

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: September 13, 2005**

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** _____ N/A

DATE: September 6, 2005

TO: Public Utility Commission

FROM: Ligaya Humbert

THROUGH: Rick Willis through Vicki McLean and Terry Lambeth

SUBJECT: AR 501: Initiate rulemaking to establish Personal Services Contract Procedures to be adopted by the Public Utility Commission

STAFF RECOMMENDATION:

Open a rulemaking to identify the personal service contracting process to be adopted by the Commission. The docket number will be AR 501.

DISCUSSION:

On March 1, 2005, the State implemented a new Public Contracting Code as mandated by HB 2341 in 2003. The attached proposed rule specifies the process the Commission is adopting to implement this revised Code.

The Commission has statutory authority to contract for experts and for technical or other professional services as it may require for the discharge of its duties. The Code requires that agencies with statutory authority must adopt either the Department of Administrative Services (DAS) Purchasing Rules or the Attorney General Model Rules. The Commission has been operating under and following the DAS procedures. Staff's proposed rule specifies the Commission adopts DAS Purchasing Rules with two exceptions. The exceptions allow the Commission to revise the DAS contract forms and to approve contracts as they relate to personal services.

PROPOSED COMMISSION MOTION:

Open a rulemaking to identify the personal service contracting process to be adopted by the Commission in OAR 860-011-0036.

AR 501
Staff's Proposed Rule

860-011-0036
Personal Services Contracts

(1) The Commission may enter into personal services contracts as required or appropriate for the discharge of its duties.

(2) The model rules adopted by the Attorney General do not apply to the Commission.

(3) Department of Administrative Services Public Contracting Rules for Personal Services Contracts OAR Chapter 125, Divisions 246, 247 and 248 apply to all personal services contracts, except as specified in section (4) of this rule.

(4) The following public contracting rules do not apply to personal services contracts used by the Commission: OARs 125-246-0345(2), 125-246-0350, 125-246-0351, and 125-246-0352.

Stat. Auth.: ORS 756.036

Stats. Implemented: ORS 756.036 & 279A.050

Hist.: New