



PERMANENT ADMINISTRATIVE ORDER

PRD 9-2025

CHAPTER 736

PARKS AND RECREATION DEPARTMENT

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FILING CAPTION: Update agency procurement and contracting rules under 2025 legislative exemption from Oregon Public Contracting Code.

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RULES:

736-146-0010, 736-146-0012, 736-146-0015, 736-146-0020, 736-146-0050, 736-146-0060, 736-146-0070, 736-146-0090, 736-146-0100, 736-146-0110, 736-146-0120, 736-146-0130, 736-146-0140, 736-147-0010, 736-147-0030, 736-147-0040, 736-147-0050, 736-147-0060, 736-147-0070, 736-148-0010, 736-148-0020, 736-149-0010

AMEND: 736-146-0010

RULE TITLE: Application

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: This rule establishes the framework for procurement that the agency is granted under ORS 279A.025(3)(k) to develop fair procurement and public contracting processes.

RULE TEXT:

- (1) Purpose: The purpose of this division is to establish a comprehensive framework governing the Oregon Parks and Recreation Department's (OPRD) procurement processes. Pursuant to the authority granted under ORS 279A.025(3)(k), these rules enable the department to develop and implement its own contracting and purchasing procedures. The intent is to ensure consistency in procurement practices, safeguard the interests of the department, and promote fairness and transparency in its engagement with the business community.
- (a) This division applies to OPRD's procurement of goods and services in accordance with ORS 279A.025(3)(k). The intent of these rules is to identify exemptions from public contracting code as identified in ORS 279A.025(3)(k) except as identified in ORS 279A.250 to ORS 279A.290.
- (b) The department's contracting activities related to information technology, photogrammetric mapping, or telecommunications will comply with the Department of Administrative Services (DAS) Enterprise Information Services (EIS) investment oversight processes.
- (c) This division applies to OPRD's procurement of printing and printing purchase exemptions in accordance with ORS 282.020(1). The intent of these rules is to allow the department the authority to seek the most cost effective, printing services for the products needed while still complying with ORS 282.210 to 282.230 as required of all public agencies.
- (2) In addition to the source selection methods set forth in this division, the department may enter into contracts for the types of goods and services described by any method the department determines is reasonable in the circumstances,

including by Direct Award and negotiation.

(3) ²Reservation of Rights: Except as set forth in ORS 279A.025(3)(k), OPRD is exempt from the provisions of ORS chapters 279A, 279B and 279C, which govern public contracting and procurement, OPRD reserves the right to consult the following as guidance in making procurement decisions:

(a) ORS chapters 279A, 279B and 279C;

(b) The Attorney General's Model Public Contract Rules (OAR chapter 137, divisions 46, 47, 48, and 49);

(c) The DAS established Public Contracting Rules (OAR chapter 125, divisions 246, 247, 248, and 249) including but not limited to the use of the state electronic procurement tools;²

(d) Any written opinions issued by the courts of the State of Oregon interpreting any of the foregoing; and

(e) The provisions set forth in the foregoing statutes, administrative rules, and interpretations thereof are not binding on the department, but the department may refer to such statutes, administrative rules, and interpretations for guidance in the interpretation and administration of procurements subject to this division. The department will document in the procurement file the extent to which it relied on the foregoing statutes, administrative rules, or interpretations as guidance for its decisions related to the procurement.

STATUTORY/OTHER AUTHORITY: ORS 279A.025(3)(k), ORS 282.020

STATUTES/OTHER IMPLEMENTED: ORS 279A.025(3)(k), ORS 282.020

AMEND: 736-146-0012

RULE TITLE: Definitions

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Defines the necessary terminology used in this division and identifies thresholds for the different procurement levels.

