

January 9, 1986

RECEIVED FROM JANE MCGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING Zoning Engineering Services

ORDER CANCELLING SEWER ASSESSMENT IN WEST HILLS SERVICE DISTRICT #2



Form CC-2 PLEASE SIGN & RETURN THIS RECEIPT TO COMMISSIONERS OFFICE

BOARD OF
COUNTY COMMISSIONERS

1986 MAR 18 PM 3:53

MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING AND DEVELOPMENT
2115 S.E. MORRISON
PORTLAND, OREGON 97214
(503) 248-3047

DENNIS BUCHANAN
COUNTY EXECUTIVE

BOARD OF COUNTY COMMISSIONERS

Tuesday, January 7, 1986

9:30 a.m., Room 602

Multnomah County Courthouse

AGENDA

Public Hearings.

C 13-85 An Ordinance amending the Zoning Code by adding small-scale van conversion as a Use Under Prescribed Conditions in the SC, Strip Conversion Zone (MCC 11.15.4310).

First Reading.

ZC 12-85 Review the decision of the Planning Commission of November 11, 1985 denying a change in zone from THR, Transit High Density Residential District to TLR-5, Transit Low Density Residential District for property located at 119 S.E. 151st Avenue.

Scope of Review is On The Record.

This Notice of Review was filed by the applicant.

Oral argument is set for ten minutes per side.



MULTNOMAH COUNTY OREGON

OFFICE OF THE COUNTY EXECUTIVE
ROOM 1500 THE PORTLAND BUILDING
PORTLAND, OREGON 97204
(503) 248-3308

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 31, 1985

TO: Board of County Commissioners
Clerk of the Board

FROM: Sherri Holman,
Office of the County Executive

SUBJECT: REQUEST FOR PLACEMENT OF ITEMS ON THE BOARD'S FORMAL AGENDA
FOR THURSDAY, JANUARY 9, 1986

DEPARTMENT OF ENVIRONMENTAL SERVICES

1. Order cancelling a sewer assessment on a parcel of land that has been annexed by the City of Portland.
2. County Engineer's report recommending abandonment of project on SE Ankeny.

DEPARTMENT OF JUSTICE SERVICES

3. Bud Mod #25, adding one full time Deputy Sheriff to the Juvenile Court staff to provide security services.

OFFICE OF THE COUNTY EXECUTIVE

4. Amendment to Ordinance No. 477 extending the final report date for the Task Force on Potentially Dangerous and Chronically Mentally Ill Persons.

cc: County Counsel



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
EARL BLUMENAUER • District 4 • 248-5218
GORDON SHADBURNE • District 5 • 248-5213

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
JANUARY 6 - 10, 1986

Tuesday, January 7, 1986 - 9:30 A.M. - Planning Items . . . Page 1
Tuesday, January 7, 1986 - 1:30 P.M. - Informal Meeting . . Page 2
Thursday, January 9, 1986 - 9:30 A.M. - Formal. Page 3

Tuesday, January 7, 1986 - 9:30 A.M.
Multnomah County Courthouse, Room 602

Public Hearings:

- C-13-85 First Reading - An Ordinance amending the Zoning Code by Adding small-scale van conversion as a Use Under Prescribed Conditions in the SC, Strip Conversion Zone (MCC 11.15.4310)
- ZC 12-85 Review the Decision of the Planning Commission of November 11, 1985, denying a change in zone from THR, Transit High Density Residential District to TLR-5, Transit Low Density Residential District for property located at 119 SE 151st Avenue - Scope of Review is On the Record, Argumentation not to exceed 10 minutes per side, Notice of Review filed by applicant

DEPARTMENT OF HUMAN SERVICES

- R-1 Request of the County Executive for ratification of a revenue contract between FEMA's Local Board (United Way of Columbia-Willamette) and the County whereby the County will receive \$102,714 to continue to provide emergency Shelter Services for the period January 1, 1986 through September 30, 1986 (Continued from January 2)
- R-2 Budget Modification DHS #36 reflecting increased revenues in the amount of \$102,714 from FEMA Emergency Shelter Services to Social Services, Professional Services, for emergency shelter services in conjunction with Community Development Block Grant Funds (Continued from January 2)

Announcement of Liaison Representative Assignments to Departments, Boards and Commissions

Tuesday, January 7, 1986 - 1:30 P.M.

Multnomah County Courthouse, Room 602

INFORMAL

1. Informal Review of Bids and Requests for Proposals:
a) Annual Audit for 85/86 Fiscal Year
2. Briefing on impacts of 1985 Federal Legislative and Administrative Actions on State and Local Government - Mr. Van Brocklin - TIME CERTAIN AT 1:30 P.M.
3. Monthly Briefing by Sara Long on relevant library issues - TIME CERTAIN AT 2:15 P.M.
4. Briefing on Internal Audit Report #3-85 on Aging Services Division - Anne Kelly Feeney
5. Formal Agenda of January 9

Thursday, January 9, 1986 - 9:30 A.M.

Multnomah County Courthouse, Room 602

Formal Agenda

CONSENT CALENDAR

SHERIFF'S OFFICE

- 8 C-1 Liquor License applications submitted by Sheriff's Office with recommendation that same be approved for the Quick Shop Minit Mart #22, 17424 SE Stark (Package Store/Change of Ownership)

DEPARTMENT OF ENVIRONMENTAL SERVICES

- 9 R-2 Recommendation of the County Engineer that the improvement of SE ANKENY STREET from SE 99th Avenue to SE 102nd Avenue, Petition #1070, be abandoned

SERVICE DISTRICTS

(Sitting as the Governing Body of the West Hills Service District No. 2)

- 9 R-3 Order in the Matter of Cancelling Assessment on a Certain Parcel of Real Property

(Recess as the governing body of the West Hills Service District No. 2 and reconvene as the Board of County Commissioners)

DEPARTMENT OF JUSTICE SERVICES

- 10 R-4 Budget Modification DJS #25 making an appropriation transfer in the amount of \$22,070 from General Fund Contingency to Juvenile Court, adding one full time Deputy Sheriff to the Juvenile Court staff to provide security services

ORDINANCES

- 2nd R-5 First Reading - An Ordinance amending Ordinance No. 477
tabled relating to the Task Force on Potentially Dangerous and Chronically Mentally Ill Persons

- R-6 Second Reading - An Ordinance relating to expense reimbursement of Multnomah County elected officials

BOARD OF COUNTY COMMISSIONERS

tabled

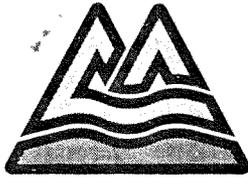
R-7 Resolution Concerning replacing a portion of lost Federal Revenue Sharing with an increase in the General Fund Contingency for 1986-7 by \$2 million

ref to cc

R-8 Resolution in the matter of providing adequate local jail space (Continued from December 12)

R-9 Resolution in the matter of cooperatively funding alcohol, detox and mental health facilities with the City of Portland (Continued from December 12)

0053C.8-11



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
EARL BLUMENAUER • District 4 • 248-5218
GORDON SHADBURNE • District 5 • 248-5213

AGENDA OF
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
FOR THE WEEK OF
JANUARY 6 - 10, 1986

Tuesday, January 7, 1986 - 9:30 A.M. - Planning Items . . . Page 1
Tuesday, January 7, 1986 - 1:30 P.M. - Informal Meeting . . Page 2
Thursday, January 9, 1986 - 9:30 A.M. - Formal. Page 3

Tuesday, January 7, 1986 - 9:30 A.M.
Multnomah County Courthouse, Room 602

Public Hearings:

- C-13-85 First Reading - An Ordinance amending the Zoning Code by Adding small-scale van conversion as a Use Under Prescribed Conditions in the SC, Strip Conversion Zone (MCC 11.15.4310)
- ZC 12-85 Review the Decision of the Planning Commission of November 11, 1985, denying a change in zone from THR, Transit High Density Residential District to TLR-5, Transit Low Density Residential District for property located at 119 SE 151st Avenue - Scope of Review is On the Record, Argumentation not to exceed 10 minutes per side, Notice of Review filed by applicant

DEPARTMENT OF HUMAN SERVICES

- R-1 ✓ Request of the County Executive for ratification of a revenue contract between FEMA's Local Board (United Way of Columbia-Willamette) and the County whereby the County will receive \$102,714 to continue to provide emergency Shelter Services for the period January 1, 1986 through September 30, 1986 (Continued from January 2)
- R-2 ✓ Budget Modification DHS #36 reflecting increased revenues in the amount of \$102,714 from FEMA Emergency Shelter Services to Social Services, Professional Services, for emergency shelter services in conjunction with Community Development Block Grant Funds (Continued from January 2)

Announcement of Liaison Representative Assignments to Departments, Boards and Commissions

Tuesday, January 7, 1986 - 1:30 P.M.

Multnomah County Courthouse, Room 602

INFORMAL

1. ✓ Informal Review of Bids and Requests for Proposals:
a) Annual Audit for 85/86 Fiscal Year
2. ✓ Briefing on impacts of 1985 Federal Legislative and Administrative Actions on State and Local Government - Mr. Van Brocklin - TIME CERTAIN AT 1:30 P.M.
3. ✓ Monthly Briefing by Sara Long on relevant library issues - TIME CERTAIN AT 2:15 P.M.
4. ✓ Briefing on Internal Audit Report #3-85 on Aging Services Division - Anne Kelly Feeney
5. ✓ Formal Agenda of January 9

Thursday, January 9, 1986 - 9:30 A.M.

Multnomah County Courthouse, Room 602

Formal Agenda

CONSENT CALENDAR

SHERIFF'S OFFICE

- C-1 ✓ Liquor License applications submitted by Sheriff's Office with recommendation that same be approved for the Quick Shop Minit Mart #22, 17424 SE Stark (Package Store/Change of Ownership)

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 ✓ Recommendation of the County Engineer that the improvement of SE ANKENY STREET from SE 99th Avenue to SE 102nd Avenue, Petition #1070, be abandoned

SERVICE DISTRICTS

(Sitting as the Governing Body of the West Hills Service District No. 2)

- R-3 ✓ Order in the Matter of Cancelling Assessment on a Certain Parcel of Real Property

(Recess as the governing body of the West Hills Service District No. 2 and reconvene as the Board of County Commissioners)

DEPARTMENT OF JUSTICE SERVICES

- R-4 ✓ Budget Modification DJS #25 making an appropriation transfer in the amount of \$22,070 from General Fund Contingency to Juvenile Court, adding one full time Deputy Sheriff to the Juvenile Court staff to provide security services

ORDINANCES

- R-5 ✓ First Reading - An Ordinance amending Ordinance No. 477 relating to the Task Force on Potentially Dangerous and Chronically Mentally Ill Persons

- R-6 ✓ Second Reading - An Ordinance relating to expense reimbursement of Multnomah County elected officials

BOARD OF COUNTY COMMISSIONERS

- R-7 ✓ Resolution Concerning replacing a portion of lost Federal Revenue Sharing with an increase in the General Fund Contingency for 1986-7 by \$2 million
- R-8 Resolution in the matter of providing adequate local jail space (Continued from December 12)
- R-9 Resolution in the matter of cooperatively funding alcohol, detox and mental health facilities with the City of Portland (Continued from December 12)

0053C.8-11

DATE SUBMITTED _____

(For Clerk's Use)
Meeting Date 1/9/86
Agenda No. C-1

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE APPLICATION

13
J/52

Informal Only* _____
(Date)

Formal Only 1-9-86
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sgt. Scott Gratton TELEPHONE 255-3600

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Sally Anderson

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Application for a Package Store/Change of Ownership license for Quick Shop Minit Mart #22, 17424 SE Stark; applicants Donald D. & Mary J. Sparr, with recommendation for approval.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA CONSENT AGENDA

IMPACT:

PERSONNEL

FISCAL/BUDGETARY

General Fund

Other _____

*To
Civil
Process
1/12/86*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1986 JAN - 2 AM 10: 58
BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1985 DEC 33 AM 10: 34

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Sally Anderson

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

FRED B. PEARCE
SHERIFF

(503) 255-3600

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: FRED B. PEARCE
Sheriff *Fred B Pearce/w*

DATE: December 24, 1985

SUBJECT: LIQUOR LICENSE/QUICK SHOP MINIT MART

Attached is an application for a Package Store/Change of Ownership license at 17424 SE Stark, Quick Shop Minit Mart, #22.

The applicants Donald D. Sparr and Mary J. Sparr have no criminal record.

I recommend that this license be granted.

SG/nh/0002G

75 816994

APPLICATION

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

Return To:

GENERAL INFORMATION

This application form costs \$5.00. A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of the license for which you are applying nor does it permit you to operate the business named below.

No. 13614

(THIS SPACE IS FOR OLCC OFFICE USE)

(THIS SPACE IS FOR CITY OR COUNTY USE)

Application is being made for:

- DISPENSER, CLASS A
 - DISPENSER, CLASS B
 - DISPENSER, CLASS C
 - PACKAGE STORE
 - RESTAURANT
 - RETAIL MALT BEVERAGE
 - SEASONAL DISPENSER
 - WHOLESALE MALT BEVERAGE & WINE
 - WINERY
 - OTHER: _____
- Add Partner
 - Additional Privilege
 - Change Location
 - Change Ownership
 - Change of Privilege
 - Greater Privilege
 - Lesser Privilege
 - New Outlet
 - Other

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY

COURT OF Multnomah
(Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED XX

DATE 1/09/86 DENIED _____

BY Suzchen Kafoury
(Signature)

TITLE Presiding Officer

APPLICATION RECEIVED
DEC 22 1985
OREGON LIQUOR CONTROL COMMISSION
LICENSE DIVISION

Rec'd 850 / #2593

90 day Temporary 90 day Temp Authority

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name of Corporation, Partnership, or Individual Applicants:

1) DONALD D. SPARR 2) MARY J. SPARR

3) _____ 4) _____

5) _____ 6) _____

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Present Trade Name QUICK SHOP MINIT MART # 22

3. New Trade Name SAME AS # 2 Year filed 1985
with Corporation Commissioner

4. Premises address 17424 S.E. STARK ST. MULTNOMAH OREGON 97233
(Number, Street, Rural Route) (City) (County) (State) (Zip)

5. Business mailing address 17424 SE STARK ST PORTLAND ORE 97233
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)

6. Was premises previously licensed by OLCC? Yes X No _____ Year 1985

7. If yes, to whom: ALLEN + PHISCILLA JOHNSON Type of license: PS

8. Will you have a manager: Yes _____ No X Name _____
(Manager must fill out Individual History)

9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes _____ No X

10. What is the local governing body where your premises is located? MULTNOMAH COUNTY
(Name of City or County)

11. OLCC representative making investigation may contact: DONALD D. SPARR (Name)
QUICK SHOP MINIT MART #33 Home - 630-7614
677 N.W. WADE ESTACADA ORE BUSINESS 630-2228
(Address) (Tel. No. - home, business, message)

CAUTION: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

DATE 12-19-85

Applicant(s) Signature
(In case of corporation, duly authorized officer thereof)

1) Donald D. Sparr

2) Mary J. Sparr

3) _____

4) _____

5) _____

6) _____

Original -
Local Government



MULTNOMAH COUNTY OREGON

13
J152

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

January 9, 1986

Paul Yarborough, Director
Dept. of Environmental Services
2115 SE Morrison Street
Portland, Oregon 97214

Dear Mr. Yarborough:

BE IT REMEMBERED, that at a meeting of the Board of County Commissioners held January 9 1986, the following action was taken:

Recommendation of the County Engineer)
that the improvement of SE ANKENY STREET)
from SE 99th Avenue to SE 102nd Avenue,)
Petition #1070, be abandoned. R-2)

At this time, it appearing the westerly portion of this proposed project has been annexed to the City of Portland, and that a new petition for street improvement has been presented to the county representing owners of property abutting the portion of said street remaining within Multnomah County jurisdiction;

Upon motion of Commissioner Shadburne, duly seconded by Commissioner Miller, it is unanimously

ORDERED, that the improvement be abandoned as provided by law.

Yours very truly,

BOARD OF COUNTY COMMISSIONERS

By _____
Clerk of Board

js

Date Submitted 12/26/85

(For Clerk's Use)
Meeting Date: 1-9-86
Agenda No. R-2

REQUEST FOR PLACEMENT ON THE AGENDA

SUBJECT: Order Abandoning Petition #1070/SE Ankeny St.

Informal only _____
(date)

Formal only 1/9/86
(date)

Department Environmental Svcs. Division Engineering Svcs.

Contact Larry Nicholas/D.Howard Telephone Ext. 3634 or 3599

(If informal, name of person making presentation)

Brief Summary (should include other alternatives explored, if applicable, and clear statement of rationale for the action requested):

Report of the County Engineer finding it unfeasible to construct SE Ankeny Street from SE 99th Avenue to SE 102nd Avenue/Petition #1070. Therefore County Engineer recommends that said improvement project be abandoned in accordance with the provisions of Oregon Revised Statutes.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

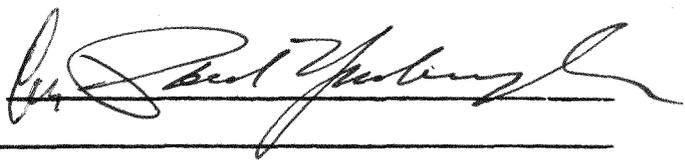
ACTION REQUESTED:

- Information only
- Policy direction
- Preliminary approval
- Approval

IMPACT:

- Personnel
- Fiscal/Budgetary
General Fund
- Other _____

SIGNATURES:

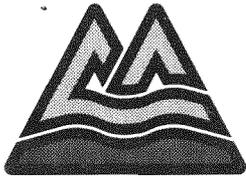
Department Head or County Commissioner 

Office of County Management _____

Office of County Counsel _____
(Ordinances, resolutions, agreements, contracts)

Department of Administrative Services _____
(Leases, surplus property, space, purchasing, etc.)

