



PROCUREMENT PROCEDURES

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Owner:	Finance

Note: Terms that are ***bolded and italicized*** the first time they appear in this regulation are defined below. After the first occurrence, defined terms appear in *italics only*.

PURPOSE:

This administrative regulation serves as an update to the Purchasing Guidelines administrative regulations. In the event of a conflict, this regulation governs.

SCOPE:

This regulation applies to all employees who initiate, approve, or administer procurements on behalf of the City.

POLICY:

It is the policy of the City to expend public funds in a fair, transparent, and legally compliant manner in accordance with federal law, state law, and the Springfield Municipal Code ([SMC 2.700](#)) et seq.

This regulation provides a user-friendly, step-by-step outlined of the procurement process consistent with the Springfield Public Contracting Code ([SMC 2.700](#) et seq).

This regulation does not apply to procurements, contracts, and agreements that are exempt from the Public Contracting Code under [SMC 2.703](#).

Where this regulation does not provide specific procedural details, employees must comply with [SMC 2.700](#) et seq. and the applicable Oregon Administrative Rules ([OAR chapter 137](#), divisions 46-49).

The procurement process generally includes the following steps:

1. [Identify the Anticipated Dollar Value](#)
2. [Verify Budgetary Authority](#)
3. [Determine the Procurement Category](#)
4. [Feasibility Determination/Cost Analysis](#)
5. [Use the Oregon Forward Program](#)
6. [Determine the Level of Competition Required](#)
7. [Obtain Approval for Exemptions to Competitive Procurement](#)
8. [Conduct the Solicitation](#)
9. [Amend an Existing Procurement](#)
10. [Dispose of Surplus Property](#)

PROCEDURE:

1. **Identify the Anticipated Dollar Value**

- a. The anticipated contract price of a procurement is important in determining the type of solicitation process to complete. It will be used in many of the following steps, beginning with budget authority.
- b. The anticipated contract price must include all contract costs, including reimbursement to a contractor for expenses, over the lifetime of the contract (i.e. including all renewals or extensions permitted under the original agreement and likely to be utilized by the City).
- c. Procurements may not be artificially divided or fragmented to reduce the anticipated contract price in order to qualify for a lower level of competition.

2. Verify Budgetary Authority

- a. City funds may not be expended without a budgetary appropriation. The resolution(s) adopting and amending the budget sets the total appropriation at the legal level (Fund-Department) and it is a budget violation to overspend that appropriation.
- b. Unanticipated procurements may be allowed but require a supplemental budget approval by the Council before entering into any binding agreement with a contractor.
 - (1) If you plan to make an unbudgeted procurement, you must first contact the Finance Department and your department budget preparer.
 - (2) Employees who are authorize to expend funds in excess of budget authority may be subject to personal liability under [ORS 294.100](#).

3. Determine the Procurement Category

A. Goods and Services

- a. Procurement of goods, services, or any combination of goods and related services.
- b. Goods are supplies, equipment, materials, and personal property, including any tangible, intangible, and intellectual property and rights and licenses.
- c. Services are the provision of labor separate from the production of goods, but not including Personal Services or Professional Services defined below. Reference: [ORS 279A.010\(1\)\(i\), \(j\), \(kk\)](#).

B. Personal Services

- a. Specialized services as defined in [SMC 2.702\(3\)](#), other than professional services.
- b. The following types of contracts may be considered personal services contracts. The City Manager may decide on a per-contract basis that other types of services are personal services based on the factors in [SMC 2.707\(1\)](#).
 - (1) Financial:
 - (i) Accountants,

- (ii) Auditors,
- (iii) Financial Advisors.
- (iv) Insurance Brokers, and
- (v) Investment Consultants.

(2) Legal:

- (i) Attorneys,
- (ii) Bond Counsel,
- (iii) Court Reporters,
- (iv) Expert Witnesses,
- (v) Investigators,
- (vi) Legal Consultants, and
- (vii) Risk Consultants.

(3) Real Property:

- (i) Appraisers,
- (ii) Property Management Consultants,
- (iii) Real Estate Brokers, and
- (iv) Agents.

(4) Arts:

- (i) Actors,
- (ii) Digital Artists,
- (iii) Directors,
- (iv) Filmmakers,
- (v) Illustrators,
- (vi) Musicians,
- (vii) Muralists,
- (viii) Painters,
- (ix) Performers,
- (x) Photographers,
- (xi) Sculptors,
- (xii) Weavers, and
- (xiii) Other fiber artists.