RULE TEXT:

- (1) "Contract Administration" means all functions related to a given contract between OPRD and a contractor from the time the contract is awarded until the work is completed and accepted or the contract is terminated, payment has been made, and disputes have been resolved.
- (2) "Department" means the Oregon State Parks and Recreation Department.
- (3) "Designated Procurement Officer" (DPO) means the individual designated and authorized by the department Director to perform certain procurement functions described in these rules.
- (4) "Direct Award" or "Small Procurement" mean a public contract for goods or services that does not exceed a contract price of \$100,000 in any manner the contracting agency deems practical or convenient, including by direct selection or award.
- (5) "Emergency" as defined in ORS 279A.010(1)(f).
- (6) "Enterprise Information Services (EIS) investment oversight" means requirements described in ORS 276A.206.
- (7) "Formal Procurement" means a public contract for goods or services that exceeds a contract price of \$500,000 and must be awarded by using a formal Request for Proposal (RFP) process if the department will base contractor selection on criteria in addition to cost or if the ability to negotiate terms and conditions with the selected contractor is desired. The solicitation process must provide opportunities for prospective proposers to protest the solicitation and the award.
- (8) "Information Technology", as defined in ORS 276A.230(2).
- (9) "Intermediate Procurement" means a public contract for goods or services that exceeds a contract price of \$100,000, but does not exceed a contract price of \$500,000. The department is required to seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors.
 - (a) A contract awarded under this section may be amended to exceed \$500,000 only in accordance with rules adopted under this division.
 - (b) This procurement may not be artificially divided or fragmented so as to constitute a intermediate procurement under this section.
- (10) "Photogrammetric mapping", as defined in ORS 672.002.
- (11) "Sole Source" means a contract for goods or services without competition that exceed a contract price of \$100,000 if the department determines in writing that the goods or services are available from only one source.
 - (a) The department must base the determination of sole source on written findings that may include that:
 - (A) the efficient utilization of existing goods requires acquiring compatible goods or services;
 - (B) the goods or services required to exchange software or data with other public or private agencies are available from only one source;
 - (C) the goods or services are for use in a pilot or an experimental project; or other findings that support the conclusion that the goods or services are available from only one source.
 - (b) The department must, to the extent reasonably practical, negotiate with the sole source provider to obtain contract terms that are advantageous to the department.
- (12) "Telecommunications", as defined in ORS 276A.206(9)(h).

STATUTORY/OTHER AUTHORITY: ORS 279A.010, ORS 279A.025, ORS 279B.005, ORS 282.020, ORS 279A.025(3)(k)

STATUTES/OTHER IMPLEMENTED: ORS 279A.010, ORS 279A.025, ORS 279B.005, ORS 282.020, ORS 279A.025(3)(k)

AMEND: 736-146-0015

RULE TITLE: Special Approvals for Public Contracts When Required

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Outlines special approvals and where exemptions are applied. Removes the DAS Printing and Distribution requirement for printing services. Updates the name for DAS Enterprise Information Services division.

RULE TEXT:

(1) When Attorney General legal sufficiency approval is required under ORS 291.047, the department must seek legal approval.

(2) When the department contracts for services normally provided by another contracting agency or for services for which another contracting agency has statutory responsibilities, the department is required to seek the other contracting agency's approvals. Examples of these special approvals include, but are not limited to:

(a) DAS, State Services Division, Risk Management for providing tort liability coverage;

(b) DAS Enterprise Information Services for telecommunications services;

(c) Office of the Treasurer, Debt Management Division, for bond counsel and financial advisory services (bond counsel services also require the approval of the Attorney General);

(d) DAS Enterprise Information Services for information-system related services.

(3) The Attorney General has sole authority to contract for attorney services. Exceptions may be granted in writing on a case-by-case basis only by the Attorney General.

(4) The Secretary of State Audits Division has sole authority to contract for financial auditing services. Exceptions may be granted in writing on a case-by-case basis only by the Secretary of State Audits Division.

STATUTORY/OTHER AUTHORITY: ORS 279A.070, ORS 279A.025, ORS 279A.065(6)(a), ORS 282.020

STATUTES/OTHER IMPLEMENTED: ORS 279A.140(2), ORS 279A.025, ORS 282.020

REPEAL: 736-146-0020

RULE TITLE: Reporting Requirements for Personal Services Contracts

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Repealing this rule as this is out of date and no longer in line with the State Procurement Code and its exemptions for OPRD.