Department of Intergovernmental Relations _____
(Items with impact on other jurisdictions)



MULTNOMAH COUNTY OREGON

ENGINEERING SERVICES
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3591

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 10, 1985

Board of County Commissioners
606 Courthouse
Portland, Oregon 97204

RE: County Engineer's Report
SE Ankeny Street from SE 99th Avenue
to SE 102nd Avenue/Petition #1070

Dear Commissioners:

We have investigated this project and find it unfeasible to construct as intended by the Resolution of your Board, dated December 27, 1984.

Since the time the Resolution was adopted by the Board of County Commissioners, the westerly one-half of the proposed street and affected property has been annexed to the city of Portland and a new petition for street improvement has been presented on behalf of the affected property owners remaining in the unincorporated area.

Therefore, we recommend that this improvement project be abandoned in accordance with the provisions of Oregon Revised Statutes.

Very truly yours,


LARRY F. NICHOLAS, P. E.
County Engineer

RTH/js

Encl.: Board Order

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR
MULTNOMAH COUNTY, OREGON
AS THE GOVERNING BODY OF
WEST HILLS SERVICE DISTRICT NO. 2

In the Matter of Cancelling Assessment)
on a Certain Parcel of Real Property) ORDER

The above entitled matter is before the Board of County Commissioners, acting as the governing body of West Hills Service District No. 2 to consider the cancellation of assessment for service facilities on a parcel of real property in the West Hills Service District No. 2 (formerly Sylvan Heights Service District No. 4), more particularly described as Parcel No. 94, Section 6, T1S, R1E, Tax Lot #258; and

It appearing that said parcel of real property is not presently directly benefited by West Hills Service District No. 2 facilities in that it fails to meet the zoning requirements for a single family residence; and

It further appearing that said parcel of real property is no longer within said county service district, having now been annexed into the City of Portland, which has its own financing ordinance; and the Board being now fully advised in the premises, it is therefore

ORDERED, that the unpaid portion of the assessment on the above described parcel of real property be cancelled and that the assessment lien recorded in Book 791, Page 1063, County Records, is hereby cancelled and that a copy of this Order be duly recorded in the microfilm records of Multnomah County, Oregon.

January 9, 1986

(SEAL)

WEST HILLS SERVICE DISTRICT NO. 2
BY BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By *Ernestine Katsury*
Presiding Officer

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By *Noelle Main*
Deputy

B
J152

January 9, 1986

(Sitting as the Governing Body of the West Hills Service District No. 2)

In the Matter of Cancelling Assessment on a)
Certain Parcel of Real Property R-3) ORDER

Upon motion of Commissioner Miller, duly seconded by Commissioner Shadburne, it is unanimously passed per recommended Order. (PO)

January 9, 1986

RECEIVED FROM JANE MCGARVIN
CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

RECORDING

Zoning

Engineering Services

ORDER CANCELLING SEWER ASSESSMENT IN WEST HILLS SERVICE DISTRICT #2

PLEASE SIGN & RETURN THIS RECEIPT TO COMMISSIONERS OFFICE

SEARCH

03-03-36

Σ 0001

16007

*

6744Σ

Σ

T

Date Submitted 12/23/85

(For Clerk's Use)
Meeting Date: 1-9-86
Agenda No. R-3

REQUEST FOR PLACEMENT ON THE AGENDA

SUBJECT: West Hills Service District #2

Informal only _____
(date)

Formal only 1/9/86
(date)

Department Environ. Services Division Engineering Services

Contact Richard T. Howard Telephone 3599

(If informal, name of person making presentation)

Brief Summary (should include other alternatives explored, if applicable, and clear statement of rationale for the action requested):

This is an order cancelling a sewer assessment for a parcel of land which is unbuildable because of zoning regulations and removing the lien. This property has now been annexed by the City of Portland which has requested this action.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

Information only

Preliminary approval

Policy direction

Approval

IMPACT:

Personnel None

Fiscal/Budgetary None

General Fund

Other _____

SIGNATURES:

Department Head or County Commissioner

Office of County Management

Office of County Counsel

(Ordinances, resolutions, agreements, contracts)

Department of Administrative Services

(Leases, surplus property, space, purchasing, etc.)

Department of Intergovernmental Relations

(Items with impact on other jurisdictions)



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
2115 S.E. MORRISON
PORTLAND, OREGON 97214
(503) 248-5000

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 16, 1985

Board of County Commissioners
606 Courthouse
Portland, Oregon 97204

RE: West Hills Service District No. 2

Dear Commissioners:

Because of zoning restrictions, a certain parcel of land in the above-referenced service district was deemed to be unbuildable and for that reason the sewer assessment was deferred indefinitely.

Since the parcel of land has now been annexed to the City of Portland and ownership of the sewer system has been assumed by the city, we recommend that West Hills Service District's outstanding assessment against this property be cancelled, enabling the city to impose such sewer charges which may be appropriate in the future.

Very truly yours,

PAUL YARBOROUGH
Director
Dept. of Environmental Services

RTH/js

Encl.: Board Order

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR
MULTNOMAH COUNTY, OREGON
AS THE GOVERNING BODY OF
WEST HILLS SERVICE DISTRICT NO. 2

In the Matter of Cancelling Assessment)
on a Certain Parcel of Real Property) ORDER

The above entitled matter is before the Board of County Commissioners, acting as the governing body of West Hills Service District No. 2 to consider the cancellation of assessment for service facilities on a parcel of real property in the West Hills Service District No. 2 (formerly Sylvan Heights Service District No. 4), more particularly described as Parcel No. 94, Section 6, T1S, R1E, Tax Lot #258; and

It appearing that said parcel of real property is not presently directly benefited by West Hills Service District No. 2 facilities in that it fails to meet the zoning requirements for a single family residence; and

It further appearing that said parcel of real property is no longer within said county service district, having now been annexed into the City of Portland, which has its own financing ordinance; and the Board being now fully advised in the premises, it is therefore

ORDERED, that the unpaid portion of the assessment on the above described parcel of real property be cancelled and that the assessment lien recorded in Book 791, Page 1063, County Records, is hereby cancelled and that a copy of this Order be duly recorded in the microfilm records of Multnomah County, Oregon.

January 9, 1986

(SEAL)

WEST HILLS SERVICE DISTRICT NO. 2
BY BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By *Ernest K. Kiburny*
Presiding Officer

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By *Noelle Mair*
Deputy

13-14
5152

January 9, 1986

Mr. Deke Olmsted, Director
Department of Justice Services
1120 SW Fifth
Portland, OR

Dear Mr. Olmsted:

Be it remembered, that at a meeting of the Board of County Commissioners held January 9, 1986, the following action was taken:

Request of the Director of Justice Services for)
approval of Budget Modification DJS #25 making an)
appropriation transfer in the amount of \$22,070)
from General Fund Contingency to Juvenile Court,)
adding one full time Deputy Sheriff to the)
Juvenile Court staff to provide security services) R-4

Commissioner Kafoury said funds for this expenditure had been appropriated in the budget last year, and asked for comment.

Sheriff Fred Pearce said that it was not appropriated in the budget and that is where the misunderstanding on this matter. He explained that during the budget hearings on the Juvenile Services, the addition of a Deputy Sheriff was considered as an add package. Knowing that Mr. Ogburn of the Juvenile Court was preparing an add package to his budget, he did not include the position in his budget, and a notion was made in his budget that there would be a transfer of funds from the Juvenile Court and he would provide for a deputy at that time, so it would not appear in the budget twice. It was his understanding that the add package was not approved by the Board, and therefore they did not amend their budget to include the budgeted position. He further explained that the position was budgeted in the prior year budget, and he funded the position into August, but when it was determined that the funds were not budgeted, he pulled the deputy out of the Juvenile Court. He then answered questions of the Board concerning this matter.

Dave Warren, Budget Office, reviewed additional background of this matter. He explained that there was to be a service reimbursement from the Juvenile Court to the Sheriff's Office.

Sheriff Pearce stated there was communication between the Juvenile Court and his office that this was to happen. He did not budget the position in his office as the Juvenile Court was going to do so. It was not the intent of the Board that he lay off a deputy in order to fund this position either. The funds for this person was to be included in the Juvenile Court Budget.

Commissioner Miller continued to insist that the position had been funded within the Sheriff's Budget, and that she would not support the motion to take funds out of Contingency for the position.

Following additional discussion, Commissioner Shadburne moved for approval. The motion FAILED for lack of a second.

Commissioner Kafoury then referred the matter to the Liaison Commissioner, Commissioner Anderson, for further discussion with the Department of Justice Services and the Sheriff.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By _____

Jane McGarvin
Clerk of the Board

jm

cc: Budget
Juvenile Court
Sheriff Fred Pearce
Commissioner Anderson

Removed by (PA)
no 2nd via
1/9/86 B. Fackel

BUDGET MODIFICATION NO. DJS #25

(For Clerk's Use) Meeting Date 1-9-86
Agenda No. 2-4

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR 1-9-85 (Date)

DEPARTMENT Justice Services DIVISION Juvenile Court
 CONTACT Harold Ogburn TELEPHONE 248-3460
 *NAME(S) OF PERSON MAKING PRESENTATION TO BOARD _____

SUGGESTED
 AGENDA TITLE (to assist in preparing a description for the printed agenda)

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

Add one full time Deputy Sheriff to the Juvenile Court staff to provide security services.

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

<u>General Fund</u> Contingency before this modification (as of <u>12/12/85</u>)	\$ <u>2,876.73</u>
(Specify Fund)	(Date)
	After this modification
	\$ <u>2,854.03</u>

Originated By <u>Harold Ogburn</u>	Date <u>12/10/85</u>	Department Director <u>Deke White</u>	Date
Finance/Budget <u>[Signature]</u>	Date	Employee Relations <u>[Signature]</u>	Date
Board Approval <u>[Signature]</u>			Date <u>12-20-85</u>

PERSONNEL DETAIL FOR BUD MOD NO. DJS #25

5. ANNUALIZED PERSONNEL CHANGES (Compute on a full year basis even though this action affects only a part of the fiscal year.)

FTE Increase (Decrease)	POSITION TITLE	Annualized		
		BASE PAY Increase (Decrease)	FRINGE Increase (Decrease)	TOTAL Increase (Decrease)
	Deputy Sheriff	31,090	13,050	44,140
	TOTAL CHANGE (ANNUALIZED)	31,090	13,050	44,140

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (calculate costs or savings that will take place within this fiscal year; these should explain the actual dollar amounts being changed by this Bud Mod.)

Full Time Positions, Part-Time, Overtime, or Premium	Explanation of Change	Current FY		
		BASE PAY Increase (Decrease)	FRINGE Increase (Decrease)	TOTAL Increase (Decrease)
Full time one Deputy Sheriff	To add half year remaining FY 1985-86 position.	15,545	6,525	22,070

14
5152

January 9, 1986

Ms. Betsy Skloot, Director
Department of Human Services
426 SW Stark
Portland, OR

Dear Ms. Skloot:

Be it remembered, that at a meeting of the Board of County Commissioners held January 9, 1986, the following action was taken:

First Reading - An Ordinance amending Ordinance)
No. 477 relating to the Task Force on Potentially)
Dangerous and Chronically Mentally Ill Persons) R-5

Copies of the above-entitled Ordinance were available to all persons wishing a copy. Ordinance was read by title only.

A hearing was held; no one wished to testify.

Upon motion of Commissioner Miller, duly seconded by Commissioner Shadburne, it is unanimously

ORDERED that the first reading of the above-entitled Ordinance be approved, and that the second reading be held on Thursday, January 16, 1986 at 9:30 A.M.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By _____
Jane McGarvin
Clerk of the Board

jm
cc: County Counsel
County Executive

14-15
5152

January 9, 1986

Mr. John Leahy, County Counsel
1120 SW Fifth
Portland, OR

Dear Mr. Leahy:

Be it remembered, that at a meeting of the Board of County Commissioners held January 9, 1986, the following action was taken:

Second Reading - An Ordinance relating to expense)
reimbursement of Multnomah County elected)
officials R-6)

Copies of the above-entitled Ordinance were available to all persons wishing a copy. Ordinance was read by title only.

A hearing was held.

Commissioner Kafoury indicated she had met with Jim Wilcox, Director of General Services, and he has offered amendments to the Administrative Procedures Rules on use of county cars which meets with her concerns, but the language will not be available until next week.

Commissioner Anderson moved, duly seconded by Commissioner Shadburne, that the above-entitled matter be held over a week.

Commissioner Miller indicated she had concerns as well and would request a work session on the rules before the matter comes back on the Board's formal agenda. Rather than continuing the matter, she moved, duly seconded by Commissioner Shadburne, and it is unanimously

-2-

ORDERED that the above-entitled matter be tabled.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

Jane McGarvin
Clerk of the Board

jm
cc: Commissioner Kafoury

DATE SUBMITTED 12/26/85

(For Clerk's Use)
Meeting Date 1/2/86
Agenda No. R-21

REQUEST FOR PLACEMENT ON THE AGENDA
Ordinance relating to expense reimbursement
Subject: of Mult. Co. officials

1-9-86 - R-21
7abled

Informal Only* _____
(Date)

Formal Only 1/2/86
(Date)

DEPARTMENT BCC DIVISION Blumenauer

CONTACT Jim Wilcox TELEPHONE 248-3300

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD _____

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Ordinance requiring all elected officials of Multnomah County and employees under the supervision of elected County officials to comply with the Multnomah County administrative procedures on elected officials' auto expense, travel expense reimbursements and miscellaneous expense reimbursements policy

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION

BOARD OF COUNTY COMMISSIONERS
1985 DEC 26 AM 10:56
MULTNOMAH COUNTY OREGON
APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT:

PERSONNEL
 FISCAL/BUDGETARY
 General Fund
 Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSICNER: Earl Blumenauer ^{fd}

BUDGET / PERSONNEL _____

COUNTY CCUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
PORTLAND, OR 97204-1976

DENNIS BUCHANAN
COUNTY EXECUTIVE

OFFICE OF THE DIRECTOR
BUDGET & MANAGEMENT (503) 248-3303
ANALYSIS (503) 248-3883
COUNTY COUNSEL (503) 248-3138
EMPLOYEE RELATIONS (503) 248-5015
FINANCE DIVISION (503) 248-3067

MEMORANDUM

TO: Dennis Buchanan, County Executive

cc: Pauline Anderson, County Commissioner
Earl Blumenauer, County Commissioner
Gretchen Kafoury, County Commissioner
Caroline Miller, County Commissioner
Gordon Shadburne, County Commissioner
Anne Kelly Feeney, County Auditor
Fred Pearce, County Sheriff
Michael Schrunk, District Attorney
Deke Olmsted, Director, Department of Justice Services
Paul Yarborough, Director, Department of Environmental Services
Betsy Skloot, Director, Department of Human Services
Duane Kline, Finance Director
Kathy Busse, Management Assistant
Hank Miggins, Deputy County Auditor

FROM: Jim Wilcox, Director
Department of General Services *Jim*

DATE: October 25, 1985

SUBJECT: Administrative Procedures.

In July I requested comments from elected officials, and Department Directors on draft Administrative Procedures dealing with travel, automobile and miscellaneous expenses. I have received and responded to those comments in the attached revised procedures.

It is now my recommendation that you formally adopt the attached procedures on November 8, 1985, thus requiring compliance by all of your employees. I further recommend that you forward the adopted procedures to the Board of County Commissioners so they might consider extending the procedures by ordinance to other County officials as recommended in Internal Audit Report #2-85 "Elected Officials Reimbursable Expenses".

JW:ga
Att.

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. _____

An Ordinance relating to expense reimbursement of Multnomah County elected officials.

Multnomah County ordains as follows:

SECTION I. ADOPTION OF PROCEDURES

All elected officials of Multnomah County, and employees under the supervision of elected County officials, shall comply with the Multnomah County administrative procedures on elected officials' automobile expense, travel expense reimbursements and miscellaneous expense reimbursements policy.

SECTION II. Ordinance No. 291 is repealed.

ADOPTED this _____ day of _____, 1985, being the date of its second reading before the Board of County Commissioners of Multnomah County.

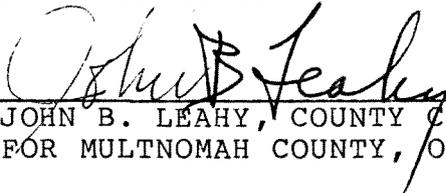
BOARD OF COUNTY COMMISSIONERS

By _____
Earl Blumenauer
Presiding Officer

AUTHENTICATED this _____ day of _____, 1985.

By _____
Dennis Buchanan
County Executive

APPROVED AS TO FORM:



JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

2384C/jdm

ADMINISTRATIVE PROCEDURE

SUBJECT:	Elected Officials Automobile Expense
----------	--------------------------------------

PURPOSE:	To provide for local travel for Elected Officials for use of privately owned vehicles
----------	---

ORGANIZATION RESPONSIBLE:	DGS - Director's Office
---------------------------	-------------------------

REVISION NUMBER AND DATE:	1 - June 1985
---------------------------	---------------

ORGANIZATIONS AFFECTED:	All
-------------------------	-----

LEGAL CITATION:	Multnomah County code 2.40.020 - 2.40.040 Multnomah County Charter 4.30 ORS 4.81.125
-----------------	--

PROCEDURE NARRATIVE:

Section I. Choices.

