a contracting agency or state agency must act promptly because of circumstances beyond the agency's control that do not constitute an emergency, notification of the proposed exemption may be published simultaneously with the agency's solicitation of contractors for the alternative public contracting method, as long as responses to the solicitation are due at least five days after the agency intends to take action to approve or disapprove the proposed exemption.

6. The purpose of an exemption is to exempt one or more public improvement contracts from competitive bidding requirements. The representations in and the accuracy of the findings, including any general description of the resulting public improvement contract, are the bases for approving the findings and granting the exemption. The findings may describe anticipated features of the resulting public improvement contract, but the final parameters of the contract are those characteristics or specifics announced in the solicitation document.

7. A public improvement contract awarded under the competitive bidding requirement of subsection (1) of this section may be amended only in accordance with rules adopted under ORS 279A.065.

8. A public improvement contract that is excepted from the competitive bidding requirement under subsection (1)(a), (c), (d), (e), (f) or (g) of this section is not subject to the exemption requirements of subsection (2) of this section.

#### **SECTION 4**

**The Oregon Department of Administrative Services shall promote and apply a policy of diversity, equity and inclusion in public contracting by engaging in efforts to increase public contracting opportunities for businesses and enterprises that the Certification Office for Business Inclusion and Diversity has**

certified under ORS 200.055. The department shall undertake the following actions:

1. Review and evaluate the recommendations of a statewide study of disparities in awarding public contracts;
2. Develop a plan to implement the priority recommendations set forth in the study described in subsection (1) of this section;
3. Implement the priority recommendations set forth in the study described in subsection (1) of this section; and
4. Report to the Governor's Policy Advisor for Economic and Business Equity concerning the department's plan and implementation every six months until the earlier of the date on which the department has fully implemented the priority recommendations or June 30, 2025. The department shall submit the first report not later than 90 days after the completion of the study described in subsection (1) of this section.

#### **SECTION 5**

Section 4 of this 2023 Act and the amendments to ORS 279B.065, 279B.070 and 279C.335 by sections 1 to 3 of this 2023 Act apply to procurements that a contracting agency advertises or otherwise solicits or, if the contracting agency does not advertise or otherwise solicit the procurement, to public contracts into which the contracting agency enters on or after the operative date specified in section 6 of this 2023 Act.

#### **SECTION 6**

**1. The amendments to ORS 279B.065, 279B.070 and 279C.335 by sections 1 to 3 of this 2023 Act become operative on January 1, 2024.**

**2. A contracting agency that adopts rules under ORS 279A.065 or 279A.070 may adopt rules and take any other action before the operative date specified in subsection (1) of this section that is necessary for the contracting agency to undertake and exercise all of the duties, functions and powers conferred on the contracting agency by the amendments to ORS 279B.065, 279B.070 and 279C.335 by sections 1 to 3 of this 2023 Act.**

DRAFT



## Resolution 24-0410

### Public Contracting Rules And Procedures Amending 2021-11-03 (adopting updated and revised Attachment A)

**WHEREAS**, Marion Soil and Water Conservation District (District) is an Oregon special district which is subject to Oregon's public contracting laws [ORS chapters 279A, 279B, and 279C]; and

**WHEREAS**, ORS 279A.065 and 279A.070 authorize public contracting agencies to adopt local rules for public contracting; and

**WHEREAS**, on March 2, 2005, the District's Board of Directors adopted Resolution No. **030205C**, Adopting Public Contracting Rules and Prescribing Procedural Rules for Public Contracting ("Contracting Rules"); and amended such Contracting Rules on February 20, 2014, and November 11, 2021; and

Commented [TW1]: My addition

**WHEREAS**, the District's Board of Directors desires to update and revise the Contracting Rules to address changes in the law and to clarify certain procedures;

**NOW, THEREFORE, BE IT RESOLVED**, that the District's Board of Directors, acting both as the governing body of the District and as the Local Contract Review Board (LCRB), adopts the Contracting Rules as shown in Attachment A to this Resolution.

The Contracting Rules shown in Attachment A shall supersede and replace all prior local contracting rules adopted by the District.

ADOPTED

Month, Day, Year by a \_\_\_ to \_\_\_ vote of the Marion SWCD Board of Directors.