RULE TEXT:

The Department of Administrative Services (DAS) State Procurement Office maintains an electronic reporting system called the Oregon Procurement Information Network (ORPIN) and a report form for reporting personal services contracts. OPRD must submit this report form to the DAS State Procurement Office for each contract and subsequent contract amendment. The report form must include OPRD's name, not-to-exceed amount of the contract, the name of the contractor, the duration of the contract, and its basic purpose. OPRD will use the OPRIN system for reporting personal services contracts, including architectural, engineering and land surveying services contracts and related services contracts pursuant to ORS 729A.140(2)(h)(A)(I) unless directed otherwise by DAS State Procurement Office.

STATUTORY/OTHER AUTHORITY: ORS 279A.065(5)(a), 279A.070

STATUTES/OTHER IMPLEMENTED: ORS 279A.140(h)(A)

AMEND: 736-146-0050

RULE TITLE: Contract Administration; General Provisions

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Removes clauses pursuant to ORS 279A.050 and 279A.075. Expands procurement files for procurements beyond just ones limited to larger than intermediate procurement thresholds. Requires executed contracts in each file.

RULE TEXT:

- (1) The department conducts procurements for goods or services, including architectural, engineering, land surveying and related services, and public improvements.
- (2) The department must appoint, in writing, a contract administrator as an OPRD representative for each contract. The contract administrator may delegate in writing a portion of the contract administrator's responsibilities to a technical representative for specific day-to-day administrative activities for each contract.
- (3) The department must maintain a procurement file for procurements for goods or services; the informal selection threshold for architectural, engineering, and land surveying services; and the intermediate procurement threshold for public improvements, respectively:
 - (a) Each procurement file must contain an executed contract, if awarded.
 - (b) The department must maintain procurement files, including all documentation, for a period not less than six years, except for 10 years beyond each contract's expiration date for architectural, engineering, and land surveying services and related services or for another period in accordance with another provision of law.

STATUTORY/OTHER AUTHORITY: 279A.070, ORS 279A.025(3)(k), ORS 279A.065(6)(a)

STATUTES/OTHER IMPLEMENTED: 279A.065(5), 279A.140, ORS 279A.025(3)(k), ORS 279A.065(5)

AMEND: 736-146-0060

RULE TITLE: Payment Authorization of Cost Overruns for Goods or Services including Architectural, Engineering and Land Surveying Services and Related Services Contracts

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Updates each Attorney General reference to the Department of Justice.

RULE TEXT:

(1) Payments on contracts that exceed the maximum contract consideration require approval from the department's designated procurement officer and may require approval from the Attorney General pursuant to OAR 137-045-0015. Approval may be provided if there is compliance with all of the following:

- (a) The original contract was duly executed and, if required, approved by the Attorney General.
- (b) The original contract has not expired, been terminated, or been reinstated under OAR 736-147-0070 as of the date written approval to increase the contract amount is granted.
- (c) The cost overrun is not associated with any change in the statement of work set out in the original contract.
- (d) The cost overrun arose out of extraordinary circumstances or conditions encountered in the course of contract performance that were reasonably not anticipated at the time the original contract or the most recent amendment, if any, was signed. Such circumstances include but are not limited to cost overruns that:
 - (A) Address emergencies arising in the course of the contract that require prompt action to protect the work already completed.
 - (B) Comply with official or judicial commands or directives issued during contract performance.
 - (C) Ensure that the purpose of the contract will be realized;
- (e) The cost overrun was incurred in good faith, results from the good faith performance by the contractor, and is no greater than the prescribed hourly rate or the reasonable value of the additional work or performance rendered.
- (f) Except for the cost overrun, the contract and its objective are within the statutory authority of the department and funds are available for payment under the contract.
- (g) An officer or employee of the department has presented a written report to the department's designated procurement officer within 60 days of the discovery of the overrun that states the reasons for the cost overrun and demonstrates to the satisfaction of the department's designated procurement officer that the original contract and the circumstances of the overrun satisfy the conditions stated above.
- (h) The department's designated procurement officer approves in writing the payment of the overrun, or such portion of the overrun amount as the department's designated procurement officer determines may be paid consistent with the conditions of this rule. If the department's designated procurement officer has signed the contract or has immediate supervisory responsibility over performance of the contract, that person must designate an alternate delegate to grant or deny written approval of payment.