County elected officials are authorized to be permanently assigned a County owned or leased vehicle, or at their individual option, may choose instead to be reimbursed per mile for the use of their personal automobiles for public purposes. This election shall be made in writing to the Director of General Services.

Section II. County Owned Vehicles.

Elected Officials may be permanently assigned a County owned or leased vehicle. An Elected Official who uses a County owned or leased vehicle for personal purposes, such vehicle as defined by IRS regulations is subject to this procedure and must reimburse the County for the value of the usage.

The amount of personal value shall be determined by applying the Internal Revenue Service Regulations' table of "Annual Lease Values Table". These values include the cost of maintenance and insurance costs but do not include gasoline costs, which will be valued at 5 1/2¢ per mile. The Director of Fleet Management Services shall apply the table of Annual Lease Values to each Elected Official's assigned vehicle and notify the respective parties.

One quarter (1/4) of the full annual lease value amount will be considered as income to the Elected Official or the total amount documental on County Form Acct #15. A summary of Form 15 or equivalent shall be submitted to the Director of Fleet Management Services, who shall compute the cost of personal automobile usage, including gasoline allowance, and certify the same to the Director of General Services. The Director of General Services shall then collect the value of the personal usage on a quarterly basis as a reimbursement to the County.

The Internal Revenue Service will issue revised regulations by October 1, 1985 to be effective January 1, 1986, that will further regulate the tax treatment of municipal vehicles and set new record keeping requirements. The requirements contained therein will be incorporated into a revised Administrative Procedure at that time.

Section III. Privately Owned Vehicles.

Alternatively, Elected Officials who choose to use a personally owned vehicle for County purposes may receive a payment of 20 1/2¢ per mile which shall be complete compensation for all such costs so incurred. Mileage and related information shall be documented on County Form Acctg #15 submitted with Payment voucher Form F-21 to the Finance Division for payment. (Samples attached).

Section IV. Insurance.

An Elected Official's private use of a County owned or leased vehicle is not insured by Multnomah County. These officials must purchase their own insurance coverage at their own expense. This coverage must include liability, in the minimum amounts of \$100/300,000, collision, personal insurance protection, comprehensive, uninsured motorist and that includes Multnomah County as an additional name insured. Each Elected Official will provide a certificate of said insurance coverage to the Director of General Services.

Section V. Markings.

All County owned vehicles assigned to Elected Official shall contain a distinctive license plate symbol indicating County ownership pursuant to ORS 481.125. Exception may be made only for vehicles used in undercover law enforcement duties and County leased vehicles.



Form Acctg. 15

Multnomah County Oregon

WEEKLY PERSONAL AUTOMOBILE MILEAGE REPORT

Report of _____

For Week Ending _____ Dept. _____

Make this report in duplicate; itemize in detail; owner must sign; the department must approve and forward original copy weekly to the Finance Department, Accounting Division. Duplicate will be retained by the originating department.

Compute Daily Mileage from Speedometer Readings		PLACES VISITED <i>(Must be Listed in Detail)</i>
Sunday	Ending _____	_____
	Beginning _____	_____
	Days Total _____	_____
Monday	Ending _____	_____
	Beginning _____	_____
	Days Total _____	_____
Tuesday	Ending _____	_____
	Beginning _____	_____
	Days Total _____	_____
Wednesday	Ending _____	_____
	Beginning _____	_____
	Days Total _____	_____
Thursday	Ending _____	_____
	Beginning _____	_____
	Days Total _____	_____
Friday	Ending _____	_____
	Beginning _____	_____
	Days Total _____	_____
Saturday	Ending _____	_____
	Beginning _____	_____
	Days Total _____	_____
Weeks Total Miles _____		_____

Dated _____ 19 _____

I HEREBY CERTIFY that I have used my personal automobile in traveling the miles indicated, on the days shown and in visiting the places as above listed; all exclusively in the transaction of the authorized business of Multnomah County and that I have not heretofore been reimbursed for any part thereof

Dept. Approval _____ Signed _____
Owner

ADMINISTRATIVE PROCEDURE

SUBJECT:	Travel Expense Reimbursements
PURPOSE:	To define the procedure for requesting authorization for travel expense reimbursement.
ORGANIZATION RESPONSIBLE:	Directors Office, Department of General Services, Finance Division, Accounting Section.
REVISION NUMBER AND DATE:	8 - September, 1985
ORGANIZATIONS AFFECTED:	All organizations requesting travel authorization and reimbursement for employees.
LEGAL CITATION:	

Contents

- I. Travel Expenses - In General
- II. Advance Payment Request Procedure
- III. Travel Expense Allowance
- IV. Exceptions
- V. Preparation of Travel Request Form

I. Travel Expenses - General

Each Elected Official and Department Head is hereby charged with the responsibility of determining the necessity for, and the method of travel for their employees - provided that funds are available within the appropriate budget. Once such necessity has been determined, reimbursement shall be governed by these rules.

Any individual engaged in travel for the benefit of the County has responsibility to keep accurate, complete cost records and to submit requests for prepayment and reimbursement in accordance with this procedure. This procedure applies to all travel and training including local seminars, conferences, and educational programs.

Local Travel

Authorization for local travel is required from the appropriate Department Head or Elected Official. Local Travel includes trips traveled within a 55-mile radius of the Courthouse with a duration of less than 24 hours. Local travel rules use the same accounting guidelines as established for out-of-town travel, except that meals, per diem and lodging costs are not paid, unless included in the cost of registration.

Out-of-Town Travel

This is defined as any trip with either a destination over 55 miles from the Courthouse or a duration in excess of 24 hours. Persons who are authorized out-of-town travel are allowed per diem and lodging reimbursements as described in Section III. Any person who pays all of his/her own expenses may be reimbursed upon the completion of the travel by submitting Form #F-21, sample attached.

Any person requesting approval for advance travel funds must submit a "Travel Request, Authorization and Accounting" Form to the appropriate Elected Official or Manager at least two weeks before the anticipated date of Travel. (See Section II.) The employee's Department Director or his/her designee will approve and forward the signed form along with copies #1 through #6 to the Accounting Section. Elected officials will approve requests for themselves and their direct staff.

II. Advance Payment Request Procedure

A. Procedure

If advance payment for expenses is requested, copies #1 through #6 of the "Travel Request, Authorization and Accounting" form are submitted to the Accounting Section. (See Section VI.)

Accounting will process the form and return copies #4-#5-#6 to the traveler with the warrant in the amount of the advance. The amount so drawn will be considered an indebtedness to the County by the recipient.

If the amount of expected expenses does not exceed \$25.00, the traveler is requested to meet the expenses and, upon return, request reimbursement.

B. Accounting For Advance Payments

Within thirty (30) days after completion of the travel, an accounting for the advance must be provided to the Accounting Section for appropriate budgetary charges. This requires all expense documentation with completed and signed copies #4 and #5 of the form which accompanied the advance warrant. Copy #6 may be retained by the traveler.

C. 30 Day Limit

If no accounting has been received within the thirty day period, the individual will be notified of his or her delinquency. On the next pay period the amount of the advance may be deducted from the paycheck of the person to whom the advance is charged unless the individual has fulfilled the appropriate accounting and reimbursement requirements.

D. Over/Under Estimate

If actual expenses are less than the amount of advance, the difference must be returned to the County Treasury.

If expenses exceed the amount of the advance, reimbursement will be made to the traveler from information supplied when copies #4 and #5 of "Travel Request, Authorization and Accounting" are returned to the Accounting Section with actual costs and documentation.

If an advance is not made, reimbursement can be obtained by completing a Payment Voucher (Form Fin. #21).

If there are increases in the number of days to be reimbursed for lodging or per diem from the amount originally approved, the change must be approved by the Department Director, Elected Official or his/her designee regardless of the amount.

III. Travel Expense allowances

A. Transportation

Transportation may be authorized as follows:

- (1) When a County car is utilized for out-of-town travel, no reimbursement greater than the actual expenses incurred for the operation of the vehicle will be authorized. Receipts will be required for all reimbursements.
- (2) Private Car: When out-of-town travel is authorized, the use of the individual's private car may be authorized.

Reimbursement will be made at the rate of twenty and one half cents (20 1/2¢) per mile.

If instances where several individuals are to attend the same function and the transportation is to be by private automobile, the ride should be shared and mileage should be requested for only one vehicle. This will provide energy conservation and reduce County travel expenditures. If mileage is requested for more than one vehicle, the request must be approved separately by the Department Director or Elected Official.

In cases where County travel is combined with a vacation trip and the mode of transportation chosen is a private vehicle, reimbursement will be at the lower rate of commercial transportation or mileage. No reimbursement for per diem or hotel/motel will be made for the additional travel time charged to vacation.

NOTE: Mileage will be determined by the Finance Division from the Table of Official Mileage from Portland, Oregon, to the destination and return.

- (3) Rail: The County will approve overnight rail accommodations for out-of-state trips based on Amtrak's minimum distance requirement.
- (4) Air: The county will not reimburse for first class accommodations. Those desiring first class accommodations on the airlines may so specify by personally paying the difference between air coach tourist class and the type of accommodations so selected.
- (5) Ground Transportation and Destination: Taxicab trips and transportation to and from terminals necessary to conduct the matters relating to approved out-of-town travel will be reimbursed only upon receipts submitted.

Reimbursement for a rental car will be allowed only if authorized by a Department Director, an Elected Official, or his/her disignee. Reimbursement will be made on actual cost only. Receipt must accompany the final accounting.

- (6) Local Ground Travel: Reimbursement for airport parking and transportation between traveler's office and Portland Airport will be reimbursed only if authorized by the appropriate manager or official.

B. Commercial Transportation

When out-of-town expense reimbursement has been requested and authorized, the traveler or personnel within the affected department will procure the required reservations for the transportation.

Arrangements for commercial transportation may be made either directly or through a travel agency selected from the list of Multnomah County qualified travel agencies. A list is maintained by the Purchasing Office. Commercial transportation should not be paid through advance money. The travel agency should bill the County.

C. Per Diem

When out-of-town travel extends beyond 24 hours, an allowance for meals and incidental expenses is authorized. The amount of per diem requested shall be indicated on the "Travel Request, Authorization and Accounting" form under the recommendation of the Department Director, his/her designee, or Elected Official.

This allowance is made for the purpose of reimbursement for meals. Other expenditures will be reimbursed with submission of receipts.

A reimbursement of one-half days per diem, \$10.00 or \$12.50 respectively, is allowed for travel days to and from destination. If travel is authorized to an unusually high cost of living area, such as those described by Federal or State standards, the Elected Official or Department Head may authorize an increased per diem amount based on the facts in the circumstances.

In cases where the registration fee provides for meals, a reduction in the per diem allowance should be made. The reduction should be, for breakfast, \$3.50; lunch, \$5.50 and dinner, \$11.00. The primary responsibility for adjustments of this nature rests with the department or elected official, however, the Finance Division will review and adjust these when appropriate.

D. Lodgings

When out-of-town travel requires absence overnight, reimbursement will be made for the actual cost of lodging not to exceed the single occupancy rate established by the hotel. Receipts are required for reimbursement.

When requesting advance payment for hotel, or motel the amount requested must be the rate quoted when the reservation is made. Only this rate plus any local tax will be allowed on the final accounting.

E. Non-ERA State Travel

The Board of County Commissioners has adopted a Board Order prohibiting travel to states that have not ratified the Equal Rights

Amendment to the U.S. Constitution. Effective July 1, 1985, this restriction is suspended pending further Board clarification, as it is unclear how a state might now ratify the amendment.

F. Registration Fees

Registration fees for meetings or conferences attended by those representing Multnomah County are a reimbursable expense. If a request is made for registration fee only, which are payable to a firm or organization, the traveler may fill out and submit a Payment Voucher (Form Fin. #21). The completed form must include the signature of the person authorized to approve payment for travel, and the current date.

G. Telephone

Business related long distance phone calls made at the destination are a reimbursable expense only if cost documentation is available, such as being included on the hotel receipt. All local calls are included in the per diem allowance and not reimbursable.

IV. Exceptions

- A. Exceptions to travel expense reimbursement may be granted in unusual circumstances by the appropriate elected official on a case by case basis.

V. PREPARATION OF "TRAVEL REQUEST AUTHORIZATION AND ACCOUNTING" FORM

When a travel advance is requested complete Items A through N and submit all 6 copies to Accounting. Accounting will return copies #4-5-6 to the traveler with a warrant in the amount of the advance.

When requesting reimbursement for a completed trip for which no advance was provided, complete Items A through N, attach a completed Payment Voucher (Form Fin. #21) and submit to accounting for payment.

A. Name of Traveler

Write the name of the person who will be making the trip. If an advance is to be issued to other than the traveler, please note.

B. Department/Office

The name of the Department or Office requesting the travel.

C. Date

Date this form is prepared.

D. Authority is Requested for Official Travel to

Name of city and state of destination.

E. Inclusive Dates

Indicate dates of actual training or seminar. Do not include travel time.

F. Purpose of Travel and Comments

State the activity the traveler will be attending. The Board Order relating to out-of-town travel requests that the Department Director, Elected Official or his/her designee make note in this section of the form "as to the benefits to be attained by Multnomah County for the expenditure of these funds".

G. Amount

The amount of travel advance the traveler will be receiving (if there is one), which is set up on an "Account Receivable" in the traveler's name. (Same as Total Anticipated Costs - see "L" below)

H. Signature of Traveler

I. Date

Write the date the travel request is approved by the Department Director, or Elected Official.

J. Appropriation Account Code

Write the account codes indicating to which fund, agency, and organization, etc. to which the total cost will be charged.

K. Travel By

Indicate method of transportation by checking the appropriate mode.

L. Anticipated Costs

Indicate the estimated breakdown of costs that will be incurred. (Total anticipated costs to "G" above.)

WHEN TRAVEL HAS BEEN COMPLETEDM. Recommended Approval by Section/Division Manager

This item provides for additional and optional internal departmental control of the travel approval process.

N. Signature

Signature of the Department Director, Elected Official or his/her designee: This approves the travel request and is required.

Within 30 days after the trip, traveler must complete Items O through T on copies #4-5-6 of this form. However, if additional payment requested (Item S) is in excess of \$50.00, the Department Director must authorize by signing Item V (see instructions below).

Traveler will then forward completed copies #4 & #5 (with receipts attached) to Accounting and may retain copy #6 for their file.

1. If advance exceeds actual expenses remit the difference (Item R) with copies #4 and #5 when sent to Accounting.
2. If actual expenses exceed the advance, Accounting will issue a warrant for the difference (Item S) to the traveler.

O. Actual Trip Expenses (Costs)

This is to be filled in after the actual trip expenses are known. Documentation must be attached.

P. Total Trip Expenses

Total of actual trip expenses.

Q. Amount Advanced

Enter amount of advance (Same as G).

R. Refund to Treasury

If amount of advance exceeds the amount of actual expenses, enter amount which must be returned to the County Treasury. Accounting will enter number of Treasury Receipt.

S. Additional Payment Requested

If expenses exceed amount of advance, enter balance due to traveler.

T. Signature of Traveler

Traveler will sign the completed form verifying the actual trip expenses.

U. Section/Division Manager

This item for departmental use only, not required for final disposition of travel advance and additional costs.

V. Signature

Department Director, Elected Official designee approval required if additional payment is over \$50.00.

W. Below Heavy Black Line

This section is for Accounting Section use only.

ADMINISTRATIVE PROCEDURE

SUBJECT:	Miscellaneous Expense Reimbursements Policy
PURPOSE:	To define the allowances for County miscellaneous expense reimbursements.
ORGANIZATION RESPONSIBLE:	Directors Office, Department of General Services, Finance Division, Accounting Section.
REVISION NUMBER AND DATE:	1 - July 3, 1985
ORGANIZATIONS AFFECTED:	All organizations requesting miscellaneous expense reimbursements.
LEGAL CITATION:	MCC 3.10.190 & 3.10.200

PROCEDURE NARRATIVE:

I. General

Each Elected Official and Department Head is hereby charged with the responsibility of determining the necessity for purchasing miscellaneous goods and services for their operation - provided that funds are available within the appropriate budget. Once such necessity has been determined, reimbursement shall be governed by these rules.

II. Miscellaneous Expenses

A. Allowable

1. The purchase of meals and nonalcoholic beverages, including gratuities, when those expenses are in connection with:
 - o official citizen councils,
 - o advisory group meetings, or
 - o facility tour groups.

The purpose of these meetings must be related to the business of the program for which the payment is requested.

2. Coffee, punch and expenditures for light refreshments for meetings with members of the outside business or public sector community which relate to official County business. Coffee and light refreshment expenditures are also authorized for official informal Board meetings and County employee meetings, including formal classroom training sessions.
3. Dues for civic organizations when acting as a representative of a County office and approved by the appropriate elected official.
4. Parking expenses for volunteers, private business representatives, or non-Multnomah County public sector representatives is authorized if the amount is budgeted and approved by the program manager.

B. Conditionally Allowable

Certain expenses are allowable with written approval of the Elected Official incurring or authorizing the expenditures within that Elected Official's appropriation.