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Board of Directors Chair Signature

## Marion Soil and Water Conservation District USDA Conservation Plan Review Policy

**Purpose:** Oregon's Soil and Water Conservation Districts are invited to provide input and take board action on conservation plans provided by the Natural Resources Conservation Service (NRCS).

**The Marion Soil and Water Conservation District (SWCD) shall use the following procedures and criteria to evaluate conservation plans for USDA Programs including but not limited to:**

- Conservation Reserve Program (CRP) General and Continuous
- Conservation Reserve Enhancement Program (CREP)
- Environmental Quality Incentive Program (EQIP)
- Grassland Reserve Program (GRP)
- Wetland Reserve Program (WRP)
- Wildlife Habitat Incentives Program (WHIP)

**The Directors shall follow the procedures and criteria as listed below.**

- 1) Conservation plans shall be reviewed and acted upon according to procedures in 2 (a) and 2 (b) below at a sanctioned SWCD board meeting. When necessary the board may also choose to use procedure 2 (c).
- 2) The conservation plan will be reviewed in one of three ways:
  - a) **Open Session.** This method is strongly preferred by the Directors based on public review for public funds expended. In order to review a plan in open session, an individual must provide written permission stating that he or she has given the Directors authorization to review and discuss certain details of their plan. An individual is encouraged to attend the open session but is not required to do so.
  - b) **Closed Executive Session.** An Executive Session may be held to discuss aspects of the plan that an individual did not give his or her permission to discuss in open session. The Directors may find it necessary to review and discuss this information in order to help them make a decision regarding the plan in open session. The Directors shall determine who will be permitted to attend the executive session. All others will be asked to leave temporarily until the board resumes the open session. Once the board reconvenes the open session, the Directors must have written permission from the individual to state at the least the name used on the conservation plan in order for the board to take any official action. Official action by the board may include either approving, not approving, recommending or not recommending to write a letter of support based on what USDA program the plan falls under.
  - c) **No Written Permission.** If an individual does not give the board written permission to disclose any information about his or her plan in open session, then the board may delegate the authority to a director or directors to review and sign the plan on behalf of the board.
- 3) A Conservation Plan shall be evaluated on the following criteria:
  - a) The plan meets the individual's conservation, environmental and economic objectives.
  - b) The plan meets one or more of the District's resource concerns as stated its Business Plan.
  - c) The practices are necessary and will treat the identified problem(s).
  - d) The practices are feasible.
  - e) All necessary permits, land rights, water rights, and other assurances are expected to be obtained with minimal difficulty or already have been obtained.
  - f) The project does not have any direct off-site negative impacts to neighboring properties.
  - g) Other special districts, i.e. a water control district, in the project area has been contacted and proof of contact has been submitted to the Marion Soil and Water Conservation District prior to the board reviewing the plan.
- 4) The District Chair shall be authorized to sign conservation plan revisions, if the District Manager and the Chair in consultation with NRCS determines that the revisions are minor and limited in scope.
- 5) This policy can be amended at any time at a regularly sanctioned District meeting.

This policy was adopted unanimously by the Board of Directors at its regularly scheduled meeting on September 3, 2003.

Adopted: September 3, 2003  
Approved: September 3, 2003

Marion Soil & Water Conservation District



Ralph Fisher, Chair

## **Marion Soil and Water Conservation District USDA Conservation Plan Review Procedures**

**Purpose:** Oregon's Soil and Water Conservation Districts are invited to provide input and take board action on conservation plans provided by the Natural Resources Conservation Service (NRCS).

**The Marion Soil and Water Conservation District (SWCD) shall use the following procedures to review and approve conservation plans for USDA Programs including but not limited to:**

- Conservation Reserve Program (CRP) General and Continuous
- Conservation Reserve Enhancement Program (CREP)
- Environmental Quality Incentive Program (EQIP)
- Grassland Reserve Program (GRP)
- Wetland Reserve Program (WRP)
- Wildlife Habitat Incentives Program (WHIP)

**The Marion SWCD and NRCS Staff shall follow the procedures listed below when preparing to mail conservation plan information for review by the elected board members prior to any board meeting.**