(5) Communications:

- (i) Broadcasters and
- (ii) Public Relations Consultants.

(6) Medical:

- (i) Physicians,
- (ii) Nurses, and
- (iii) Psychologists.

(7) Information Technology:

(i) Information Technology Consultants.

C. Professional Services:

- a. Procurement of architectural, engineering, land surveying, photogrammetric, transportation planning or related services, or any combination of these services, provided by a consultant.
- b. Related services are defined in [SMC 2.702\(6\)](#).

D. Public Improvements:

- a. Procurement for the construction, reconstruction, or major renovation of real property.
- b. Reference: [ORS 279A.010\(1\)\(dd\)](#).

4. Feasibility Determination/Cost Analysis

- a. Before conducting a procurement for Services at or exceeding \$250,000, employees must complete a written feasibility determination and cost analysis as required by ORS [279B.030 through 279B.036](#), demonstrating that the City would incur less cost than performing the services with City personnel, or that it is not feasible to perform the services with City personnel and resources.
- b. The [Feasibility Determination and Written Cost Analysis Form](#) must be completed in compliance with [OAR 137-047-0250](#).
- c. The completed form must be submitted to the Department or Division Director or Deputy Director for review and approval.
- d. If the Department or Division Director or Deputy Director recommends proceeding with procurement, the form must be forwarded to the City Manager's Office for final review and approval.
- e. All approved forms must be submitted to the Finance Department.
- f. At least once per calendar quarter, the Finance Department Designee will submit a report to the Springfield City Council with a summary of cost analyses and feasibility determinations occurring since the last report.

5. Use the Oregon Forward Program

- a. The [Oregon Forward Program](#), formerly known as the QRF Program, fulfills a state law supporting meaningful work opportunities for Oregonians living with physical, mental, and developmental disabilities. Through a network of qualified nonprofit contractors, staff are trained and employed to provide goods and services procured by state and local government agencies.
- b. Before procuring a good or service (including public improvements, personal services, and

professional services) from any other source, City employees must first determine availability by reviewing the list of available products and services online through the [State of Oregon's website](#).

- c. City employees must procure goods or services through an Oregon Forward contractor when the product or service meets City specifications and is available within the time required.
- d. Employees shall not artificially define specifications, scope, or timelines for the purpose of avoiding or circumventing Oregon Forward requirements.
- e. No other competitive procurement steps are required when using an Oregon Forward contractor.
- f. The following steps apply when using Oregon Forward Contractor:
 - (1) When procuring products, download from Springboard and complete the Purchase Order (For Use with Cooperative Agreements) and referencing the applicable state price agreement number.
 - (2) When procuring services, execute a state-approved contract provided by the Oregon Forward contractor. If no state-approved contract is available, contact the Finance department to determine the appropriate contracting approach.

6. Determine the Level of Competition Required

A. Goods and Services (Muni Code Ref. [SMC 2.706](#)):

<i>Contract Amount</i>	<i>Required Procedure</i>
\$25,000 or less	Small Procurement
\$25,000.01 – \$250,000	Intermediate Procurement
More than \$250,000	Competitive Sealed Bids or Proposals

B. Personal Services ([SMC 2.707](#)):

<i>Contract Amount</i>	<i>Required Procedure</i>
\$250,000 or less	Small Procurement
More than \$250,000	Competitive Sealed Bids or Proposals

C. Professional Services (Muni Code Ref. [SMC 2.708](#)):

<i>Contract Amount</i>	<i>Required Procedure</i>
\$100,000 or less	Small Procurement
\$100,000.01 – \$250,000	Competitive Proposals (Informal)
More than \$250,000	Competitive Proposals (Formal)

D. Public Improvement Contracts (Muni Code Ref. [SMC 2.709](#)):

<i>Contract Amount</i>	<i>Required Procedure</i>
\$25,000 or less	Small Procurement
\$25,000.01 – \$100,000	Intermediate Procurement
More than \$100,000	Competitive Sealed Bids or Proposals (Proposals with special approval)

7. Obtain Approval for Exemptions from Competitive Requirements

A. Exemptions:

- a. Employees seeking an exemption from competitive procurement requirements must coordinate with their department’s purchasing lead before proceeding.