1. Food and gratuity for modestly-priced "appreciation" lunches or banquets honoring volunteers. An itemized billing stating number of guests served, cost per meal, and gratuity must accompany all requests for payment. The itemized billing statement must also state the names of the guests served and the volunteer organization with which they were affiliated.
2. Coffee, punch and expenditures for light refreshments for official functions, including employee retirement receptions, or training "sessions".
3. Food, nonalcoholic beverages, and gratuity for official business meal guests of elected County officials or representatives of Elected Officials designated in writing by each official. The approved cost shall include the County employee's meal. For this category, an annual list of persons authorized to incur such expenditures signed by an Elected Official would suffice. Otherwise case-by-case signatures of Elected Officials will be required. All expense claims must include the names of the guest entertained, their official positions.
4. Plants and maintenance services for those plants in general public access and public use areas.

Written approval is required by this section and shall be submitted to the Finance Division at the time request for payment is made.

C. Not Allowable

Under no conditions, unless otherwise noted, shall the expenditure of County funds be authorized for the purchase of items/services considered to be of a personal nature. These include:

1. Alcoholic beverages in any form for any occasion.
2. Interoffice meals/entertainment.
3. Home entertainment.
4. Flowers and gifts.
5. Meals in town, except as noted in Item B-(1) above.
6. Office social functions, including birthday and holiday observances.
7. Coffee or light refreshments for employees, except as noted in Item A-(2) above.
8. Coffee pots, cups and related accessories, except as noted in Item A-b above.
9. Parking fines and traffic citations.
10. Christmas and other holiday gifts and decorations.
11. Personal photocopying.
12. Personal long-distance telephone calls.
13. Parking for employees except as noted in procedure #2306, Travel Expense Reimbursement.
14. Dues for personal memberships in professional organizations or in civic organizations except as noted in A(3) above.

III. Exceptions

- A. Exceptions may be granted by the Board of County Commissioners on a case by case basis as circumstances allow.

15-18
5152

January 9, 1986

Mr. Jim Wilcox, Director
Department of General Services
1120 SW Fifth
Portland, OR

Dear Mr. Wilcox:

Be it remembered, that at a meeting of the Board of County Commissioners held January 9, 1986, the following action was taken:

(At this time, the Board of Commissioners recessed, and the Public Contract Review Board convened.)

Commissioner Miller moved, duly seconded by Commissioner Shadburne, and on a roll call vote, it is unanimously carried to consider the following by unanimous consent:

In the matter of an appeal of Bid Award by Joe)
Prinz, Inc., (Bid No. B61-100-0649 - Clinics and)
Offices Remodel, Phase I Gill Building) R-10)

Peter Kasting, Assistant County Counsel, advised the Board that the hearing needed to be held as the bids were only good through January 14.

Commissioner Kafoury reviewed the process to be followed during the hearing.

Don Eichman, Purchasing Director, explained the basis of the appeal is essentially a rejection of apparent low bidder, Prinz Construction, for the J.K. Gill Building remodel construction, which requires MBE participation of 20%. He reviewed the items his office looks for in terms of minority participation, to meet the 20% goal. If it doesn't meet the 20% minority participation goal, they also look at "Best Effort" in locating minority businesses who might be interested in subcontracting work on a particular project. Mr. Eichman then reviewed the Prinz Construction bid and how it scored in this MBE participation area, and the adjusted figures for Prinz following a request for clarification of their bid (letter dated November 20 from Mr. Prinz). He discussed the discrepancies found between the original bid and what the clarification letter indicated. The other issue on which they based rejection relates to certification of Assiduous by the City of Portland as an MBE. He discussed the City of Portland's certification process required under

the ordinance and administrative rules, which is also included in the bid specifications. There are two elements in that process. First, the company is to be a bonafide minority business owned and operated, 51%, and does the firm performs a commercially useful function. It was on the latter issue that he had concerns. The "commercially useful function" is to assure that minority firms are not subject to front organizations in any fashion. A concern is that an organization not become a broker for other types of services, that they truly are qualified to do the work, and that they do not sub-contract the work to other firms in areas they do not perform work. He expressed the concern he had with Assiduous, which is why he had sought specific information on Assiduous from the City. The information provided by the City Contract Compliance Office was the basis for rejection of Assiduous of allowing it to perform work in areas only where it was qualified to perform in - demolition and cleanup. They were not qualified in areas of carpet installation, doors, frames or hardware, as listed in the Prinz Construction bid. He explained that the contractor should have known what areas of work Assiduous was certified in before including him in other areas. The County provided all prime contractors a list of certified MBE contractors with each bid book. On Page 31 of the MBE directory, Assiduous is listed as being qualified for pilot service, traffic regulating, painting, cleaning and labor in the Services Section. That was the basis for reduction to 6%. He then reviewed the best efforts requirement which the Division allows on bids when a general contractor can show they have attempted to find minority firms but are unable to do so. In this case, Prinz provided documentation that they solicited from 12 firms, and 10 submitted written bids to them. In reviewing that, they found that it was not a lack of best effort, Prinz elected to use Assiduous in lieu of other minority firms they had available to them. On that basis, they rejected the Best Efforts appeal.

Mr. Eichman then responded to questions on the materials presented: The City's certification process, the County's use of the City's Certification list, the bid specifications requiring certification of MBE firms 10 days prior to bid opening for the project on which they wish to participate, concerns raised by Mr. Alexander in his letter of December 12, and responsive vs. responsible bids.

At this time, a break was taken.

Richard Alexander, Stoel, Rives, Boley, attorneys representing Joe Prinz Construction Company, appellant, distributed a packet of materials, and thanked Mr. Eichman for the courtesy he has shown in this process. He indicated he understands this is the first time since the rules were adopted that there has been a protest under the procedures, and it is important that it be handled properly and thoughtfully. If in fact there are some ambiguities that need to be addressed, he hopes that this type of thing can be

avoided in the future. One of the issues is the integrity of the bidding process. It is important not only for the parties here but for bidders who are to be handled later. They believe, based on these rules, and standard statutes and regulations relating to public contracting that Prinz being the low bidder, should be awarded the contract for three reasons. He then discussed some of the points raised by Mr. Eichman during his presentation, the use of the two forms in the bid document for listing subcontractors, and the differences between the two for listing proposed sub-contractors, and those a bidder finally ends up with, responsive and responsible bids, "best efforts" made by Mr. Prinz, the Comptroller General's arguments he cited in his letter which public agencies, such as states, cities and counties, use as basis for public contracting law. He felt the interpretation that was placed on the documents by Mr. Eichman amounted to unannounced criteria, and in other bids have been improperly rejected, as Mr. Prinz's bid was. He stated that if only the City of Portland's MBE certified bidders are to be used, it should be more clearly expressed in the bid documents, and if it is not, it is not fair after bid time to impose that obligation on Mr. Prinz who submitted his bid in good faith. He then discussed whether Mr. Prinz bid was responsive. There is no evidence of brokering by Assiduous. He then responded to Mr. Eichman's points that the Prinz bid be rejected. He referred to letters submitted by Mr. Prinz which he feels documents his best effort to secure minority businesses. He also discussed the bid documents that were given to all bidders. He did not feel the bid specifications explained the procedures as Mr. Eichman explained earlier. He is also concerned about the lack of rules in cases of appeal. He urged the Board to reverse the Purchasing Director's decision and to award the contract to Prinz Construction.

Joe Prinz, Joe Prinz Construction Co., stated he had been awarded the contract, which was then rescinded by the County. He then reviewed his efforts to find minority firm to subcontract work to on this bid. He concurred that he received a list of certified minority firms, and described the categories listed in the certification list. He answered questions regarding the categories he felt Assiduous was qualified for and Assiduous' certification to the Service Category.

Mr. Eichman reviewed the City's Certification of Assiduous in the Service Category (Page 31 of the City's Certification list), and answered questions of the Commissioners on the certification process.

Commissioner Miller discussed the County's MBE Program and discussed concerns she had with certification criteria both in Portland's MBE Certification program, and in the MBE section of the bid

documents. She also discussed concerns she had with the memo from Carl Moseley regarding work performed by Assiduous and Triple One.

Mr. Eichman responded regarding Mr. Moseley's memo, and reviewed Post-award and Pre-award activities. He emphasized that what is being discussed is Pre-award issues.

At this time, Commissioner Kafoury asked for comments from the public.

Mr. Alexander objected to the conduct of the hearing as what was being followed was not the information he was given regarding the hearing process.

Sue Klobertanz, City Contract and Compliance Office, explained the City's certification process since it was implemented in 1984, and the City's Certification of Assiduous in 1985, and the assignment of Assiduous to the Service Category. She indicated that they assign the category based on what information is provided to them by the minority business firm, and explained that the MBE firm can request changes in the certification by making application. She then answered questions of the Board.

Harold Williams, President of PenNor, a minority business firm, explained that everyone has lost a contract because the bid was submitted incomplete, or something not done right, and he did not feel that special consideration should be given to Prinz Construction because he did not meet the MBE participation goals on the contract. He also discussed the importance for the County to comply with minority participation goals. He then answered questions of the Board.

At this time, a break was taken until 2:15 P.M.

Jess M. Glaeser, Hoffman, Matasar & Glaeser, Attorneys, representing Rollins and Greene, Builders, presented copies of his letter to the Board, which affirmed the need to comply with MBE goals and to follow contracting procedures. He discussed the city's process of certification and the County's involvement in the program.

The following also testified to support the MBE goals and the Purchasing Director's decision:

O. B. Hill, consultant to Minority Business Enterprises.
Gloria McMurtrick.
Michael Hill.
James Greene, Rollins & Greene Builders.
James Cason.

Mr. Alexander and Mr. Prinz then responded to testimony.

At this time, the hearing was closed.

Commissioner Miller indicated she had some legal questions she would like to ask County Counsel, and asked if an Executive Session could be held. The grounds for the Executive Session would be to discuss the possible litigation and the County's liability in the matter.

Mr. Kasting advised that an Executive Session could be called under ORS 192.661(h) regarding possible litigation.

At this time, the Board recessed into Executive Session in Commissioner Anderson's Office under ORS 192.661(h) to discuss possible litigation and the County's liability.

* * * * *

The Board of Commissioners reconvened into regular session.

Mr. Kasting reviewed the four actions the Board could take: 1) Affirm the Purchasing Director's Decision; 2) Reverse the Purchasing Director's Decision; 3) Reject all bids and issue findings of fact indicating it appropriate to reject all bids; 4) Continue the hearing to a date certain. He also reviewed concerns of the possible actions.

Commissioner Miller moved, duly seconded by Commissioner Anderson, and following discussion by the Board members, it is unanimously

ORDERED that the decision of the Purchasing Director be upheld.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By _____

Jane McGarvin
Clerk of the Board

jm
cc: Purchasing
Facilities & Property Management

Charts used by Purchasing Director Don Eichman

1.

A.		B	
Section 00430-1-End Sub-Contractor List		Section 00810-1-End MBE/FBE Utilization Form	
Doors)	Demolition	\$81,954.00-Assiduous
Finish Hardware) Assiduous	& Carpentry	
Painting)		
Wallcovering)	Floorwork	\$5,315 -Triple One
Carpet (Installation)	Triple One	Paint & Millwork	\$21,945 - DMK Contractors

Response to Nov. 15 Letter (Prinz letter dated Nov. 20)

ASSIDUOUS

Demo & Cleanup	-	\$16,848.00
Carpet Installed	-	\$20,425.00
Doors, Frames & Hardware	-	\$38,184.00
		<u>\$75,457.00</u>

2.

Assiduous

Certified by City	Proposed by Bid
Pilot Service	Demolition)
Traffic Regulating	Carpentry)
Painting	\$81,954.00
Cleaning	
Labor	

Only demolition allowed - \$16,848.00

Total MBC Participation Reduced to 6%

3.

At time of Bid Opening

- MBE Certification 10 days prior to Opening
- MBE Utilization form completed
- MBE's Identified for Use
 - . Subcontract work to be performed
 - . Dollar amount of sub-contract work
- IF MBE Goals not met, then best effort indicated

/

Transcript of portion of appeal by Joe Prinz to Board of Commissioners -
January 9, 1986

ANDERSON: The list that Don showed us. . .

KAFOURY: Whom do you want to ask?

ANDERSON: I want to ask . . .

KAFOURY: Why don't both of you come forward.

ANDERSON: I want to ask Joe and I also want to ask Don about that list that
you have . . .

PRINZ: I have a copy of it.

ANDERSON: . . . of the City certified contractors, and what they were
certified to perform in the way of services. Is that not . . .

PRINZ: I have a copy of it, would you like to see it.

ANDERSON: No, I want to know whether or not you had that list at the time
. . .

PRINZ: Oh, Yes, I had this list.

ANDERSON: But it does say, it tells you who is certified and for what kind
of jobs.

PRINZ: It tells me, who is certified as a minority.

ANDERSON: Yes.

PRINZ: It tells me, the City makes no claims on the top of each section.
The only indication this would . . . The only original question I had
whether Assiduous would or would not fit in is, there are four categories.
It says we have separated the MBE's into four major classifications, and
lists general, specialty contractors, professionals, service vendors and
product vendors. It doesn't say anything about, it doesn't say how to use
that information. It says we are giving you that list, in asking, in
talking with the city, where that list came from, they said probably our
clerical staff. Assiduous didn't go down to the City and say I am not a
general contractor. He is Assiduous Construction. He says I do a bunch of
things. I provide labor, I do a bunch of other things. He got put into
category Four. He didn't ask to be put in category four at all. So this is
the list. Because there are four categories, I thought well, I wonder if I
can use Assiduous, and looking at this information, there is nothing that
say's I can't.

ANDERSON: Don read to us the kinds of things that Assiduous was qualified
to do.

PRINZ: Right. There is, they are . . . well.

ANDERSON: Did you have that list?

PRINZ: In the application that Assiduous turned into the City, someone, in the application is asked what do you do. And Assiduous wrote, I do piloting service, I do a number of other things, I do labor. He didn't say I am a laborer. He said I do labor. And he said I do a whole lot of things. Basically, he is a man out looking for work. That is . . .

ANDERSON: Well, someone who does finish hardware has to have some skills in that area. It isn't just labor.

PRINZ: What we were asking him to do for doors, was, to bring a door in and set it, and put the hardware, the door knob on it, and the door closer, and a kick plate with four screws on the bottom. That isn't, there isn't, we call it miscellaneous carpentry. Someone else could call it labor.

ANDERSON: So it really isn't a finish type . . .

PRINZ: No it isn't putting finish things on a wall or.

MILLER: I have some questions.

KAFOURY: Don, did you want to . . .

EICHMAN: Yes, Don Eichman, Purchasing. To answer you, yes we did provide this to the contractor, and yes it does show on page 31 of the directory, not under construction, Assiduous didn't apply under construction, but applied under services category, the fourth categories that Mr. Prinz identified. Again, as pilot service, traffic regulating, painting, cleaning, and labor, that was provided to the prime contractors, as was it to all of the prime contractors, not just Mr. Prinz. I also would like to defer to Sue Klobowitz of the City of Portland that could speak directly to this issue of how the City does operate.

SHADBURNE: Madam Chairman.

KAFOURY: . . . question, or do you prefer . . .

MILLER: Could you provide me the language from our own Blue Book that was referred to by Counsel. I don't know whether you can, Don.

SHADBURNE: Madam Chair.

KAFOURY: Just a minute.

MILLER: Could you just leave it with me and I'll return it to you. Thank you.

KAFOURY: Do people want the response from the City to finish up your question, Pauline, Would that be appropriate.

ANDERSON: Yeah, I think it fairly appropriate. I guess whether labor would include the kinds of things that you were expecting Assiduous to do. Is that not the question here. Because you knew what Assiduous was qualified to do, now did you asked then Assiduous . . .

PRINZ: Assiduous is listed there on a number of things, including labor. Assiduous, I also know, and I know that he can do other things, we have dealt with him in the past, he also has workmen's compensation, documentation which I think you have, showing carpenters. He has the ability to go out and hire a carpet layer. I don't know what the city will tell you, how they do that they do. I do know that Assiduous didn't ask for, to be put under as a service vendor. That was a clerical thing, evidently, as I am told, that happened in their office. He didn't ask to be put under as a service vendor. He does many things. We have some documentation, like I said, showing that he carries carpenters, he has the ability to hire a carpet layer. We had a, he and Lopez, a certified MBE, wanted to work together, because of some floor prep on flooring. It could have been run through Lopez as easy as Assiduous, but Assiduous helped us, originally helped us find Lopez. And they were going to work together on this. I don't know what the City would tell us, but the City never told me before hand. That, I think is where the problem undoubtedly began.

ANDERSON: Thank you.

MILLER: I have a question, Mr. Prinz.

SHADBURNE: Madam Chair, I wanted to ask . . .

MILLER: Go ahead.

SHADBURNE: And that is a question for Don. What I am confused, what I am hearing from Joe, right, is that there was no specific criteria that they had to use, that these were listed, general thoughts and ideas, but they didn't have to abide by that. Could you repeat again, I think you mentioned once before, but I want to hear it again on whether or not he had to as a general contractor, go by only those qualifications in that green paper.

EICHMAN: Yes Commissioner. Essentially we have a couple of components that go into that. One is, we tell the primes that the city of Portland certification process is honored by the County. That is informational, and we require that certification. In that process, they are certified in certain subcontract areas. We inform the prime through this book, what those particular areas of expertise are. We do have a disclaimer, that I mentioned earlier, that is printed on there, we don't talk about how good the quality of work is, what level of technical expertise they have, in those particular areas, but we do identify them for them. If they elect to do work beyond that, which is proper, if Assiduous can do all of this, then Assiduous applies to the City of Portland, and I can't speak of their internal process, but he can become a general prime, and he can have a whole shopping list of areas, but that is prior to bid opening.