- 1) Give general background information and list the practices and activities that the plan covers.
- 2) Prepare and include a conservation plan map showing area or location of property.
- 3) List what information the landowner or individual has given permission to release.
  - a) If information is limited, then state that further discussion of their plan beyond permitted information shall require an executive session
  - b) Or state that permission has been given that any information may be discussed in open session.
- 4) Clearly state funding status by:
  - a) No funding being requested at this time.
  - b) There is a potential for future funding.
  - c) There is a request for funds and list what program or financial source being sought.
- 5) When preparing the information for mailing, assemble together all the plans that require an executive session and then assemble together those plans that can be discussed in open session. This is to help avoid any confusion about what plans can or cannot be discussed in open session.
- 6) For quick reference, list on a separate piece of paper and preferably in alphabetical order, all the conservation plans with each planner's name and phone number along side it.
- 7) When mailing plan information it shall be placed in a separate envelope and marked confidential.
- 8) No conservation plans, unless requested during an executive session, shall be brought into the meeting room. The staff shall have available only the signature page for signing once a plan has been approved.
- 9) Prior to the board meeting staff shall compile a list of all conservation plans to be approved during the meeting. Staff shall then separate out those plans with limited permission that would require an executive session from those that can be freely discussed in an open meeting. This list will be distributed during the board meeting and shall only contain the information that the landowner or individual has granted permission to release and nothing else.

**The Marion SWCD Board Members shall follow the procedures listed below when reviewing conservation plan information prior to any board meeting.**

- 1) Each board member shall review each plan prior to the board meeting and call the person who wrote the plan if there are questions or for further clarification.
- 2) After reviewing a plan's information, each board member shall come to the board meeting prepared to make a decision to either approve or not approve a plan.
- 3) Board members are not to discuss with others any information about an individual's conservation plan unless they have written permission from the individual.
- 4) Board members **shall not** bring into the meeting room any plan information that was mailed to them prior to the meeting. If necessary, board members may bring their own notes to use as a reference when making a decision on a particular plan.
- 5) These procedures can be amended at any time at a regularly sanctioned District meeting.



**Marion Soil and Water Conservation District  
USDA Conservation Plan Review Procedures Continued:**

**The Marion SWCD Board Chair shall follow the procedures listed below during a board meeting.**

- 1) The chair and all the board members shall be given a list of all conservation plans that need to be approved during the meeting. The list shall have the plans separated by the ones with limited permission that would require an executive session from those that can be freely discussed in an open meeting.
- 2) The chair shall ask the board members if there is a need to call an executive session for the purpose of discussing any of the plans from the list of those that have only granted a limited release of information.
- 3) Should there be a request for an executive session then the chair shall call one in accordance with **ORS 192.660 (1) (f) "To consider records that are exempt by law from public inspection."** The chair will state the start and ending time of the executive session and announce only those persons who will be allowed to remain during the executive session. All others will be excused from the room until the open session resumes.
- 4) The chair shall resume the open session at the appropriate time and ask those that have stepped out of the room to return.
- 5) Should there be no request for an executive session to discuss any of the plans, then the chair shall go down the list and ask for board motions to approve the said conservation plans according to the what information can be released

**These procedures were adopted unanimously by the Board of Directors at its regularly scheduled meeting on January 20, 2004.**

**Adopted: January 20, 2004  
Approved: January 20, 2004**

**Marion Soil & Water Conservation District**



\_\_\_\_\_  
**Ralph Fisher, Chair**

# Partner Grant



## Evaluation and Award Process

2023 – 2024

## Evaluation and Award Process

### Minimum Requirements Review

Grants Coordinator will review applications according to the following guidelines:

- Protect, conserve, and improve the quality of soil and water in Marion County through planning, technical assistance and education.
- In the District or for the benefit of the constituents of the District
- Must be current on all District grant reporting (completion reports, financial reports)
- Technical Assistance and Project Implementation:
  - On the ground project implementation must be within the boundaries of the District
  - For TA and Implementation
    - Must solve a natural resource issue
    - Must address one or more of the District's Natural Resource Concerns
- Capacity Grants
  - Must certify that they meet minimum eligibility standards as provided in Appendix A-Partner Capacity Grant Eligibility Standards.
- Budget – completeness, addition, allowed expenses, and related
- Must meet the match requirements
- Within funding limitations – request total
  - All grant funds count toward limitation

### Application Review Criteria

Proposal Clarity:

- Project is ready to implement
- Project is clearly defined
- Scope and scale of project is feasible
- Project uses appropriate methods
- Can be completed in proposed timeframe

Budget and Cost Effectiveness

- Represents proposal
- Budget is cost effective,
- Budget is reasonable,
- Costs are aligned with the work necessary to accomplish the proposed components.