B. Sole Source Selection:

- a. An employee who believes that required goods, services, or personal services are available from only one source must complete the [Sole Source Justification Form](#).
- b. Sole Source Justifications must be reviewed and approved by the:
 - (1) City Attorney’s Office;
 - (2) Finance Department Designee;
 - (3) Department or Division Director or Deputy Director; and
 - (4) City Manager.
- c. Sole source determinations are subject to [OAR 137-047-0275](#), including but not limited to the requirement to provide public notice for sole source procurements greater than \$250,000.

C. Special Procurements:

- a. Special selection, evaluation, or award procedures for Goods and Services, Personal Services, Professional Services, and Public Improvements are subject to [ORS 279B.075](#) and [ORS 279C.335](#) and applicable Model Rules.
- b. Special procurements may be approved for a single contract or a class of contracts. Contact the Finance Department Designee and City Attorney’s Office for assistance with a special procurement.

D. Emergency Procurement (All Procurement Categories):

- a. Emergency procurement may be authorized by the City Manager as per [SMC 2.710](#) and [ORS 279B.080](#).
- b. Except for circumstances described below, an employee responsible for an emergency procurement must complete the [Emergency Procurement Justification Form](#).
- c. The form must be reviewed and approved by the City Attorney’s Office, Finance Department Designee, Department or Division Director or Deputy Director, and City Manager before the

emergency procurement is awarded.

- d. Forms must be forwarded to the City Council within thirty (30) days of the emergency procurement.
- e. When emergency procurement is specifically authorized in a Declaration of a State of Emergency, no Emergency Procurement Justification Form is required, provided the City Manager or their designee approves of the procurement.
 - (1) If emergency circumstances prevent completion of the Emergency Procurement Justification Form prior to conducting the procurement, an employee may proceed with emergency procurement based on verbal or informal approval from the City Attorney's Office, Finance Department Designee, Department or Division Director or Deputy Director, and City Manager.
 - (2) The form must be completed and circulated for review and approval as soon as practicable.
- f. Emergency procurement must be made with competition that is reasonable and appropriate under the circumstances.
- g. Emergency procurement of public improvements may be made by direct appointment without competition only in cases of extreme necessity.

E. Permissive Cooperative Procurement:

- a. Identify an agreement(s) that allows cooperative procurement.
- b. Some good sources to find cooperative agreements include:
 - (1) [ORPIN / OregonBuys](#);
 - (2) [NPPGov](#);
 - (3) [KCDASourcewell \(NJPA\)](#);
 - (4) [Omnia](#);
 - (5) [HGAC](#); and
 - (6) [US Communities](#).
- c. Other cooperatives agreements may exist, including agreements identified through vendor outreach or intergovernmental partnerships:
- d. You may also use contracts between a vendor/contractor and another government agency that includes permissive cooperative procurement in the contract terms.
- e. Send the cooperative agreement to CAO for legal review and approval. Please use "[Checklist for CAO Contract Review](#)" in Springboard, Finance, Purchasing/Contracts & Travel as email template.
- f. Email Finance (Purchasing@springfield-or.gov) and request a contract number. You will need to provide the following information:

- (1) A description of what is being purchased;
 - (2) A reference to the cooperative agreement;
 - (3) The dollar amount of the purchase;
 - (4) The name of contract lead;
 - (5) The vendor name; and
 - (6) Solicitation number (if there is one).
- g. From Springboard, download [the Purchase Order \(For Use with Cooperative Agreements\)](#).
- (1) Complete the form and send to the vendor.
 - (2) If another form of agreement is necessary, adhere to the requirements in the [Contracting & Purchasing Authority and Documentation](#) administrative regulation.
- h. Once the procurement is complete follow the [Contracting & Purchasing Authority and Documentation](#) administrative regulating for file retention requirements.

(Note; a full copy of the underlying cooperative agreement must be included in the files for scanning)

F. Joint Cooperative Procurement:

- a. Joint procurement requires cooperation between public bodies in advance of soliciting for a contract and is typically accompanied by the intergovernmental agreement to conduct joint procurement among the participating parties.
- b. Please consult CAO prior to issuing a solicitation for a public improvement, if joint cooperative procurement is needed.