SHADBURNE: What did we give, as a contractor, what did the County give to say that you have to, the only work that the people can do is what is certified. Where is that.

MILLER: It is in here. It is very clear.

4

EICHMAN: Oh, okay, there is that particular area in the book, in the directory, there are other criteria that the City can speak to. There are, I don't know, several pages in the application that they provide to the City, there is criteria that they use, a whole set of administrative rules. Again, as a bureaucrat, only it is the city bureaucracy, that goes into certification, the County does not, list every element that is used in making a city certification, and there are a number of them.

SHADBURNE: So what we are saying, in the document that, it is a County document, not a city document . . .

EICHMAN: Right.

SHADBURNE: That we are requiring the contractor to use those, the only areas they can use the people in are the certified areas.

EICHMAN: Determined by the City of Portland. They would have to, then if there were any questions on that certification process, it would be incumbent upon the prime . . .

SHADBURNE: That was part of the bid description.

EICHMAN: Yes, it is in the bid.

MILLER: Just . . .

KAFOURY: Commissioner Miller.

MILLER: Yes, the document that was provided, really clarifies, while it does say "Multnomah County honors", and I think that word is rather, you know if we require it, we should say we require it, not that we honor it, however, the second sentence says "Therefore the Contractor must include a copy of the City's letter of certification for each MBE/FBE firm with any bid requiring that MBE/FBE". So the word 'must' there, the title which is underlined, says "we honor", but it then goes on to say, "you must have a letter of certification from the City".

SHADBURNE: But does that . . .

MILLER: Did Mr. Prinz have that letter. Did he submit that letter of certification on Assiduous at the time of the bid.

EICHMAN: Commissioner, I would have to review the bid document itself. That may have been included for Assiduous, I am not sure.

MILLER: Well, I think that is pivotable. If you have a letter from the City certifying him, then he has met the requirement. If you don't, then he hasn't. It is real simple. Isn't that letter a matter of record or isn't it. It also, fairly generous, in that it gives the contractor 10 days prior to bid opening to certify, so that within 10 days of having submitted your bid, in that interim, you have the opportunity to get Assiduous certified, if Assiduous was not certified. So, it seems, first we have to ascertain the factual matter, did they comply with the letter. If they did, we've got a problem. If they didn't, we don't have a problem. The other question, is the question of verbal information that was supplied by a member of staff,

according to the letter of December 12, from Mr. Alexander. Mr. Prinz is apparently replying to some comments made by Carl Mosely. I am referring to Page 4. Apparently Mr. Mosely wrote a memorandum to you, Don, objecting to Mr. Prinz' bid. One of them was, "therefore Assiduous had no arrangement at the time", and that phrase is underlined, "at the time, that qualified it for carpentry work". Okay. "and depending on who you believe, Assiduous may not have made any arrangement with Ed LaPrinz at the time, to be qualified, Ed Lopez, who is Ed Lopez.

PRINZ: Ed Lopez is a certified MBE who is directly certified as a carpet layer who is going to lay the carpet, and the . . .

MILLER: Carpentry here means, laying carpets, and not hammering.

PRINZ: No there is two different areas. Carpet laying and carpentry.

MILLER: Well this says carpentry. Carpentry was in question.

PRINZ: Ed Lopez is a carpet layer, and Assiduous was going to deal with him.

MILLER: Okay. In any event, then I skip down, and I look at your response and it says, "you say, during my discussion with Mr. Moseley, who is our County staff, he mentioned the county did not like the work done by Triple One Construction. I told him, I hoped Assiduous could do the work, if the County would go along with it. He told me once the contract was signed, I could change all my minorities if I maintained the 20% goal and got his approval." There are two things here that have me just absolutely confused. One, are we objecting to Assiduous or are we objecting to Triple One.

KAFURY: Why don't you let him answer.

MILLER: Let me give you the two parts. That is number one. Number two, did Carl Moseley say that because if Carl Moseley said that, then he certainly misled the client.

EICHMAN: Carl Moseley's memo to me is in terms of internal communications and is not something that relates to the award decision. I want that clear. The other part . . .

MILLER: That is not clear. What do you mean by dismissing that. This is now used in a public document, as evidence upon which we are to make a judgment. And it lists Carl Moseley's comment.

EICHMAN: I know, but Carl Moseley's comments, for the decision making that I made, the question of whether Assiduous was, or Triple One did good work, or bad work, was not part of the decision. That is what I want you to understand. It is the certification. It wasn't the quality of the work. That is the first part of your question.

MILLER: Okay, but as a result . . Okay, thank you. Then as a result, is Triple One certified by the City to do this kind of work.

EICHMAN: I believe they are certified, yes.

MILLER: As an in pursuit of that debate between Carl and Mr. Prinz, apparently Mr. Prinz is saying here, before this body, that is sitting as a quasi-judicial body, and so I presume he is saying it on the record, and saying it truly, that Mr. Moseley told him he could change his minorities, as long as he maintained the 20% goal. I want to know, Mr. Prinz, is that a fact that you wish to testify to.

PRINZ: That is absoletely a truthful fact. I think that at the end of that, there is a statement which says, with approval by the County, or by Mr. Moseley.

MILLER: Yes . . .

PRINZ: Yes, that is an absoletely true statement.

MILLER: If you did that and got his approval, I take it his approval was, he wanted to approve the quality of the work. But apparently his comments seems to suggest that he led you to believe that you could change the minority worker at any time, after the contract was opened. That is what I am trying to establish.

PRINZ: As long as we maintain the goal, and had approval for the change by Carl Moseley, yes, that is a truthful statement. I don't believe that is part of our argument, but yes, if it is useful piece of knowledge, that is absolutely a true statement.

EICHMAN: I believe I can clarify that. We are at a point prior to award that we are making this decision today. Now, what Carl is referring to, and is in our specification, as Administrative Rules, is Post Award. Our decision on what information we have from all the primes, not just Mr. Prinz, what they submitted, for me as the Purchasing Director, to make a decision on award. That is where the conflict is. Carl's comments comes post award. Say we award to Mr. Prinz, and something happens to one of those subcontractors, then he would request the Purchasing Director, to substitute another minority firm, so that is a big difference, and that is pre-award, and that is what we are talking about here.

KAFURY: Am I correct, it is different that changing the contractor to remedy deficencies in the application.

EICHMAN. Yes. I couldn't say it better.

KAFURY: Is that correct.

KASTING: I just what to state for the benefit of people who might be wondering what Commissioner Miller was reading from, she was looking at Sections 60.070, Sub 7 of the County's PCRB rules, and that is the same rule that Don is referring to. It makes people nervous if something is cited, and not referenced.

~~Attest~~
Tape 1-3 trans
crypt excerpts

1/9/86

At this time, the Board of Commissioners recessed, and the Public Contract Review Board convened.

Commissioner Miller moved, duly seconded by Commissioner Shadburne, and on a roll call vote, it is unanimously carried to consider the following by unanimous consent:

In the matter of an appeal of Bid Award by Joe)
Prinz, Inc., (Bid No. B61-100-0649 - Clinics and)
Offices Remodel, Phase I Gill Building) R-10)

Peter Kasting, Assistant County Counsel, advised the Board that the hearing needed to be held as the bids were only good through January 14.

Commissioner Kafoury reviewed the process to be followed during the hearing.

Don Eichman, Purchasing Director, explained that the basis of the appeal is essentially a rejection of apparent low bidder, Prinz Construction, for the J.K. Gill Building remodel construction, and it required a MBE participation of 20%. He reviewed the items his office looks for in terms of minority participation, and if it meets the 20% goal. If it doesn't meet the 20% minority

participation goal, they also look at "Best Effort" in locating minority businesses. Mr. Eichman then reviewed the Prinz Construction bid and how it scored in this MBE participation area. He reminded the Board that that occurred at Bid Opening. He then reviewed the adjusted figures for Prinz following a request for clarification of their bid (letter dated November 20 from Mr. Prinz). An altering of the bid is not allowed, but they can seek clarification on a bid. The reason for the clarification is to be equitable in the analysis and determination of award of a bid. He had at this point a discrepancy in the bid that allowed Prinz to make the 20%, and meeting the MBE goals. There were discrepancies between the original bid and what the clarification letter indicated. He explained what the discrepancy was between the two documents. There was a difference of \$81,000 and use of certain MBE contractors, to \$75,000, and different MBE contractors. The other issue on which they based rejection relates to certification of Assiduous by the City of Portland as an MBE, and what is involved in the certification, and what work are they qualified to do. He explained that the City of Portland has from the outset of this program, certified minority firms and female owned firms for the County. That is the ordinance and administrative rules. That is included in the bid specifications. There are two elements in that process. First, the company is a bonafide minority business owned and operated, 51%, and does the firm performs a commercially useful function. It was on the latter issue that he had concerns.

The "commercially useful function" is to assure that minority firms are not subject to front organizations in any fashion. He reviewed the concerns that an organization not become a broker for other types of services, that they truly are qualified to do the work, and that they do not sub-contract the work to other firms in areas they do not perform work. He expressed his concerns that he had with Assiduous, and that he had sought specific information on Assiduous from the City. The information provided by the City Contract Compliance Office was the basis for rejection of Assiduous of allowing it to perform work in areas only where it was qualified to perform in - demolition and cleanup. They were not qualified in areas carpet installation, doors, frames or hardware. He explained that the contractor should have known what areas of work Assiduous was certified in before including him in other areas. He explained what the County does to inform the prime contractors of the certified MBE contractors and is handed out with each bid book. He explained that on Page 31 of the MBE directory, Assiduous is listed as being qualified for pilot service, traffic regulating, painting, cleaning and labor in the Services Section. There is also a disclaimer on the Booklet, relating to the "availability, technical expertise, quality of workmanship, or bonding insurance limits.." This is the essence of the minority business program to allow minority firms to operate in the areas without having to go through a front to get the business. That was the basis for reduction to 6%. He then reviewed the best efforts requirement which the Division allows on bids when a general contractor can show they have

attempted to find minority firms but are unable to do so. In this case, Prinz provided documentation that they solicited from 12 firms, and 10 submitted written bids to them. In reviewing that, they found that it was not a lack of best effort, Prinz elected to use Assiduous in lieu of other minority firms they had available to them. On that basis, they rejected the Best Efforts appeal.

Commissioner Miller then asked questions regarding the materials presented.

Mr. Eichman indicated that Assiduous was listed as a sub-contractor who would then go out and find other sub-contractors to do other work, which is the work of a prime contractor. If a firm is not certified to do general, they are not considered to be a general contractor, to go out and get other work.

Commissioner Miller asked if Mr. Prinz knew that by having Assiduous subcontract, that it might be interpreted by the County as being not a commercially useful function. Triple One was listed originally as a minority firm. She asked to what extent is the County bound by the standards, and it was also her understanding the since the Bid was first submitted, Assiduous has sense qualified with the City.

Mr. Eichman said he was not aware of that. That would not however be an element in this. The County is incumbant to follow the City's certification. The city form is several pages long and lists the criteria that they use to certify a firm. The County only honors that process. It does not identify or say they are right or wrong, or question their certification. He said this is the first case since 1981 that has come up, and there has been no reason to regret that arrangement.

Commissioner Miller said she thought the County would use

the City list as a screening for getting its own contractors, but she did not feel that the County would be bound by the City's list.

Mr. Eichman said that is in the Administrative Rules for the County and the Bid Specifications that the County does honor the City's list.

Commissioner Miller read the following: "It shall be the policy of Multnomah County to consider and use the certification list of the City of Portland". The County decided to do that as protection for the County, and to limit the amount of research the County would have to do. For clarification, in her recollection, the County will consider the City list, but she is not sure the County is obligated to it. She is not sure this was intended to adopt fully all of the City's standards, practices and requirements.

Commissioner Shadburne asked if the City certifies people outside the City of Portland.

Mr. Eichman said they certifies anyone who applies to them to do work within the City/and County. He explained that the County's bid specifications, Page 00800-3 reads "Multnomah County honors the City of Portland's MBE Certification ", and it goes on to paragraph (A) "Certification as MBE/FBE firm shall be required prior to the bid opening for project where MBE/FBE participation is required. In order for the minority/female business to particpate on that project, in order to provide sufficient time to complete the certification process, applications for MBE certication should be received and post-marked to the City of Portland's Contract and Compliance Office at least 10 days prior to the bid opening date for the project on which they wish to participoate." The County has taken that policy and put it into the Public Contract Review Board rules, that this is required prior to bid opening. The County has not done certification. Where the Division has attempted to do so, they were found by the County Auditor to out of compliance. The Division certified some handicapped firms as socially and economically disadvantaged, and it was found to have done that.

Commissioner Miller said a solution was arrived out outside the City guidelines. The County does not hold itself absolutely rigid to the City standards. While the language in the bid specs, as a bureaucrat, have been interpreted the intent, it may have been interpreted more tightly then the Board intended.

Mr. Eichman said that may be the case. He believes that

language was taken directly from the Public Contract Review Board Rules, Division 60, that the Board passed, and he will check that out.

Commissioner Miller said the County was going to piggy back with the City because it would be a convenience, but the County would not be held exclusively to that. She feels it is being read to tightly, maybe, maybe not.

Mr. Eichman said in practice they have read it very tightly. They have done no certification outside of the City.

Commissioner Miller said the next question is really from Stoel, Rives letter in which they cite the question of whether the bid is responsive, as to whether it is before or after. This was on page 3 of their December 12, 1985 letter, stating: "the Controller General has ruled that a low bidders compliance with MBE requirements on a federally financed project is a matter of responsibility rather than responsiveness, and that document concerning such matters may be submitted after the bid." She asked if the County is bound solely to practices of the City where Stoel Rives is referring to the Comptroller-General standards and rules, and to what extent does the County honor their procedures.

Mr. Eichman said the funding source would dictate to one level. This is General Fund construction, so it doesn't fall under the Federal. The other part is that the County states in the bid specs at the time of bid opening, and the other vendors, when the County goes to award, follow those same rules. The County does not allow a change after bid opening under those conditions. If something comes up after the award, for example, one of the sub-contractors goes out of business or some other reason cannot honor, there is a process by which the contractor would come to the Purchasing Director and ask to change the minority, they would allow that. In evaluating who they would award to, they have administered this, as a "bureaucrat" very strictly.

Commissioner Miller asked if he disagrees with the distinction between responsive and responsible bid as outlined in the Stoel-Rives letter of December 12, the paragraph above that, which says "A responsive bid implies the ability to perform the contract and goes to the capacity of the bidder, rather than to his willingness to perform on the County's terms." If she understands this, a responsible bidder is one who is capable to doing the work, and a responsive bidder is one who has made an effort to comply with the regulations, and may only hit the 6%, rather than the 20%.

Mr. Eichman said he accepts the definition, but they viewed it from the responsive perspective. Prior to award, they had to see what was there - did they make their percentages. It was on that

basis that the bid was rejected, not the fact that this vendor could in fact find other vendors after the bid award, or substitute, or have the capacity to do it. Even for Assiduous to do the work, they didn't evaluate on that basis.

Commissioner Miller asked in rejecting the bid, did Purchasing use the word responsible or responsive.

Mr. Eichman said they used responsive.

At this time, a break was taken.