(2) The department must obtain an Attorney General's approval of the contract amendment, if such approval is required by ORS 291.047, before making any overrun payment.

STATUTORY/OTHER AUTHORITY: ORS 279A.070, ORS 291.047, ORS 279A.025(3)(k), ORS 279A.065(6)(a)

STATUTES/OTHER IMPLEMENTED: ORS 279A.070, ORS 279A.140, ORS 291.047, ORS 279A.025(3)(k), ORS 279A.065(6)(a)

AMEND: 736-146-0070

RULE TITLE: Ethics in Public Contracting — Policy

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Added ORS 279A.025(3)(k) to statutory authority.

RULE TEXT:

Oregon public contracting is a public trust. The department and contractors involved in public contracting must safeguard this public trust.

STATUTORY/OTHER AUTHORITY: ORS 244.010, ORS 244.400, ORS 279A.070, ORS 279A.025(3)(k), 279A.065(6)(a)

STATUTES/OTHER IMPLEMENTED: ORS 244.010, ORS 244.400, ORS 279A.070, 279A.140, ORS 279A.025(3)(k), 279A.065(6)(a)

REPEAL: 736-146-0090

RULE TITLE: Ethics in Appointments to Advisory Committees

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Advisory committees are no longer utilized as part of the procurement process.

RULE TEXT:

OPRD's designated procurement officer or a delegate may appoint procurement advisory committees to assist with specifications, procurement decisions, and structural change that can take full advantage of evolving procurement methods as they emerge within various industries, while preserving competition pursuant to ORS 279A.015.

STATUTORY/OTHER AUTHORITY: ORS 279A.065(5)(a), 279A.070

STATUTES/OTHER IMPLEMENTED: ORS 279A.065(5)(a), 279A.070, 279A.140

AMEND: 736-146-0100

RULE TITLE: Non-retaliation

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Removes reference of the Public Contracting Code since the agency is now exempt.

RULE TEXT:

Retaliation against anyone who complies with the rules in this division related to ethics is prohibited. Any officer, employee or agent of the department or contractor who engages in retaliation action will be subject to penalties pursuant to ORS 279A.990, 244.350 to 244.400 and related rules. Also, any contractor who engages in a retaliation action may be debarred.

STATUTORY/OTHER AUTHORITY: ORS 279A.070, ORS 279A.065(6)(a)

STATUTES/OTHER IMPLEMENTED: ORS 279A.070, ORS 279A.140, ORS 279A.065(6)(a)

AMEND: 736-146-0110

RULE TITLE: Ethics in Specification Development

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Removes the reference to the state's public contracting code since it is now exempt.

RULE TEXT:

- (1) The department and contractors must not develop specifications that primarily benefit a contractor, directly or indirectly, to the detriment of the department or the best interest of the state.
- (2) The department must not develop specifications that inhibit or tend to discourage public contracting with an Oregon Forward Contractor (OFC) under ORS 279.835 through 279.855 and OAR 125-055-0005 through 125-055-0045 where those specifications inhibit or tend to discourage the acquisition of OFC-produced goods or services without reasonably promoting the satisfaction of bona fide, practical procurement needs of the department.
- (3) The department and contractors must not develop specifications that inhibit or tend to discourage public contracting under the rules in this division or policies of the department.

STATUTORY/OTHER AUTHORITY: ORS 279A.065(6)(a), ORS 279A.070

STATUTES/OTHER IMPLEMENTED: ORS 279A.065(6)(a), ORS 279A.070, ORS 279A.140

AMEND: 736-146-0120

RULE TITLE: Ethics in Sole Source

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Updated statutory authorities and references to the agency as "the department."

RULE TEXT:

The department may not select a sole-source procurement pursuant to ORS 279B.075 and avoid a competitive procurement if the purpose of the selection is to primarily benefit the contractor, directly or indirectly, to the detriment of the department or the best interest of the state.

