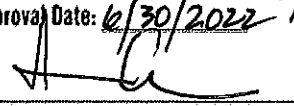




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Signature: 

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Date: 6/30/2016

Updated: 6/30/2022

Date To Be Reviewed: Five Years – 6/30/2027

## Title of Document: 4.8 LOPR\_Contractors and Contract Employees

### Background

The guidelines for hiring consultants and contract employees fall under the Lake Oswego Public Contract Rules. The purpose of this document is to highlight authority for contracting, the definition of Personal Service Contracts, and contracting rules associated with executing Personal Service Contracts.

Effective March 1, 2005, new contracting rules adopted by City Council Resolution 05-19 made the following provisions:

Creates the Lake Oswego Public Contract Rules (Sections 101, 102, 103 and 104.)

Delegates authority to the City Manager, or designee, authority to award contracts and amendments to contract as set forth in 101-0140.

Delegates authority to the City Manager, or designee, to execute certain types of intergovernmental agreements (IGAs) and contracts with other governmental entities:

Refer to Resolution 05-19 for the specific details.

Supports the special class procurement exceptions to the competitive bidding process

### Procedure:

#### *Definition of Personal Service Contract*

Many of the contract rules treat some contracts differently than others, based on the category of the contract - Service, Personal Service, Purchase, Public Improvement. In addition, state law requires that different types of contracts contain different provisions, so a different form of contract must be prepared.

For Consultants, the Personal Service Contract and City Standard Provisions apply.

Lake Oswego Parks & Recreation (LOPR) contracted program providers are also hired using Personal Service Contracts.



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<b>Personal Service</b>	Professional / Creative	Personal service contracts include, but are not limited to professionals (accountant; attorney; land use planner; registered professional engineer*; appraiser or surveyor*; physician or dentist; commercial pilot; aerial photographer; data processing consultant or broadcaster or creative services (artist in the performing or fine arts; photographer; filmmaker; painter; weaver; or sculptor); specialized, creative and research-oriented services; consultant; or educational services.
	For Public Improvement	<b>But See:</b> Engineer, Architect, Land Surveyor, Photogrammetric Mapper, Transportation Planner (NEPA grant), and related services for Public Improvement See <a href="#">Special Qualification-Based Selection Process</a> .

(24) “Personal Services Contract” or “Contract for Personal Services” means:

1. A contract or member of a class of contracts that the Board has designated as a Personal Services Contract pursuant to ORS 279A.055, or
2. A contract or member of a class of contracts whose primary purpose is to acquire specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment, including, without limitation, a contract for the services of:
  - a. accountant; attorney; educator, land use planner; registered professional engineer; appraiser or surveyor, physician or dentist; commercial pilot; aerial photographer; information technology consultant, or other consultant, or
  - b. broadcaster or artist (including a photographer, filmmaker, painter, weaver or sculptor).

The PCO shall have discretion to determine whether a particular type of contract or service falls within the foregoing definitions.

*Public Contract Rules for Personal Service Contracts*

Lake Oswego (LO) Public Contract Rules (LO modification to State Attorney General Public Contract Rules - OAR 137-047), Division 47, Section 47-0277 of the outlines the rules for Personal Service contracting. The link to both the OAR and LO documents document can be found at the link below:

<https://www.ci.oswego.or.us/cityattorney/lake-oswego-public-contract-index>

Generally, a Personal Services contract may be awarded without competitive bidding or solicitation of quotations EXCEPT

- a. For architectural, engineering, land surveying, transportation planning and photogrammetric mapping and related services
- b. If the contract price exceeds \$100,000, the PCO must comply with requirements outlined in subsection (4) of 47-0277



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Lake Oswego Parks & Recreation mostly hires instructors and temporary needed help under the On-Call or Temporary Employee title and using temporary employment agencies.

Lake Oswego Parks & Recreation (LOPR) typically hires temporary/on call employees through the standard hiring process. Definitions of employee types are found in the City’s Human Resources Personnel Policy 2-1. Refer to the graphic below:

Personnel Policy 2-1

3. <i>On-Call Employee</i>	Employees who are normally scheduled to work less than 20 hours a week or 'as needed' for an indefinite period of time are considered 'on call' employees.
4. <i>Temporary Employee</i>	Employees who are hired for a limited duration arising out of special projects, abnormal and seasonal workloads or emergencies, are considered temporary employees.
5. <i>Eligibility for Benefits</i>	<p>Probationary and regular employees are eligible to participate in the City’s benefit package, subject to the terms, conditions, and limitations of each benefit program and as set forth in the respective labor agreement.</p> <p>On-call and temporary employees are generally not eligible to participate in the City’s benefit package.</p>

*LOMEA Provisions Regarding Subcontracting Work*

The LOMEA Agreement p. 35 make references to contract employees in ARTICLE 21 - SUBCONTRACTING Section 21.1. that states, “The City shall have the exclusive right to subcontract work performed by employees” and provides additional conditions if the hiring if prior to the effective date of a pending layoff. ARTICLE 31 - SEASONAL EMPLOYEES GENERALLY Section 31.1. outlines the treatment of seasonal employees.

AGREEMENT BETWEEN THE CITY OF LAKE OSWEGO AND THE LAKE OSWEGO MUNICIPAL EMPLOYEE’S ASSOCIATION (LOMEA), Local 1546 of AFSCME Council 75 AFL-CIO JANUARY 1, 2022 THROUGH JUNE 30, 2024 – Link available under References.

**Links to Sources:**

[LOMEA Agreement](#) Section 21, 21.1 pg 35

[LO Standard Contract Provisions](#)

[OAR 137-047 State of Oregon Model Rules Public Procurements for Good or Services](#)

[Division 47, 47-0277 LO Personal Services Procurements](#)

Public Contracting <https://www.ci.oswego.or.us/cityattorney/lake-oswego-public-contract-index>



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**Reference Documents:**

City of Lake Oswego Resolution 05-19 Public Contracting Revision  
4.8.A LOPR\_Hiring\_Contracting Exceptions

**Responsibility/Contacts:** Director, Deputy Directors, Administrative Assistants, Contracts  
Administrator, CAO