Richard Alexander, Stoel, Rives, Boley, attorneys representing Joe Prinz Construction Company, appellant. During the recess a packet was distributed. He has not seen what Mr. Eichman presented to the Board prior to the meeting, but he assumes that there are some duplication. He has tried to give a chronological statement of what has taken place. He thanked Mr. Eichman for the courtesy he has shown in this process. Obviously, they disagree with what he has done, and think he has a fundamental misconception of the issues related to the protest, but he has been courteous and responsive. As the material indicates, and he hopes the Board will take time to review it prior to making a decision, he understands this is the first time since the rules were adopted that there has been a protest under the procedures, and it is important that it be handled properly and thoughtfully. If in fact there are some ambiguities that need to be addressed, he hopes that this type of thing can be avoided. One of the issues is the integrity of the bidding process. It is important not only for the parties here but for bidders who are to be handled later. They believe, based on these rules, and standard statutes and regulations relating to public contracting that Prinz being to low bidder, should be awarded the contract for three reasons. Mr. Prinz is here and he would like to address the Board. At the outset, before he addresses the three reasons they think Prinz should be awarded the contract, he wanted to clarify what in his mind, the issues are, and what they are not. When Mr. Eichman got started, he had his A letter, B letter and C clarification, and when he got through with that, after several

questions and answers, he went on to what he described the reasons for the rejection. The reasons for the rejection, they have always understood, and as Mr. Eichman said this morning, it had nothing to do with the request for the clarification of the differentiation that prompted that. Mr. Prinz will tell the Board that one of the reasons between the two forms is there is a sub-contractor's list that says right on it, it is an indication of who is going to be used, and if they intend to change it, then let the County know. That is filled out some time prior to the actual bid is filled out. In a public contract, when a contractor solicits bids from sub-contractors and suppliers, the bids are coming in on a frequent basis, right up until bid time literally. It is not until the bid is submitted where the other form is filled out, the minority business form, because they do not know who is going to be the low bidder and what the prices are. That is why there was differentiation between the two forms. Mr. Eichman does have the right, as he indicated, and obligation to ask for a clarification. There are two determinations that Mr. Eichman made that need to be stressed. The first, he determined after requesting a clarification, that Assiduous was not certified, at least as he reviewed the certification procedure, and based on that determination, he said that Joe Prinz Construction Company was not responsive. It is his belief, responsive under public contracting law is a term of art. It is very different from the term of responsibility. They argued with Mr. Eichman about that, and frankly, they believe that Mr. Prinz bid was responsive, but

nevertheless there was a conclusion at the outset that the bid was

not responsive. They then went to the next step, and the specifications and the Purchasing Director acknowledged, that even if you are not responsive, if that is the term to use if you don't meet the MBE/FBE requirements, you can nevertheless and should award the contract if best effort is used to reach that goal. They had a hearing about two weeks ago before the Purchasing Director and some of his staff, and they submitted information which is in the packet that is before the Board, which showed what Mr. Prinz did prior to bid time in order to meet the MBE/DBE/WBE goals. They are convinced that in that information, and hearing, they established that Mr. Prinz used best efforts to satisfy the MBE requirements. The second determination that Mr. Eichman made was that after looking at this, in the process of looking for MBE's, you found some out there, that were certified, and you choose not to use them, you used Assiduous who he determined was not certified, and Mr. Eichman concluded, and if you look at his letter of December 27, he believes it is very clear, because Mr. Prinz used what he described as a non certified MBE, and there were certified MBE's out there, that it necessarily followed that best efforts were not used, and he thinks again, that is a misconception of the term "best efforts" is. It was those two decisions that they want to talk about. Regarding the first decision, that Assiduous Construction Company is not certified as an MBE. They think that Prinz' bid did satisfy the MBE requirements. If you look at the County's specifications, what it says, which was referred to earlier, it is consistent with the reading of this information. What it says that "the furnishing of this information

is neither a recommendation nor representation for the qualification or availability of the firms used". It does say that the County will look to the City's requirements, but there is no language in this document that says that is the only requirements they will look to. He believes the Board has to put itself in the position of a bidder when he looks at this, and determines what he should do or shouldn't do. One of the cases he gave the Board in the packet of information, is helpful on that point. It is on about the third page from the end. He didn't quote the whole case, but this is another Comptroller General Case, and to answer an earlier question, the Comptroller General is the Federal body which handles issues like this on Federal Procurement and Federal Contract issues. Obviously this County Commission does not look to the Comptroller General and say they say that it must be the law. But the State of Oregon, the City and the County does not get into issues like this very often, and it has been his experience dealing with public agencies in Oregon, that Federal Procurement Law decisions like the Comptroller General, have great weight in making decision, because they have experience with the issues, they deal with these same kinds of issues, and presumably, they make reasoned determinations on some of these issues, and in this case, the Comptroller General said in a case, not identically like this, but somewhat like this, in terms of whether the MBE requirements have been specifically been set out, they said "in the absence of a definite statement in this regard, bidders were deprived of an intelligent basis on which to determine the qualifications of the

proposed sub-contractors, and were subject to having their bids rejected as being non-responsive on the basis of unannounced criteria". I am submitting today, that the interpretation that is

being placed on these documents by the Purchasing Director, is an unannounced criteria, and as a result of that the court went on to say "therefore it is our view that THOMAS's," and Thomas in this case is Mr. Prinz in our case, "was improperly rejected. And as a result of that, we believe if you would look at these documents and take it into consideration with respect to the policy of the County, that you will conclude that if in fact there is an attempt that only City of Portland MBE certified bidders are to be used, it should be more clearly expressed, and if it is not, it is not fair after bid time to impose that obligation on Mr. Prinz who submitted his bid in good faith. There is no dispute on Mr. Prinz' good faith in that regard. Secondly, with respect to whether the bid is responsive or not, the County documents again, say, even if they assume they are stuck with the City of Portland's requirements

STOEL, RIVES, BOLEY, FRASER & WYSE

ATTORNEYS AT LAW

900 S W FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268

TELEPHONE (503) 224-3380
TELECOPIER (503) 220-2480
CABLE LAWPORT
TELEX 703455

WRITER'S DIRECT DIAL NUMBER

(503) 294-9387

January 8, 1986

VIA MESSENGER

Commissioner Pauline Anderson
Commissioner Kretchen Kafoury
Commissioner Caroline Miller
✓Commissioner Earl Blumenauer
Commissioner Gordon Shadburne
Board of County Commissioners
Room 605, County Courthouse
1021 SW Fourth Avenue
Portland, Oregon 97204

Dear Commissioners:

Re: B61-100-0649
Clinics & Offices Remodel - Phase I

In the event you do not have copies, we are enclosing copies of applicable correspondence with respect to the issue concerning an award to Joseph Prinz Construction Company.

Very truly yours,



Richard E. Alexander

REA:mmf
Enclosures

cc (w/encls.): Mr. Don Eichman
Mr. John Leahy

MINORITY/FEMALE BUSINESS ENTERPRISE UTILIZATION FORM (MBE/FBE)

1. Name of County Project Clinics & Offices Remodel
2. Project or Bid Number B61-100-0649
3. Name of Contractor Prinz Corporation
4. The above named Contractor intends to fulfill its commitment to expend 20 % of its contract for Minority Business Enterprise and/or 5 % of its contract for Female Business Enterprise in the following manner:

Names and Addresses
of MBE/FBE Firms
Contractor Anticipates
Utilizing

Nature of
Participation

Dollar Value
of Participation

Check One:

MBE FBE

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>ASSIDUOUS CONSTRUCTION</u>	<u>Demolition</u>	<u>\$ 81,954</u>
		<u>2031 N. WAHS #5 Portl</u>	<u>Carpentry</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>TRIPLE-ONE BUILDING</u>	<u>Painting</u>	<u>\$ 5315⁰⁰</u>
		<u>P.O. Box 411 Brewster</u>	<u>flooring work</u>	<u>21,945⁰⁰</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DMK CONTRACTORS</u>	<u>Paint & Millwork</u>	<u>\$</u>
		<u>P.O. Box 30483 Portl</u>		
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

Total

\$ 109,214

Amount of Total Contract

388,000

Minority Enterprise % of Total Contract

23.25%

Female Enterprise % of Total Contract

6.7%

Joseph [Signature]
Authorized Signature

Date: 11/13/88

This form to be completed, signed and submitted at the time of the bid opening.

(Please refer to Section 00800 of the Project Manual for Supplementary Conditions.)

1.1 INSTRUCTIONS:

- A. Bidder shall list only one subcontractor for each of the categories of Work listed below. If item is not proposed to be subcontracted, bidder shall insert "self" opposite that item.
- B. Bidder proposes and agrees to use the following subcontractors in the performance of the work. Any proposed change of subcontractors after Bid Award must be submitted in writing to Multnomah County for approval. -

1.2 TYPE OF WORK

PROPOSED SUBCONTRACTOR

- | | |
|-----------------------------------|------------------------|
| A. Custom Casework | LEMMONS Mill work ✓ |
| B. Doors (Installation) | ASSIDUOUS Construction |
| C. Finish Hardware (Installation) | ASSIDUOUS construction |
| D. Glazing | DIAMOND GLASS |
| E. Drywall | HARLEN'S Drywall |
| F. Carpet (Installation) | TRIPLE-ONE Const. |
| G. Painting | ASSIDUOUS Const. |
| H. Wall Covering | ASSIDUOUS Const |
| I. Plumbing | PENINSULA Plumb |
| J. HVAC Work | PENINSULA Plumb |
| K. Electrical | AC & E etc. |



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 9, 1985

Joseph Prinz
1817 N.W. 27th
Portland, OR 97210

RE: B61-100-0649
CLINICS & OFFICES REMODEL - PHASE I

Dear Mr. Prinz:

I regret to inform you that your bid for the above referenced project has been determined to be non-responsive due to failure to meet the 20% MBE utilization requirement.

Multnomah County uses the City of Portland's certification list. MBEs certified by the City of Portland must meet the tests for a minority business and the tests to determine whether the firm "performs substantial and commercially useful functions" (City Ordinance 157320; May 8, 1985; Item 3). The firm is then certified for those specific functions.

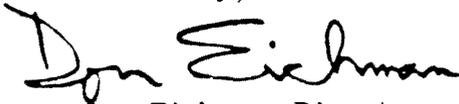
MBE goals are met by utilizing MBEs certified to perform a particular service/product. If a subcontractor has not been certified to provide a specific product/service at the time of bid opening, use of that firm to provide that product/service is not counted toward the MBE goal.

Specifically, with regard to Assiduous Construction, the firm was certified in July 1985 to perform pilot service, traffic regulating, painting, cleaning and labor. At the time of bid opening, Assiduous Construction was not certified as a general contractor or certified to do finish carpentry and carpeting. As a result, only \$16,848 for demolition would be counted to the MBE goal which brings your total MBE participation to \$21,683.00 or 6%.

Mr. Joseph Prinz
December 9, 1985
Page 2

Thank you for your interest in participating in the County's bid process. If you elect to appeal this decision, please contact me in writing by December 20, 1985.

Sincerely,

A handwritten signature in cursive script that reads "Don Eichman". The signature is written in dark ink and is positioned above the typed name.

Don Eichman, Director
Purchasing Division

cc: Duane Kline
Carl Moseley
A.M. Hazen

DF/AH/csj

STOEL, RIVES, BOLEY, FRASER & WYSE

ATTORNEYS AT LAW

900 S W FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268

TELEPHONE (503) 224-3380

TELECOPIER (503) 220-2480

CABLE LAWPORT

TELEX 703455

WRITER'S DIRECT DIAL NUMBER

(503) 294-9387

December 11, 1985

VIA MESSENGER

Mr. Don Eichman, Director
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, Oregon 97202

Dear Mr. Eichman:

Re: B61-100-0649
Clinics & Offices Remodel - Phase I

This will confirm our telephone conversation yesterday in which I advised you that we represent Joe Prinz Construction Co. in connection with the above matter.

As you know, Mr. Prinz believes the contract should be awarded to his company. We will be forwarding you information in support of his claim shortly.

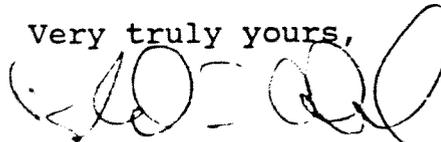
In the meantime, this will confirm that Multnomah County is continuing to review this matter and will not award the contract until such time it has reviewed the information submitted by Mr. Prinz.

Finally, to the extent that an appeal is required to your letter of December 9, 1985, you may consider this the appeal. By so appealing, Prinz does not waive and expressly reserves all of his rights.

Mr. Don Eichman
December 11, 1985
Page 2

As we discussed on the telephone, we fully expect that this matter will be promptly and satisfactorily resolved.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Richard E. Alexander', written in a cursive style.

Richard E. Alexander

REA:mmf

STOEL, RIVES, BOLEY, FRASER & WYSE

ATTORNEYS AT LAW

900 SW FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268

TELEPHONE (503) 224-3380
TELECOPIER (503) 220-2480
CABLE LAWPORT
TELEX 703455

WRITER'S DIRECT DIAL NUMBER

(503) 294-9387

December 12, 1985

Mr. Don Eichman, Director
Multnomah County
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, Oregon 97202

Dear Mr. Eichman:

Re: B61-100-0649
Clinics & Offices Remodel - Phase I

Pursuant to our letter of December 11, 1985, Joe Prinz Construction Company ("Prinz") believes it is entitled to the award of the above contract for several reasons.

At the outset, however, it is important to review the background of this matter. Section 00050 specifies that bidders are to obtain certain MBE and FBE participation. Reference is made to Section 00430 and Section 00800 with respect to MBE and FBE participation. Section 00430 references the subcontractor list and provides, among other things, that "any proposed change of subcontractors after bid award must be submitted in writing to Multnomah County for approval." Section 0080 contains supplementary conditions including, at part 1.2(e), provisions relating to MBE and FBE utilization. Subsection (4) references the City of Portland's MBE/FBE certification, and Subsection (5) requires bidders to either equal or exceed the percentage goal or indicate that best efforts were used to obtain such goal.

Prinz submitted a bid on November 14, 1985. Prinz' bid of \$380,000 is the lowest bid. It is Prinz' position that his is the lowest responsive and responsible bid and, as such,

Mr. Don Eichman, Director
December 12, 1985
Page 2

should be awarded the contract for three reasons. First, Prinz believes his bid fully satisfied all requirements of the request for bids. Second, to the extent that, for some reason, the information on MBE/FBE's does not satisfy such requirements, Prinz did utilize best efforts and is therefore entitled to an award of the contract. Finally, issues relating to MBE/FBE participation relate to responsibility, rather than responsiveness. As such, any goals can be satisfied after the time of award and Prinz can satisfy such goals.

Prinz Satisfied all Requirements of the Instruction to Bidders With Respect to MBE/FBE.

Prinz duly completed the MBE/FBE utilization form. In so doing, he noted he would use Assiduous Construction for demolition and carpentry.

The County stated it was concerned as to whether this would qualify since Assiduous is only certified as a service vendor by the City of Portland.

However, Section 12E(4) through Section 0080 only states that Multnomah County will honor the City of Portland MBE/FBE certification. It does not state that, in the event a duly-formed MBE is to be used, that it will not be honored. As such, Assiduous should be utilized. We are submitting with this letter a copy of an information page for Assiduous showing insurance for painting and carpentry. Moreover, even assuming the City of Portland certification is conclusive, Assiduous is certified to perform pilot service, traffic regulation, painting, cleaning and labor. Assiduous was to perform, as stated, demolition and carpentry. There is no specific certification for such subjects and they do constitute labor for which Assiduous is certified. Finally, the utilization of Assiduous and others by Prinz certainly satisfies the intent of the MBE/FBE requirements and should be allowed.

Prinz Utilized Best Efforts to Meet the Goals.

As stated, paragraph 1.2E(5) specifically allows any bidder to an award of the contract even if the goals are not satisfied as long as the bidder utilized best efforts to meet such goals. As Prinz advised in his prior correspondence including, without limitation, his letters of November 20 and November 27, 1985, he did use best efforts. Moreover, we

Mr. Don Eichman, Director
December 12, 1985
Page 3

understand the County is independently reviewing this issue and Prinz will, upon request, be submitting additional information on his efforts. Among other things, however, he took a number of quotes, made concessions such as not requiring a bond, and provided financial assistance to the MBEs he intended to use.

Prinz is Entitled to Provide Information After Award With Respect to What Subcontractors and Suppliers He Intends to Use to Satisfy the Requirements.

Finally, in any event, Prinz, being the low bidder, is entitled to provide the County with any new information he has with respect to what subcontractors and suppliers he intends to use to satisfy the requirements.

At the outset, a distinction must be drawn between a responsive bid and a responsible bid. The latter implies the ability to perform the contract, and goes to the capacity of the bidder rather than to his willingness to perform on the County's terms. In general, it may be said that a bid is not responsive to the invitation and may not be considered for award when it contains a deficiency pertaining to any material factor. A material factor is a circumstance which affects the price, quality or quantity of the articles or services to be furnished. See McBride and Touhey, 1B Government Contracts, § 10.70 (1981).

The Comptroller General has ruled that a low bidder's compliance with MBE requirements on a federally-financed project is a matter of responsibility rather than responsiveness and that documentation concerning such matters may be submitted after bid opening. He has further ruled that a low bidder should be allowed to substitute a new minority subcontractor in his bid in order to meet an MBE participation requirement. Comptroller General's Decision No. B-199145, 28 CCH, Contract Cases Federal, ¶ 80,959 (November 28, 1980), aff'd Comptroller General's Decision No. B-199145.2, 28 CCH, Contract Cases Federal, ¶ 81,728 (July 17, 1981). See also Comptroller General's Decision Nos. B-192696, B-194037, B-194103, CCH Contract Cases Federal, ¶ 83,129 (February 27, 1979) (prime contractor could change its intended subcontractor's bid after bid opening; the requirement for listing subcontractors was a requirement for the contractor to show, after bid opening, that at least the minimum required percentage of subcontracts would be performed by minority-owned firms; the information was required to determine bidder responsibility and was not related to bid responsiveness.

Mr. Don Eichman, Director
December 12, 1985
Page 4

As such, Prinz can properly provide information now on MBE, and he is in a position to satisfy whatever requirements need to be satisfied.

Conclusion.

Multnomah County is, of course, a public agency within the meaning ORS 279.011(5). Moreover, ORS 279.029 requires all public agencies to award construction contracts to the lowest responsive and responsible bidder. As outlined herein, and as indicated in the prior correspondence, Prinz firmly believes that he is entitled to the award of the contract. We are aware of the County's concerns and have attempted to address them from a legal standpoint in this letter. Moreover, we understand that the County has certain concerns with respect to precisely the intent of Prinz' bid and in what respect and for what reasons subcontractor and supplier relationships may have been subject to change since bid opening. I am enclosing a copy of a letter from Prinz outlining the bases for the bids in an effort to answer any such questions.

Moreover, we understand the County will be forwarding a letter to Mr. Prinz requesting certain information with respect to his efforts to meet the minority requirements. We will, of course, respond to it promptly.

Despite the information contained herein, we recognize that, in a matter like this, certain questions can arise and misunderstandings develop. As a result, once you have received all of the information from Prinz and reviewed it, we suggest that we have a meeting to review it in detail and answer any questions you might have.

Very truly yours,

Richard E. Alexander

REA:mmf
Enclosure

cc: Mr. Joe Prinz

INFORMATION PAGE

Liberty Northwest Insurance Corporation

Policy No. WC4-1NC-001854-015-33/-NO1

1. The Insured: Jimmy DuQuot
 DBA: Assiduous Construction
 Mailing address: 2031 N. Watts #5
Portland, OR 97217

- Individual
- Partnership
- Corporation
- Other

Other workplaces not shown above:

- 2. The policy period is from 10/28/85 to 10/1/86 at the Insured's mailing address.
- 3. A. Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states listed here: Oregon
- B. Employers Liability Insurance: Part Two of the policy applies to work in each state listed in item 3.A.
 The limits of our liability under Part Two are: Bodily Injury by Accident \$ 100,000 each accident
 Bodily Injury by Disease \$ 500,000 policy limit
 Bodily Injury by Disease \$ 100,000 each employee
- C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here:
 All states except Ohio, North Dakota, Washington, Nevada, West Virginia, Wyoming.
- 4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required below is subject to verification and change by audit.