8. Conduct the Solicitation

A. Small Procurements:

- a. Small procurements include Goods and Services not exceeding \$25,000, Personal Services not exceeding \$250,000, Professional Services not exceeding \$100,000 and Public Improvements not exceeding \$25,000 and may be awarded as a Small Procurement.
- b. An employee should use a small procurement method when it is practical and likely to result in the best value to the City.
- c. Small procurement methods include:
 - (1) Direct selection of a qualified vendor or contractor.
 - (2) Obtaining informal verbal or written quotes or proposals.
- d. Small procurements may also be awarded using any intermediate procurement method or by formal sealed bids or proposals.

B. Intermediate Procurements:

- a. Intermediate procurements include Goods and Services exceeding \$25,000 but not more than \$250,000, and Public Improvements exceeding \$25,000 but not more than \$100,000.
- b. Competitive Quotes or Proposals are required for intermediate procurement of Goods and Services as follows:
 - (1) Obtain a minimum of three (3) verbal or written quotes or proposals.
 - (2) Document quotes using the Informal Quote form.
 - (3) If the employee cannot obtain at least three quotes or proposals, make a written record of the effort to obtain three quotes or proposals.
 - (4) Award the contract to the offeror whose quote or proposal will best serve the city's interests taking into account price and other relevant factors such as experience, expertise, product functionality, suitability, and contractor responsibility.
- c. Competitive Quotes are required for intermediate procurement of Public Improvements as follows:
 - (1) Complete the Public Improvement Quote Form, including all selection criteria to be used to select the vendor/contractor and their relative value or ranking if the criteria are not of equal value.
 - (2) Provide the Public Improvement Quote Form to minimum of three (3) contractors/vendors to use to provide written quotes.
 - (3) If the employee cannot obtain at least three quotes, make a written record of the effort to obtain three quotes.
 - (4) Award the contract to the offeror whose quote will best serve the city's interests, taking into account the price, contractor responsibility, and any other selection criteria identified in the Public Improvement Quote Form.
- d. Intermediate procurements may also be awarded by formal sealed bids or proposals.

C. Formal Sealed Bids and Proposals:

- a. Formal sealed bids or proposals are required for Goods and Services exceeding \$250,000, Public Improvements exceeding \$100,000, and Personal Services exceeding \$250,000.
- b. Employees conducting a solicitation for formal sealed bids or proposals must be familiar with and comply with all applicable Model Rules:
 - (1) Goods and Services: [OAR chapter 137, division 47](#).
 - (2) Personal Services: [OAR chapter 137, division 47](#).
 - (3) Public Improvements: [OAR chapter 137, division 49](#). Note that formal sealed proposals must be approved as an alternative contracting method per [OAR 137-049-0620](#).
- c. Employees should use the standard form of Invitation to Bid (ITB) for formal sealed bids and

Request for Proposals – Goods and Services (RFP), except where reviewed and approved by the Finance Department and City Attorney’s Office.

- (1) RFPs for alternative contracting methods for Public Improvements must be reviewed by City Attorney’s Office.
- (2) When a sample contract is attached to an ITB or RFP, the sample contract must be prepared according to the requirements of that procurement.
- (3) Optional terms and addenda (such as automatic renewals, access to records requirements, special confidentiality requirements) must be included in the sample contract.
- (4) Any changes to the substantive terms in a standard contract form must be reviewed by the City Attorney’s Office.

D. Competitive Proposals for Professional Services.

- a. Formal selection of proposals is required for Professional Services exceeding \$250,000 and is optional for Professional Services \$250,000 or less.
 - (1) Employees conducting Formal Selection under this section must be familiar with and comply with the Model Rules in [OAR chapter 137 division 48](#).
- b. Informal selection of proposals is required for Professional Services exceeding \$100,000 but not more than \$250,000.
 - (1) Employees conducting Informal Selection must be familiar with and comply with the Model Rules for Informal Selection in [OAR chapter 137, division 48](#).
- c. Employees should use the standard [Request for Proposals – Engineering and Professional Services form](#), except where reviewed and approved by the Finance Department and City Attorney’s Office.
 - (1) See [OAR 137-048-0200](#) for limited situations in which direct appointment is allowed for procurement of professional services greater than \$100,000.
 - (2) Employees directly appointing a consultant for Professional Services greater than \$100,000 must use the [Direct Appointment Justification form](#).
 - (3) The form must be reviewed and approved by the City Attorney’s Office, Finance Department Designee, Department or Division Director or Deputy Director, and City Manager

9. Amend an Existing Procurement

A. Types of Amendments:

- a. A contract amendment is a formal change to the terms or conditions of a contract after it has been signed.