Applicant

- Capacity to complete the project,
- Capacity for stewardship and maintenance,
- Past projects completed as proposed,
- Engages appropriate partners.

## Committee Review

### Committee assignments for review and evaluation

- Partner Capacity Support
  - Applications are reviewed by 1) staff, 2) Admin Committee, 3) Board
- Education, Outreach, Technical Assistance, and Project implementation
  - Applications are reviewed by 1) staff, 2) Committee, 3) Board
    - E&O Committee reviews Education and Outreach
    - Natural Resources Committee reviews Technical Assistance and Project Implementation

### Committee Member Review

1. Each committee member shall review and evaluate each application individually based on how well the proposed project meets the Review Criteria.
2. Each committee member shall recommend each project, with written justification of the recommendation, as one of the following:
  - Do Fund
  - Do Fund with conditions.
  - Do Not Fund
  - Defer to staff or the Board with an explanation if there is a policy issue or budget issue that needs to be addressed.
3. Each committee member shall rank order all recommended (Do Fund & Do Fund with Conditions) applications
  - Rank based on how well the application meets the Review criteria, with the following preferences:
    - Applications with direct evidence of collaboration between stakeholders and agencies over single part projects
    - Certainty of success based on organizational capacity of applicant and likelihood of meeting application objectives
    - Expected benefits to District constituents and/or natural resources
    - Project cost relative to anticipated benefits / outcomes
  - Applications with Do Not Fund or Defer will be considered as ranked at the lowest level, i.e. zero or equivalent

### Compilation of Rankings

#### Staff compiles ranking results

- Applications with Do Fund and Do Fund with conditions, will have their ranks averaged.
- Applications receiving three (3) or more Do Not Fund, or Defer, will automatically be denied

## Committee Review

Committee will review Rankings and make any recommendations for conditions or stipulations.

The Committee may revise Ranking order.

- Individual committee members may choose to change their decision and ranking

The Committee will

- Provide recommendations to the Board based on ranking
- Provide recommendations to the Board for application funding amount (i.e. Requested amount and recommended amount)

Staff review of the rankings and funding

- Clarify any issues

## Board Review and Award

Board will review Committee Recommendations

- May revise funding amounts for any application prior to approval
- May deny an application funding based upon available District funding
- Receives list of all applications, both those recommended for funding and those denied funding

If a application is funded, the decision will be formalized with a written agreement that will include Marion SWCD and grantee responsibilities, a description of reporting and monitoring requirements, procedures for requesting payments, etc.

**Project Name**

Name of Project.

**Review Criteria**

Review the application based upon how well the proposed project the following criteria:

Proposal Clarity:

- Project is ready to implement.
- Project is clearly defined.
- Scope and scale of project is feasible.
- Project uses appropriate methods.
- Can be completed in proposed timeframe.

Budget and Cost Effectiveness

- Represents proposal
- Budget is cost effective.
- Budget is reasonable.
- Costs are aligned with the work necessary to accomplish the proposed components.

Applicant

- Capacity to complete the project
- Capacity for stewardship and maintenance
- Past projects completed as proposed.
- Engages appropriate partners.

**Would you recommend funding this grant?\***

Select one of the following:

- Do Fund
- Do Fund with Conditions
- Do Not Fund
- Defer to staff or the Board

**Defer to staff or Board - Provide More information**

If you selected, Defer to staff or Board on the previous question, provide an explanation where there is a policy or budget issue that needs to be addressed.

**Ranking Instructions**

Rank the application based on how well the application meets the Review criteria, with the following preferences:

- Applications with direct evidence of collaboration between stakeholders and agencies over single part projects
- Certainty of success based on organizational capacity of applicant and likelihood of meeting application objectives.
- Expected benefits to District constituents and/or natural resources.
- Project cost relative to anticipated benefits / outcomes

**Ranking\***

Rank can range between 0 (lowest score) and 50 (highest score)

Grants need not be ranked in consecutive order, for example, a very good application may receive a score of 48, and a poor application may receive a score of 20.

*An Application recommended "Do Not Fund" or "Defer to staff or the Board" shall be marked at the lowest level, i.e. Zero (0).*

N/A	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50

**Additional Comments**

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