Reporting Frequency: Monthly Quarterly Semi Annually Annually

Classification of Operations	Code No.	Premium Basis Total Estimated Annual Remuneration	Rate Per \$100 of Remuneration	Estimated Annual Premium
<u>Painting NOC</u> <u>Carpentry NOC</u> <u>Experience Rating Modification</u>	J474 5403	20,000 if any	10.06 10.07	2,012

				2,012 x 1.00

Deposit Premium \$ 250.00

Total Estimated Annual Premium \$ 2,012

Minimum Premium \$

Expense Constant \$

5. Endorsements:

WC 36 03 01 WC 36 03 04

Countersigned By

[Signature]

11/6/85ss

Sales Code	New/Renewal
9952	NEW

JOSEPH PRINZ

1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

December 12, 1985

Mr. Richard E. Alexander
Stoel, Rives, Boley, Fraser & Wyse
Attorneys at Law
900 SW Fifth Avenue, Suite 2300
Portland, Oregon 97204-1268

Dear Dick:

You asked me to respond to the comments of the memorandum from Carl Moseley to Don Eichman dated November 29, 1985. All of the Moseley comments in his memorandum are listed below by number with my response, if any.

1. At bid opening, Joseph Prinz of Prinz Corporation was low bidder. He listed Assiduous Construction as his MBE firm for demolition; installation of doors, frames and finish hardware; painting; and wall covering for a total of \$81,954. He also listed Triple-One Construction Company as his MBE firm for flooring work at \$5,315.

Moseley has listed correctly information contained in the bid documents.

2. Purchasing sent a letter to Joseph Prinz stating Assiduous Construction was not listed in the Portland MBE directory as having the experience to do the carpentry work. Purchasing asked for a statement of Assiduous' qualifications and for a cost breakdown among the various classes of work.

No response.

3. Prinz responded with a letter stating Assiduous would be directly responsible for demolition and cleanup. For carpeting, Assiduous would hire Ed Lopez, owner of Ed Lopez Carpets and Drapes. For doors, frames and finish hardware, Assiduous would hire Triple-One Construction. Both Ed Lopez and Triple-One are certified MBE firms. Prinz listed Assiduous as performing work worth \$75,457. (Note: The bid price in the letter changed from \$81,954 to \$75,457 for Assiduous, and

Mr. Richard E. Alexander
December 12, 1985
Page 2

Assiduous was no longer listed as doing painting or wall covering--work worth \$20,140 according to Assiduous' quote.)

I responded to their request with a letter stating Assiduous would hire any help it needed that it didn't already have, or subcontract some of the work to other minorities. We were trying to be flexible and were willing to work with the County in any way it preferred. In-between the day of the bid and when I wrote my response, my office had time to start the process of going through the sub-bids we received on the day of the bid for the purpose of refining those bids, looking for areas of double coverage and areas of no coverage. (This is a process that will continue until we are able to write good, sound subcontracts covering all areas once.) Some further negotiating may even continue throughout the job as the subcontractors work together and find they can help one another (by sharing scaffolding, parking places, etc.)

Because of this process the prices dealing with some of the subcontractors, minorities included, changed. This is how the process works for all contractors. There just is not time on bid day to completely organize a job.

4. Even though the cost breakdown showed costs for door, frames and hardware that were 60 percent higher than other bidders and floor covering prices that were 30 percent lower, Purchasing elected to award the bid to Prinz Corporation.

There is nothing unusual for bidders' cost to be different from one line item to another. A flooring bid may vary by including removal of the existing floor and floor preparation in demo, thus reducing the cost of the flooring price or, including those items in with flooring increasing the flooring price.

I cannot answer why there is a difference in cost in doors, frames and hardware and the installation of all of these products. There are too many variables involved. For example, are the bidders buying prefinished doors, raw doors, and are they buying their hardware direct or through installers? Did they include everything asked for?

Every General Contractor will organize their businesses and bidding procedure and work assignments differently. If we didn't our bids would probably all be the same.

Mr. Richard E. Alexander
December 12, 1985
Page 3

5. Soon thereafter, Purchasing was told by Triple-One Construction that it had not given Assiduous a bid price for carpentry until after the bid opening. In addition, Andy Lekas of Cloyd Watt Construction told me Ed Lopez called him and clearly stated Ed did not give Assiduous a price for carpeting until after the bid opening. I understand Ed Lopez has now told you he did indeed give them a price beforehand.

There is no need for Assiduous to get a price from anyone before the bid opening. We helped Assiduous organize his bid. It was his intention to do the work with his own forces and additional help he would hire. Assiduous is the minority contractor. He is not obligated by the intent of the MBE to help others develop their bids. It would be simply a negotiated subcontract arrangement which is standard. (Page 5, City of Portland, Ordinance #157320 amending and clarifying MBE guidelines.)

6. Purchasing reversed its decision and rejected my bid, giving me until December 4 to respond.

No comment, except we are entitled to the award.

7. Prinz delivered a letter dated November 27, stating Assiduous would hire employees to do the carpentry work, and not use Triple-One.

After what I thought to be clarification from the City regarding Assiduous' ability to do the work if it chose to, I informed Eichman it was Assiduous' intent to do so. I also told him we were willing to approach minority participation in any way that fulfills the County's requirements.

Paragraphs after #7.

Don, these turn of events are highly irregular. In the first place, any changes made after the bid opening and before the contract is signed are immaterial. Any contractor would be delighted to change his or her bid after bid opening if that would assure the contractor the job. We cannot consider any information except the conditions that existed at the time of the bid opening.

Secondly, the fact that numbers--and subcontractors--keep changing with every letter from Prinz leads me to believe prices are still being negotiated and deals being made. The

Mr. Richard E. Alexander
December 12, 1985
Page 4

intent of the MBE program and of the forms that require the listing of MBE firms at the time of bid opening is that decisions made at bid time are left unchanged.

If Triple-One did not give Assiduous a number prior to opening, where did Assiduous get the price for the bid? Why is Prinz Corporation low bidder is his MBE price for doors, frames, and hardware is \$15,000 higher than two other bidders? Why did Assiduous' price change from \$81,954 at bid time to \$75,457 six days later--especially since Prinz changed his mind and pulled painting worth \$20,140 out of the original scope of work worth \$81,954?

Quite apart from all these good questions, let's consider one more fact--at the time of bid opening, Assiduous Construction had not agreed to hire Tripe-One to do the work, since Triple-One had not prepared a price. Therefore, Assiduous had no arrangement at the time that qualified it for carpentry work. Depending upon whom you believe, Assiduous may not have had an arrangement with Ed Lopez at that time that qualified them for carpeting. Regardless of later negotiations and arrangements, Assiduous was unqualified at bid opening.

Again, I recommend Purchasing reject the Prinz Corporation bid based upon significant irregularities in the MBE participation and the lack of a qualified MBE firm.

During one of my early discussions with Mr. Moseley he mentioned the County did not like the work of Triple-One Construction. I told him I hoped Assiduous could do the work if the County would go along with it. He told me once the contract was signed I could change all my minorities if I maintained the 20 percent goal and got his approval.

Clearly there is confusion after a day of taking bids and putting a bid together. This is the nature of the job. There is simply not the time before the bid is turned in to organize all the costs and work assignments and cost overlapping and assignments overlapping. That is done when the letter of intent is received or the contract is signed. The costs and responsibilities of all the people involved in a job will change before and during the process to organize a job and to a lesser degree for the duration of the job.

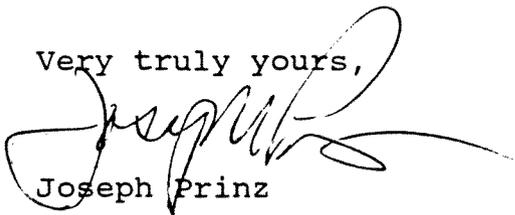
Assiduous was listed on the subcontractor's list as a painter because until just before the bid he was the best price for painting I had. I, in the final crunch to get the bid out,

Mr. Richard E. Alexander
December 12, 1985
Page 5

overlooked replacing his name on that list. He was not listed on the minority list as the painter because I didn't overlook taking him off that list.

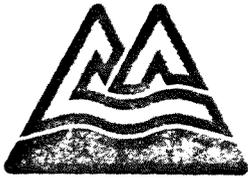
In Mr. Moseley's last paragraph, he stated that Assiduous was not qualified for carpentry work. We have listed Assiduous for carpentry work in our MBE utilization form. We used carpentry work to describe what is actually a lot of miscellaneous items. In fact, there is very little, if any, true carpentry work in the job.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Joseph Prinz", written in black ink. The signature is fluid and somewhat stylized, with a long horizontal flourish extending to the right.

Joseph Prinz

JP:mmf



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 16, 1985

Joseph Prinz
1817 N.W. 27th
Portland, OR 97210

RE: B61-100-0649
CLINICS & OFFICES REMODEL - PHASE I

Dear Mr. Prinz:

Per my letter of December 9, 1985, your firm did not meet the mandatory bid requirement for minority business enterprise utilization. Your total level of MBE participation was reduced to 6% due to the fact that one of your subcontractors, Assiduous Construction, was not certified by the City of Portland to perform the following specific functions - finish carpentry, installing carpets, acting as a general contractor.

Our Administrative Rules, Division 60, allow for a review by the Purchasing Director to determine if a "best effort" has been made by a firm that has not met the mandatory requirements. Per our conversation, please review Section 00800, pages 2 through 4 prior to our meeting on Thursday, December 19, 1985, at 8:30 a.m. The criteria listed in Section 6.b., page 00800-4-End, are also used to determine if a "best effort" was made. Therefore, please prepare your documentation in accordance with that section.

The bid will not be awarded until after the Purchasing Director has determined if your firm has met the "best effort" requirements.

Sincerely,

Don Eichman, Director
Purchasing Section

DE/AH/clS

Enclosures

CERTIFIED MAIL NO. P315 600 585 - RETURN RECEIPT REQUESTED

JOSEPH PRINZ
1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

December 18, 1985

VIA MESSENGER

Mr. Don Eichman, Director
Multnomah County
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, Oregon 97202

Dear Mr. Eichman:

Re: B61-100-0649
Clinics & Offices Remodel - Phase I

You have asked for information concerning our efforts to satisfy the MBE goals. As you know, our position is that we have previously satisfied them. To the extent, however, that we have not satisfied them, the circumstances which brought about the reduction in MBE participation were the result of Multnomah County's decision to reject Assiduous Construction as being certified to do finish carpentry and carpeting. As a result, only \$16,848 was counted towards the MBE goal.

We have, as a result, again made efforts to meet the MBE goals. In that regard, I am enclosing a copy of a letter dated December 13, 1985, we forwarded CSS and Associates, requesting assistance. We have had numerous telephone conversations with others, met with Cruz twice (gave plans and specifications and offered financial assistance) and met with Brisbane Doors and Trim once (provided drawings).

The action planned to bring MBE back to the goals will be accomplished by having Assiduous Construction certified to perform the work originally listed or submit the following for approval by the County.

1. Contract with McCoy Plumbing for Division 15 work for \$50,994, satisfying WBE participation;
2. Contract directly with Ed Lopez (MBE) for carpet and resilient flooring for \$22,085;

Mr. Don Eichman, Director
December 18, 1985
Page 2

3. Contract with Assiduous Construction for demolition and clean-up (MBE) for \$16,848;

4. Contract with Jose Cruz (MBE) for carpentry for \$39,360; and

5. Maintain, if necessary DMK (WBE) proposal for \$21,945.

I am attaching copies of the quotations from McCoy, Lopez, Assiduous and Cruz. We understand DMK has already been approved. We are also attaching a copy of McCoy's Notice of Certification.

Using the above list we would obtain the following percentages:

WBE	19 %
MBE	20.5%

Moreover, to show that adequate good faith was, at the outset, made in obtaining MBE goals, my office, beginning October 11, 1985, contacted 22.5 percent of the certified MBEs in the Portland area listed as General and Specialty Contractors in the City of Portland directory. To put this percentage into perspective, the City of Portland would need to contact 103 of the Contractors listed in the Portland Yellow Pages to look for a General Contractor for the Gill Building.

The methods we used to solicit MBEs were primarily by telephone. We did not receive interest from many MBEs, so as we continued our efforts, we asked Mr. DuQuat with Assiduous Construction to help locate minority people he knew. We knew Mr. DuQuat from previous dealings, and found him to be helpful. This was on October 11, 1985.

With Mr. DuQuat's help and our own efforts, we were able to contact: Triple-One Construction, Ed Lopez Carpets, Prem Singh and Associates, Inc., American General Contractors, B & R Construction, Blessing Electric, Livingston Gary Construction, Loyal's Painting, McCoy Plumbing, Right Now Carpet Installation, Allied Paint, Construction Interior Supply Source, and DMK Contractors, Inc.

We received bids from the following: Assiduous Construction, Triple-One Construction, Ed Lopez Carpets,

Mr. Don Eichman, Director
December 18, 1985
Page 3

Prem Singh and Associates, Inc., Blessing Electric, Merit Coating, Floor Factors, Alco Electric, McCoy Plumbing, Pen-Nor, Inc., Construction Interior Supply Source, and DMK Contractors, Inc.

We tried contacting about a dozen MBE's who did not respond to our calls. Among them were Seivier and Sons, Garriss Construction, and Conmx, Inc.

Having dealt with Assiduous Construction (MBE) on other projects, we called them on October 15, 1985, to discuss the Gill Building Project. We walked through the project twice with Mr. DuQuat to help with his bid. We purchased and supplied drawings and specifications for his use. We also agreed to waive his bonding requirements, and to provide intermediate draws for wage payments and to help in all ways possible such as plan take-off, specifications and addendum notification. We assisted him in finding suppliers for any of his needs in his portion of the work. We met with him in our office four times before final bid date and twice since then to discuss the project. We met with Ed Lopez Carpets, Triple-One Construction and Prem Singh and Associates, Inc. in our office. Ed Lopez Carpets, Triple-One Construction and Assiduous Construction were promised the same assistance financially and otherwise throughout the project.

We have discussed this project both before and after the final bid with McCoy Plumbing and are prepared to use them. Prem Singh and Associates, Inc., who we assisted with square footage take-off and pricing, reduced its original bid by 50 percent, but it was still more than twice the average bid received. We worked with Construction Interior Supply Source concerning quantity take-off and alternatives, but its final bid was 50 percent over the bid used in our proposal. We have scheduled a meeting with them to discuss this and future projects. We helped DMK Contractors with estimating. We were told by all of the above that they were either certified MBE or FBE.

We maintained a set of drawings in our office which we reviewed with various minority contractors to assist in the preparation of their bids. In the process of reviewing the drawings, we assisted several of them with take-offs, among other things. In that regard, I am enclosing copies of Exhibits A and B which we prepared to review with a number of bidders including Assiduous and Cruz, to assist them in their bids. I am also enclosing a copy of Exhibit C which was also

Mr. Don Eichman, Director
December 18, 1985
Page 4

prepared and discussed with Construction Interior Supply Source to assist it in the preparation of its bid with respect to clarifying the alternates. I am also enclosing a copy of Exhibit D which was prepared and reviewed with a number of bidders, including Assiduous. These are only some of the documents we prepared in this regard as a number of the documents were destroyed once the bid was finalized.

As you can see from the information we have produced, we firmly believe that our initial bid satisfied all requirements of the County's proposal. To the extent, however, that it did not satisfy such requirements, we believe we certainly satisfied the only requirement necessary for an award of the contract to us and that is that we did use best efforts to obtain the goal. The information we have supplied you in this letter, together with our prior correspondence, certainly establishes that we used such efforts. More importantly, we have reviewed our bid and what we did to meet the MBE goals with what we can determine from the other bidders, and we believe that we equaled, if not exceeded, the efforts of the other bidders in this regard. Moreover, as an example, I am enclosing a copy of our quote sheet from Pen-Noir for the mechanical. You will note it is in the amount of \$49,726. I am also enclosing copies of the MBE/FBE utilization form of three other bidders and you will note that the referenced amount for Pen-Noir for the mechanical is \$56,003, \$55,787 and \$57,926 for apparently the same work. As such, we believe that we did satisfy the requirement to use best efforts. Finally, in any event, as we advised in our letter of December 12, 1985, we are fully capable of satisfying the requirements at this time irrespective of whether we were able to satisfy such requirements at the outset. As such, we are entitled to the award.

Of course, we do not agree that any liquidated damages should be assessed in the event we are awarded the contract.

We are providing this information for you to review in anticipation of our meeting scheduled for 3:30 p.m. on December 19, 1985. If we have not all ready done so, we hope at that time we can fully respond to any remaining questions

Mr. Don Eichman, Director
December 18, 1985
Page 5

you have, the contract may be awarded to us and we may commence work.