STATUTORY/OTHER AUTHORITY: ORS 279A.0656)(a), ORS 279A.070

STATUTES/OTHER IMPLEMENTED: ORS 279A.0656)(a), ORS 279A.070, ORS 279B.075, ORS 279A.140

AMEND: 736-146-0130

RULE TITLE: Fragmentation

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Changed limitations to thresholds for direct awards, small procurements and intermediate procurements outside of the state procurement code to exercise the agency's exemption.

RULE TEXT:

The department may not artificially divide or fragment a procurement so as to constitute a small procurement, pursuant to ORS 279B.065, or an intermediate procurement, pursuant to ORS 279B.070.

STATUTORY/OTHER AUTHORITY: ORS 279A.065(6)(a), ORS 279A.070

STATUTES/OTHER IMPLEMENTED: ORS 279A.065(6)(a), ORS 279A.070, 279B.065

AMEND: 736-146-0140

RULE TITLE: Ethics in OPRD and Contractor Communications

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Amends for clarity in the research phase and other communications between the contractor and the agency.

RULE TEXT:

(1) The department is encouraged to conduct research with contractors who can meet the state's needs. This research phase includes but is not limited to:

(a) Meetings;

(b) Industry presentations; and

(c) Demonstrations with contractors that, in the department's discretion, may be able to meet the department's needs.

(2) The department must document the items discussed during the research phase of solicitation development. The research phase ends the day of a solicitation release or request for a quote pursuant to an intermediate procurement, unless the solicitation or intermediate procurement provides for a different process that permits on-going research.

(3) Any communication between the department and contractors regarding a solicitation, that occurs after the solicitation release or request for a quote and before the award of a contract, must only be made in the solicitation and contracting phase within the context of the solicitation document or intermediate procurement requirements.

(4) Communication may allow for discussions, negotiations, addenda, contractor questions, and the department's answers to contractor questions about terms and conditions, specifications, amendments, or related matters. During this phase, telephone conversations, electronic communications and meetings must be documented in the procurement file. Written inquiries regarding the solicitation should be responded to by the department in writing.

(5) A record of all material communications regarding the solicitation by interested contractors must be made part of the procurement file pursuant to OAR 736-146-0050.

STATUTORY/OTHER AUTHORITY: ORS 279A.065(6)(a), ORS 279A.070, ORS 279A.025(3)(k)

STATUTES/OTHER IMPLEMENTED: ORS 279A.065(6)(a), ORS 279A.070, ORS 279A.025(3)(k), ORS 279A.140

REPEAL: 736-147-0010

RULE TITLE: Application

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: This application is outdated.

RULE TEXT:

The Oregon Parks and Recreation Department adopts OAR 137-047-0000 through 137-047-0810 (effective January 1, 2008) with the exception of 137-047-0270(4), the Department of Justice Model Rules, Public Procurements for Goods or Services General Provisions including the additional provisions provided in these rules.

STATUTORY/OTHER AUTHORITY: ORS 279A.065

STATUTES/OTHER IMPLEMENTED: ORS 279B.015

AMEND: 736-147-0030

RULE TITLE: Emergency Procurements Process

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Amends to apply the exemptions from the public procurement and contracting rules including applying a higher emergency contract limit and reporting requirements.

RULE TEXT:

- (1) The director or designee, may authorize department personnel to award a public contract for goods and services as an emergency procurement. Emergency contracts are exempt from Department of Justice legal sufficiency review under OAR 137-045-0070 as set out in subsection (3)(b).
- (2) Pursuant to the requirements of this rule, OPRD may, in its discretion, enter into a public contract without competitive solicitation if an emergency exists. Emergency means circumstances that could not have been reasonably foreseen that create a substantial risk of loss, damage, interruption of services or threat to public health or safety that requires prompt execution of a contract to remedy the condition.
- (3) For contracts above \$100,000, when entering into an emergency contract, the department must:
 - (a) Encourage competition that is reasonable and appropriate under the circumstances;
 - (b) Award contract within 60 days following the event triggering the need for an emergency contract unless an extension has been granted by the director or designee;
 - (c) Have a written report prepared and signed by an executive of the department who is responsible for oversight of the public contract within 10 business days after execution of the public contract, said report to contain:
 - (A) A concise summary of the circumstances that constitute the emergency and the character of the risk of loss, damage, interruption of services, or threat to public health or safety created or anticipated to be created by the emergency circumstances;
 - (B) A statement of the reason or reasons why the prompt execution of the proposed public contract was required to deal with the risk created or anticipated to be created by the emergency circumstances;
 - (C) A brief description of the services or goods to be provided under the public contract, together with its anticipated cost; and
 - (D) A brief explanation of how the public contract, in terms of duration, services, or goods provided under it, was restricted to the scope reasonably necessary to adequately deal only with the risk created or anticipated to be created by the emergency circumstances.
 - (d) Maintain a copy of report described in subsection (c) in the department's emergency public contract file.