- b. There are two primary purposes of contract amendments; both types are subject to the requirements of this section:
 - (1) Changing existing language in the contract (e.g. extending the termination date, adjusting payment dates, or updating key personnel or roles).
 - (2) Adding entirely new terms and conditions (e.g. expanding the scope of the contract to add new work or services).

B. When Amendments are Allowed:

- a. There are two (2) key questions to answer when considering whether a contract may be amended:
 - (1) Is the proposed amendment within the scope of the original procurement as described in the solicitation (e.g., request for quotes, ITB, RFP, sole source justification, or underlying cooperative procurement)?
 - (2) Would the proposed amendment have affected competition or the award decision if it had been included in the original procurement?
- b. If a contract cannot be amended, it may require a new procurement/solicitation process.
 - (1) Contract amendments must be within the same scope of the procurement as it was described in the original solicitation (e.g., as described in the request for quotes, ITB, RFP, sole source justification form, or the underlying cooperative procurement).
 - (2) If a contract is based on small procurement or direct award, an amendment is not permitted if it would have increased competition or affected the award if included in the original solicitation.
 - (3) Contract amendments must fall within the allowable cost limits. See below.
 - (4) For exceptions to these requirements, see [OAR 137-047-0800](#) for Goods and Services and Personal Services, [OAR 137-049-0910](#) for Public Improvements, and [OAR 137-048-0320](#) for Professional Services.

C. Cost Limits:

- a. Cost limitations for contract amendments are cumulative (e.g. they do not reset with each amendment).
- b. These limits do not apply to contracts that originally exceed \$250,000 or that were procured under an exemption from competitive bidding in Section 6.
 - (1) Goods and Services:
 - (i) Small Procurements: Up to \$32,500 total contract price
 - (ii) Intermediate Procurements: 125% of original contract price, or up to \$250,000, whichever is greater.

(2) Personal Services:

- (i) 125% of original contract price, or up to \$250,000, whichever is greater.

(3) Professional Services:

- (i) No cost limits to amendments.

(4) Public Improvements:

- (i) Small Procurements: Up to \$32,500 total contract price.
- (ii) Intermediate Procurements: 125% of original contract price via change order(s); 150% of the original contract price with City Manager approval.

10. Dispose of Surplus Property

- a. This step applies to surplus supplies, materials, equipment, vehicles and other personal property owned by the City. It does not apply to surplus real property.
- b. Surplus property may be disposed of by any means provided in [SMC 2.712](#) in the manner deemed most cost effective and efficient.
- c. City employees may not compete as members of the public for the purchase of surplus property, except as provided under [SMC 2.712\(3\)](#) for purchase of personal use items valued less than \$100.
- d. Purchase of personal use items must be at fair market value with approval from the employee's supervisor.
- e. The means of disposing of surplus property must be approved by an employee whose authority on their Authorized Signer/Purchaser Form is not less than the approximate value of the surplus item, unless specifically authorized by the City Manager. Except, however, any employee may dispose of property with a value less than \$500 in aggregate, if necessary to perform their job duties.

DEFINITIONS:

[Terms used in this regulation have the definitions provided in SMC 2.702, unless context clearly requires otherwise.](#)

RESOURCES:

Frequently asked questions:

- [Contract Insurance FAQ](#)

Forms/Templates:

- [Authorized Purchaser Form](#)
- [Checklist for CAO Contract Review](#)
- [Brand Name Spec Form](#)

- [Contract Templates](#)
- [Direct Appoint Justification](#)
- [Informal Quote Form](#)
- [Feasibility Determination and Cost Analysis Form](#)
- [Formal Quote](#)
- [RFP Template](#)
- [Sole Source Justification](#)

Legal Resources:

- [Springboard Purchasing page](#)
- [Oregon Administrative Rules Chapter 137, Divisions 46 through 49](#)
- [Springfield Municipal Code section 2.700](#)
- [OAR 137-047-0250 Source Selection](#)