

**LAKE OSWEGO PUBLIC CONTRACT RULES 2016
(with 2018 Amendment)**

Division 49 (LO)

GENERAL PROVISIONS RELATED TO PUBLIC CONTRACTS FOR CONSTRUCTION SERVICES

049-0240 Pre-Offer Conferences 3
49-0461 (LO) Waiver of Requirement for Bid Security, Performance and Payment Bonds
..... 3

Related AG Model Rules: [OAR 137-049](#):

DIVISION 49

MODEL RULES

GENERAL PROVISIONS RELATED TO PUBLIC CONTRACTS FOR CONSTRUCTION SERVICES

- 137-049-0100** Application
- 137-049-0110** Policies
- 137-049-0120** Definitions
- 137-049-0130** Competitive Bidding Requirement
- 137-049-0140** Contracts for Construction Other Than Public Improvements
- 137-049-0150** Emergency Contracts; Bidding and Bonding Exemptions
- 137-049-0160** Intermediate Procurements; Competitive Quotes and Amendments
- Formal Procurement Rules**
- 137-049-0200** Solicitation Documents; Required Provisions; Assignment or Transfer
- 137-049-0210** Notice and Advertising Requirements; Posting
- 137-049-0220** Prequalification of Offerors
- 137-049-0230** Eligibility to Bid or Propose; Registration or License
- 137-049-0240** Pre-Offer Conferences
- 137-049-0250** Addenda to Solicitation Documents
- 137-049-0260** Request for Clarification or Change; Solicitation Protests
- 137-049-0270** Cancellation of Solicitation Document
- 137-049-0280** Offer Submissions
- 137-049-0290** Bid or Proposal Security
- 137-049-0300** Facsimile Bids and Proposals
- 137-049-0310** Electronic Procurement
- 137-049-0320** Pre-Closing Modification or Withdrawal of Offers
- 137-049-0330** Receipt, Opening and Recording of Offers; Confidentiality of Offers
- 137-049-0340** Late Bids, Late Withdrawals and Late Modifications
- 137-049-0350** Mistakes
- 137-049-0360** First-Tier Subcontractors; Disclosure and Substitution
- 137-049-0370** Disqualification of Persons
- 137-049-0380** Bid or Proposal Evaluation Criteria
- 137-049-0390** Offer Evaluation and Award; Determination of Responsibility
- 137-049-0395** Notice of Intent to Award
- 137-049-0400** Documentation of Award; Availability of Award Decisions
- 137-049-0410** Time for Contracting Agency Acceptance; Extension
- 137-049-0420** Negotiation With Bidders Prohibited

- 137-049-0430** Negotiation When Bids Exceed Cost Estimate
- 137-049-0440** Rejection of Offers
- 137-049-0450** Protest of Contractor Selection, Contract Award
- 137-049-0460** Performance and Payment Security; Waiver
- 137-049-0470** Substitute Contractor
- 137-049-0490** Foreign Contractor

Alternative Contracting Methods

- 137-049-0600** Purpose
- 137-049-0610** Definitions for Alternative Contracting Methods
- 137-049-0620** Use of Alternative Contracting Methods
- 137-049-0630** Findings, Notice and Hearing
- 137-049-0640** Competitive Proposals; Procedure
- 137-049-0645** Requests for Qualifications (RFQ)
- 137-049-0650** Requests for Proposals ("RFP")
- 137-049-0660** RFP Pricing Mechanisms
- 137-049-0670** Design-Build Contracts
- 137-049-0680** Energy Savings Performance Contracts (ESPC)
- 137-049-0690** Construction Manager/General Contractor Services ("CM/GC Services")

Contract Provisions

- 137-049-0800** Required Contract Clauses
- 137-049-0810** Waiver of Delay Damages Against Public Policy
- 137-049-0815** BOLI Public Works Bond
- 137-049-0820** Retainage
- 137-049-0830** Contractor Progress Payments
- 137-049-0840** Interest
- 137-049-0850** Final Inspection
- 137-049-0860** Public Works Contracts
- 137-049-0870** Specifications; Brand Name Products
- 137-049-0880** Records Maintenance; Right to Audit Records
- 137-049-0890** Contracting Agency Payment for Unpaid Labor or Supplies
- 137-049-0900** Contract Suspension; Termination Procedures
- 137-049-0910** Changes to the Work and Contract Amendments

049-0240 Pre-Offer Conferences

[Amendment or supplement of Model Rule is shown by “redline” revisions to the text of the rule; new text is shown by double underline, and deleted text is shown by strikethrough.]

(1) Purpose. A Contracting Agency may hold pre-Offer conferences with prospective Offerors prior to Closing, to explain the Procurement requirements, obtain information or to conduct site inspections.

(2) Required attendance. The Contracting Agency may require attendance at the pre-Offer conference as a condition for making an Offer. Unless otherwise specified in the Solicitation Document, a mandatory attendance requirement is considered to have been met if, at any time during the mandatory meeting, a representative of an offering firm is present.

(3) Scheduled time. If a Contracting Agency holds a pre-Offer conference, it shall be held within a reasonable time after the Solicitation Document has been issued, but ~~sufficiently before the Closing to allow Offerors to consider information provided at that conference~~ in no event less than 7 days prior to the Closing Date. .

(4) Statements Not Binding. Statements made by a Contracting Agency's representative at the pre-Offer conference do not change the Solicitation Document unless the Contracting Agency confirms such statements with a Written Addendum to the Solicitation Document.

(5) Contracting Agency Announcement. The Contracting Agency must set forth notice of any pre-Offer conference in the Solicitation Document in accordance with OAR 137-049-0200(1)(a)(B).

49-0461 (LO) Waiver of Requirement for Bid Security, Performance and Payment Bonds

[This LOPCR is in addition to the Model Rules; it does not revise a Model Rule.]

Pursuant to ORS 279C.390 and OAR 137-049-0460(1), the requirements for bid security, performance and payment bonds for following classes of Public Improvement Contracts are waived, unless the PCO elects to require such bonds, but in such event the PCO shall not exercise such discretion to discourage competition:

(1). Performance and Payment Bonds: Public Improvement Contracts with a Contract Price equal to or less than \$100,000 or, in the case of Contracts for highways, bridges and other transportation projects, less than \$50,000, except as may be otherwise required by these rules.

(2). Bid Security: Public Improvement Contracts with a Contract Price equal to or less than \$100,000 except as may be otherwise required by these rules.

Amended: Res. 18-03, 2018.