STATUTORY/OTHER AUTHORITY: ORS 279A.025(3)(k), ORS 279A.070, ORS 279A.065(6)(a)

STATUTES/OTHER IMPLEMENTED: ORS 279A.025(3)(k), ORS 279B.080

AMEND: 736-147-0040

RULE TITLE: Price Agreements

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: While OPRD may create or use price agreements, there is no requirement to do so. Changes the references from OPRD to "department"

RULE TEXT:

(1) The department may create price agreements designed for the exclusive use of the department or use DAS multi-agency price agreements.

(2) The department may create price agreements for the purposes of achieving continuity of product, securing a source of supply, reducing inventory, combining requirements for volume discounts, standardization among agencies, and reducing lead time for ordering.

(3) If the department conducts a purchase of goods or services pursuant to a DAS or OPRD price agreement, the department does not need to undertake an additional competitive solicitation.

STATUTORY/OTHER AUTHORITY: ORS 279A.025(3)(k), ORS 279A.070, ORS 282.020, ORS 279A.065(6)(a)

STATUTES/OTHER IMPLEMENTED: ORS 279A.025(3)(k), ORS 279A, ORS 282.020

AMEND: 736-147-0050

RULE TITLE: Mandatory Use Contracts and Mandatory Use Price Agreements

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: OPRD is not required to use price agreements.

RULE TEXT:

- (1) For the purposes of this rule, a Mandatory Use Contract or Mandatory Use Price Agreement means a public contract, DAS price agreement, or other agreement that the department is required to use for the procurement of goods and services.
- (2) If DAS State Procurement Office establishes a price agreement that is designated mandatory for state agency use, the department may procure applicable goods and services pursuant to the Mandatory Use Contract or Mandatory Use Price Agreement unless otherwise specified in these rules.
- (3) The department is exempted from Mandatory Use Contracts or Mandatory Price Agreements for acquisition except for duties or obligations the department has under ORS 279A.250 to 279A.290 and the department's contracting activities related to information technology, photogrammetric mapping, or telecommunications.

STATUTORY/OTHER AUTHORITY: ORS 279A.025(3)(k), ORS 279A.070, ORS 282.020, ORS 279A.065(5)(a)

STATUTES/OTHER IMPLEMENTED: ORS 279A.025(3)(k), ORS 279B.060, ORS 282.020

AMEND: 736-147-0060

RULE TITLE: Amendments for Intermediate Goods or Services Procurements

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Amendments are now held to the procurement threshold, not the original contract agreement and includes required reporting to the DOJ after value exceeds \$250,000.

RULE TEXT:

(1) The department may amend a public contract awarded as an intermediate procurement in accordance with OAR 137-047-0800, but the cumulative amendments shall not increase the total contract price to a sum that is greater than 125 percent of the procurement threshold.

(2) Any public contract with a total value amended over \$250,000 and every \$250,000 thereafter must be approved by the department Designated Procurement Officer and Department of Justice.

STATUTORY/OTHER AUTHORITY: ORS 279A.025(3)(k), ORS 279A.070, ORS 279A.065(6)(a), ORS 282.020

STATUTES/OTHER IMPLEMENTED: ORS 279A.025(3)(k), ORS 279A.070, ORS 279A.050, ORS 279A.065(5), ORS 279A.140, ORS 282.020

AMEND: 736-147-0070

RULE TITLE: Reinstatement of Expired or Terminated Contracts

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: Clarifies the process to amend contracts after they have expired or terminate.

RULE TEXT:

- (1) If the department enters into a contract for goods or services and that contract subsequently expires or is terminated, the department may reinstate the contract subject to the following:
- (a) The type or aggregated value (including all amendments) of the contract, after reinstatement, falls under the department procurement thresholds in accordance with these rules;
 - (b) The department may reinstate and amend for time only;
 - (c) The purpose must be for:
 - (A) Fulfillment of its term, up to the maximum time period provided in the contract; or
 - (B) Completion of a deliverable, provided:
 - (i) The deliverable, including but not limited to goods, services, or work, was defined in the contract as having a completion date or event; and
 - (ii) The department documents the uncompleted work as of the date of the reinstatement of the expired contract in the procurement file.
 - (d) The expired or terminated contract was previously properly executed; and
 - (e) The failure to extend or renew the contract in a timely manner was due to unforeseen circumstances, unavoidable conditions or any other occurrence outside the reasonable control of the department or the contracting party.
- (2) The department may amend an expired contract for time only in accordance with section (1). The department may amend the contract purposes other than time in accordance with OAR 137-047-0800.
- (3) If the department reinstates and amends an expired contract for time, pursuant to this rule, the department may compensate the contracting party for work performed in the interim between the expiration of the original contract and the effective date of the reinstatement and amendment.
- (4) Once a contract is reinstated, it is in full force and effect as if it had not expired or terminated.

STATUTORY/OTHER AUTHORITY: ORS 279A.025(3)(k), ORS 279A.070, ORS 279A.065(6)(a), ORS 282.020

STATUTES/OTHER IMPLEMENTED: ORS 279A.025(3)(k), ORS 279A, ORS 282.020

REPEAL: 736-148-0010

RULE TITLE: Application

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: This rule is outdated.

RULE TEXT:

The Oregon Parks and Recreation Department adopts OAR 137-048-0100 through 137-048-0320 (effective January 1, 2008), the Department of Justice Model Rules, Consultant Selection: Architectural, Engineering, Land Surveying, and Related Services Contracts including the additional provisions provided in these rules.

STATUTORY/OTHER AUTHORITY: ORS 279A.065

STATUTES/OTHER IMPLEMENTED: ORS 279A.065

REPEAL: 736-148-0020

RULE TITLE: Price Agreement Selection Process

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: This rule is outdated, OPRD does not have mandatory price agreements.

RULE TEXT:

Consultants for price agreements must be selected, and Oregon Parks and Recreation Department (OPRD) must obtain architectural, engineering, land surveying and related services by selecting a consultant or consultants in the following manner:

(1) When OPRD selects more than one consultant in accordance with the price agreement solicitation process under OAR 137-048-0130(1), OPRD must identify objective criteria in the solicitation document and the price agreement to be used in assigning particular architectural, engineering land surveying or related services to the most qualified consultant.

(2) Design-Build contracts involve the provision of both design and construction services for public improvements under one contract. Under most circumstances, Design-Build contracts are mixed contracts with the predominate purpose of the contract involving construction of the public improvement. If the predominate purpose of the contract is to obtain architectural, engineering, land surveying and related aervices, selection may proceed under this division and shall not be considered a Design-Build project.

STATUTORY/OTHER AUTHORITY: ORS 279A.065(5)(a), 279A.070

STATUTES/OTHER IMPLEMENTED: ORS 279C.110, 279C.115

REPEAL: 736-149-0010

RULE TITLE: Application

NOTICE FILED DATE: 07/27/2025

RULE SUMMARY: This rule is outdated.

RULE TEXT:

The Oregon Parks and Recreation Department adopts OAR 137-049-0100 through 137-049-0910 (effective January 1, 2008), the Department of Justice Model Rules, General Provisions Related to Public Contracts for Construction Services.

STATUTORY/OTHER AUTHORITY: ORS 279A.065

STATUTES/OTHER IMPLEMENTED: ORS 279A.065