Very truly yours,

Joseph Prinz

JP:mmf

Enclosures

JOSEPH PRINZ

1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

December 13, 1985

CSS & Associates
415 Board of Trade Building
310 SW 4th Ave.
Portland, OR 97204

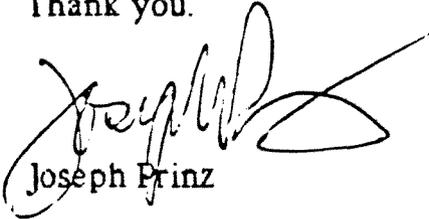
Dear Sir,

RE: Letter of November, 15, 1985

We would appreciate any help you can give us in meeting our MBE requirements on the Gill Building Remodel. We are specifically looking for sub-contract businesses in the following areas:

Cabinets--Custom Casework.
Door and Door Hardware Installation
Carpet and Vinyl Flooring

Thank you.


Joseph Prinz

McCoy Plumbing

Rebecca Batke, Owner

NEW CONSTRUCTION
REPAIRING—REMODELING

2617 N.E. Union Avenue • 288-5403 • Portland, OR 97212

"YOUR SATISFACTION—OUR SUCCESS"



PLUMBING HEATING COOLING CONTRACTORS

PLUMBING PROPOSAL and CONTRACT

Job No. _____

Sheet 1 of 1

Phone 248-5111

City Portland 97202

Phone 243-2306

City Portland,

City Portland,

Owner Multnomah County Oregon

Address 2505 S.E. 11th Ave

Contractor Joe Prinz

Address 1817 N.W. 27th

Job Address 426 S.W. Stark St.

Date 12-17-85

Estimator DAVID BATKE

Phone 288-5403

Bid November 14, 1985. For project #
B61-100-0593
Div. 15. Plumbing, pipe insulation, fire protection
controls, HVAC. Duct cleaning and new filters.
* 50,994.⁰⁰/_{xx}

ALT # 1 Deduct * 515.⁰⁰

ALT # 2. Deduct. * 182.⁰⁰

TERMS: monthly draw as per work done

We will install the above listed top quality materials in accordance with the best mechanical techniques. Installation will be guaranteed against defects in workmanship & materials for a period of 1 year. An express mechanic's lien is acknowledged on above job to secure the above terms.

NOTE PROVISIONS

I (we) promise to pay the listed materials and labor on this work order and note of the usual accepted standard rates and prices in full ten days after your statement is received. Interest is to be charged at the highest legal rate allowable by law in the state where this note was executed, and interest will only be charged after maturity.

If, however, this account is not paid as agreed according to the amount of your statement received, and if suit be brought upon this note of if by reason of default in payment, the same or any part thereof be collected by an attorney, I (we) agree to pay a reasonable attorney's fee, in addition to all collection costs as provided by law, and also a reasonable attorney's fee, or if suite be brought to collect any of principal or interest on this note the undersigned promises to pay in addition court costs provided by law and also a reasonable attorney's fee.

If default be made in any payment of principal or interest, the legal holder of this note may declare the entire principal and all accrued interest at once due and payable.

For value received, each and every party who signs or endorses this note or becomes liable, either now or hereafter, for the payment of this note severally waives presentment, demand, protest, and notice of non-payment hereof, and binds himself hereon as the principal and not as a surety and agrees to remain bound hereon notwithstanding any extension that may be made to any party liable on this note. At the option of the holder hereof, the venue of sold suit may be the county of residence of the holder.

Bid _____

Accepted _____ Date _____

ED LOPEZ CARPETS & DRAPES

8530 S.W. BIRCH ST.
PORTLAND, ORE. 97223
(503) 244-7465

12-17-85

Prinz Construction Co.
1817 N.W. 27th.
Portland, Oregon 97210

Dear John,

Thank you for the opportunity to submit a quotation for the Gill Building remodel. My quote for carpet and resilient floor, materials and installation, is \$22,085.00.

Once again thank you for your consideration and if I can be of further service please feel free to call.

Sincerely,



Ed Lopez

EL/pnl

Assiduous Construction

(For a Better Life)

2031 N. WATTS No. 5
PORTLAND, OR 97217

289-7025

Joe Prinz: General Contractor
Attention: John Klukkert

SUBCONTRACT PROPOSAL
REQUEST FOR QUOTATION

PLACE: J.K Gill Bldg.
426 S. W. Stark
Portland, Oregon

PROJECT: Clinics & Offices Remodel

Demo & Cleanup, cost: \$16,848.00
Carpet installed: \$20,425.00
Resilient Floor,
installed: \$4,835.00
Doors, frames and
finish hdwr
installed \$38,184.00
Paint \$20,140.00

Yours Respectively,

"We Care"

CRUZ and ASSOCIATES

7037 S.W. BURLINGAME AVE.
PORTLAND, OREGON 97219
(503) 246-8155

Joe Prinz
1817 N.W. 27th
Portland, Oregon, 97210

R.E. Multnomath County Project No. GB 8501
Clinics and Office Remodel -- Phase I

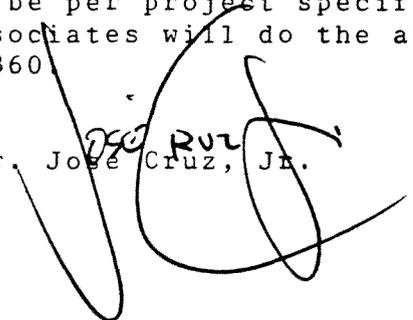
Mr. Prinz;

12-18-85

Cruz and Associates will provide the labor and material
for the above mention project for the following work;

Furnish and install doors, frames and doors
hardwares.
Install bath assesories (Material by others)
Install wall rails
Furnish and install Headers
Furnish and install 2x4 blocking at door frames
Raise two platforms

All work to be per project specification and plans.
Cruz and Associates will do the above work for a lump
sum of \$39,360

Your,  Cruz, Jr.



CITY OF

PORTLAND, OREGON

OFFICE OF FISCAL ADMINISTRATION
GRANTS AND CONTRACTS COMPLIANCE DIVISION

J.E. Bud Clark, Mayor
Mark Gardiner, Director
Sue Klobertanz, Manager
1220 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 248-4696

FEMALE BUSINESS ENTERPRISE PROGRAM

* * * * *

NOTICE OF CERTIFICATION

MCCOY PLUMBING

You are hereby notified of certification as a

FEMALE BUSINESS ENTERPRISE

as specified by Chapter 3.100 of the Code of the City of
Portland, Oregon.

Unless found in violation of Chapter 3.100 of the City Code,
certification shall be continuous, PROVIDING you meet the re-
quirements for annual and/or other periodic data.

* * * * *

NOTICE TO CONTRACTING OFFICES

This notification does not constitute evidence of certification,
and will not be accepted as such by any contracting office of the
City of Portland. Current certification status may be determined
by reference to the current Female Business Enterprise list, or
by communication with the Contract and Grants Compliance Division.

Signed:

Janet Wright

Dated: October 1, 1985

GILL Bldg - Relite Frames

Prepared By
Approved By

Quantity	R.O. Height	R.O. Width	Section	Head & Jamb	Sill	
1 ea	3'-9 1/2"	3'-2"	1-A4	16-A7	17 A7	
4 ea	2'-2 1/2"	2'-1"	1-A5	8 A7	14 A7	
1 ea	2'-2 1/2"	4'-10"	2-A5	8 A7	9 A7	
2 ea	3'-2 1/2"	3'-2"	7-A5	8 A7	9 A7	
1 ea	3'-2 1/2"	3'-2"	7-A5	16 A7	17 A7	
1 ea	4'-0"	2'-6"	29-A7	8 A7	9 A7	
1 ea	3'-2 1/2"	3'-2"	32-A5	8 A7	9 A7	
1 ea	5'-0"	6'-6"	35-A5	8 A7	9 A7	} (No Head (7 A7 (7 A7
1 ea	4'-0"	5'-6"	36-A5	8 A7	9 A7	
1 ea	5'-0"	7'-0"	38-A5	8 A7	9 A7	
4 ea	13"	12"	1-A6	8 A7	14 A7	} See 13 A7 Extension
2 ea	1'-9"	3'-6"	1-A6	8 A7	15 A7	
2 ea	1'-10"	3'-6"	1-A6	8 A7	14 A7	
6 ea	6'-6 1/2"	3'-2"	4A6/5A6	8 A7	9 A7	10-A7
2 ea	13"	12"	5-A6	8 A7	9 A7	
2 ea	3'-2 1/2"	3'-2"	5-A6	8 A7	9 A7	ALT # 2
1 ea	6'-4"	3'-2"	6-A6	8 A7	9 A7	15-A7
15 ea	2'-2"	2'-0"	6/9/10 A6	8 A7	9 A7	
1 ea	4'-0"	13'-0"	21-A6	8 A7	9 A7	} ALT # 2
1 ea	4'-0"	11'-0"	22-A6	8 A7	9 A7	
1 ea	4'-0"	9'-0"	23-A6	8 A7	9 A7	
100 LF	Wall cas		11-A7			
16 LF	X-Ray Guide		Rail 28-A7	1 1/2" x 5 1/2" Net		

EXA

Petite frames

R.O.

4 ea 2'-2 1/2" H JB 8-A7 ✓
 1-A5 2'-1" W SILL 14-A7

1 ea 2'-2 1/2" H JB 8-A7 ✓
 2-A5 4'-10" W SILL 9-A7

2 ea 3'-2 1/2" H JB 8-A7 ✓
 - 7 3'-2" W SILL 9-A7
 7-A5

1 ea 3'-2 1/2" H JB 16-A7 ✓
 3'-2" W SILL 17-A7

1 ea 3'-9 1/2" H JB 16-A7 ✓
 1-A4 3'-2" W SILL 17-A7

1 ea 4' 0" H JB 8-A7 ✓
 29-A7 5' 6" W SILL 9-A7

1 ea 4' 0" H JB 8-A7 ✓ (Head - none 7-A7)
 26-A5 5' 6" W SILL 9-A7

1 ea 5' 0" H JB 8-A7 ✓ (Head - none 7-A7)
 38-A5 7' 0" W SILL 9-A7

1 ea 5' 0" H JB 8-A7 ✓ (Head - none 7-A7)
 35-A5 6' 0" W SILL 9-A7

1 ea 32-A5 3'-2 1/2" H JB 8-A7 ✓
 2'-2" W SILL 9-A7 ✓ Fx R

R.O.

4ea ✓ 13" H
1-A6 12" W

JB 8A7
SILL 14A7 - Long!

2ea ✓ 1'9" H
1A6 3 6" W

JB 8A7
SILL 15A7 Long!

2ea ✓ 1'10" H
1A6 3 6" W

JB 8A7
SILL 16A7 Long!

See 13A7 for extension

2ea ✓ 13" H
5A6 12" W

JB 8A7 ✓
SILL 9A7

2ea ✓ 3'2 1/2" H
5A6 3'2" W

JB 8A7 (ALT #2)
SILL 9A7

6ea ✓ 6'6 1/2" H 
5A6 3'2" W
4A6

JB 8A7 ✓
SILL 9A7

100 LF Wall Cap
11 A7

15ea ✓ 2'2" H
6A6 2'0" W
9A6
10A6

JB 8A7
SILL 9A7

16 LF X Ray Rail
28 A7

1ea ✓ 6 4" H 
6A6 3 2" W

JB 8A7
SILL 9A7

21A6 4" X 13' 1ea
22A6 4" X 11' 1ea
23A6 4" X 9' 1ea

JB 8A7
SILL 9A7 } ALT #2

GILL Bldg -

Paper Towel Dispenser	^{P.T.D.} B-263				
Toilet Paper Dispenser	^{TPD} B-288				
Sanitary Napkin Dispenser	^{N.D.} B-2802	1			
Specimen pass thru Cab	^{SPC.} B-505	1			
Mirror	(MIR) B-292-2436				
Sanitary Napkin Receipt	^{NR.} B-270	1			
Folding Seat	B-508				
Shower Rod	B-6107				
Shower Curtain	B-204-3				
Soap Dispenser - By owner					

283 - 283-3333

Keys -

GILL Bldg
 1
 10/10/10

Fireplace Ex
 Approved Ex

Doors - 56 ea New

17 ea Existing
 73

ReLites - Sliders - etc

4th Flr TTT TTT TTT TTT

5th Flr TTT TTT TTT TTT TTT TTT

+ 3 Large 9'-10'-14' - Alt 2 (300^{sq})

47 Total

Interior Hider - Paper Holders etc

4th Flr 4 ea + 2

5th Flr 2 ea

Dressing Rooms

4th Shower Rods - w/curtain 2 ea 40^{sq}

4th Folding seats 2 ea

4th Coat Rods - 1 ea - 4'

5th Coat Rods - 1 ea - 6'

Clean-up - etc - Labor

Packaging 75^{sq} mo.

END

NAME Chan? COMPANY Pen-Nor -c Nor MBE

PHONE 986-2231 BID * USED 49,726⁰⁰

DIVISION PL6 PROJECT NAME GILK

COMPLETION TIME _____

SECTIONS 15 - Ded ALT#1 860 ALT#2 Ded ALT#3 200

NOTES No Sprink

MINORITY/FEMALE BUSINESS ENTERPRISE UTILIZATION FORM (MBE/FBE)

1. Name of County Project J.K. Gill 4th 5th
2. Project or Bid Number BEI-100-0649
3. Name of Contractor ROHLERS - GRANT, ROLLERS
4. The above named Contractor intends to fulfill its commitment to expend 20 % of its contract for Minority Business Enterprise and/or 5 % of its contract for Female Business Enterprise in the following manner:

Names and Addresses
of MBE/FBE Firms
Contractor Anticipates
Utilizing

Nature of
Participation

Dollar Value
of Participation

Check One:

MBE FBE

~~XXXXXXXXXXXXXXXXXXXX~~
CIS
PENN-NOC
A.C. AND E.

~~XXXXXXXXXXXXXXXXXXXX~~
FLOOR COVERINGS
MECHANICAL
ELECTRICAL

\$36,330
~~XXXXXXXXXXXXXXXXXXXX~~
\$57,926
\$68,000

Total \$162,256.00

Amount of Total Contract \$373,814.00

Minority Enterprise % of Total Contract 20.90% ^{MBE}

Female Enterprise % of Total Contract 5.18% ^{FBE}

James C. Hines
Authorized Signature

Date: 11-14-85

This form to be completed, signed and submitted at the time of the bid opening.

(Please refer to Section 00800 of the Project Manual for Supplementary Conditions.)

MINORITY/FEMALE BUSINESS ENTERPRISE UTILIZATION FORM (MBE/FBE)

- Name of County Project CLINIC & OFFICE RENOVATION - PHASE I
- Project or Bid Number GB 8501
- Name of Contractor CLOYD R. KRAM LOU ST
- The above named Contractor intends to fulfill its commitment to expend 22 % of its contract for Minority Business Enterprise and/or 5 % of its contract for Female Business Enterprise in the following manner: ADD TO THE BASIC BID \$ 35,014.00 DOLLARS. IF MBE/FBE IS NECESSARY

Check One:		Names and Addresses of MBE/FBE Firms Contractor Anticipates Utilizing	Nature of Participation	Dollar Value of Participation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>FEN NOR</u> <u>717 N KILLINGSWORTH ST</u>	<u>MECH. CONTR</u> <u>PAINTING O/E</u>	<u>55,781.00</u> 45,132.00
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>CONSTRUCTOR INT. SUPPLY</u> <u>P.O. BOX 602</u>	<u>FLOOR COVERING</u> <u>PAINTING O/E</u>	<u>37,700.00</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>MERRIT CONTRACTORS</u> <u>9836 SE EMPIRE COURT</u>	<u>PAINTING</u> <u>CURB & GUTTERS O/E</u>	<u>11,715.00</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>BLESSING</u> <u>829 N RUSSELL</u>	<u>ELECTRICAL</u> <u>PAINTING O/E</u>	<u>81,516.00</u>
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
Total				<u>186,718.00</u> 189,624.00

RCW WITH MBE ADDED TO BASIC. Amount of Total Contract 415,073.00
RCW IF ADD ACCEPTED Minority Enterprise % of Total Contract 22.5%
RCW IF ADD ACCEPTED Female Enterprise % of Total Contract 22.4%

[Signature]
 Authorized Signature
 Date: 11-14-85

This form to be completed, signed and submitted at the time of the bid opening.
 (Please refer to Section 00800 of the Project Manual for Supplementary Conditions.)

MINORITY/FEMALE BUSINESS ENTERPRISE UTILIZATION FORM (MBE/FBE)

1. Name of County Project Clinics & Offices remodel-Phase
2. Project or Bid Number B 61-100-0593
3. Name of Contractor Michael J. Witt, Inc.
4. The above named Contractor intends to fulfill its commitment to expend 20 % of its contract for Minority Business Enterprise and/or 5 % of its contract for Female Business Enterprise in the following manner:

Names and Addresses of MBE/FBE Firms Contractor Anticipates Utilizing	Nature of Participation	Dollar Value of Participation
--	----------------------------	----------------------------------

Check One:

MBE	FBE
<input checked="" type="checkbox"/>	<input type="checkbox"/>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Pen-Work</u>	<u>Mechanical</u>	<u>50,003-</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Services Rendered</u>	<u>doors-installed</u>	<u>15,250-</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Ultimate Development</u>	<u>Paint</u>	<u>12,500-</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Construction Anticipate Supply</u>	<u>Specialties</u>	<u>1,370-</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Construction Anticipate Supply</u>	<u>Carpet & Floor</u>	<u>33,000-</u>

Total 118,123-

Amount of Total Contract 382,996-

Minority Enterprise % of Total Contract 20.90

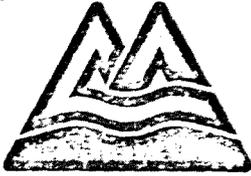
Female Enterprise % of Total Contract over 5%

Michael J. Witt
Authorized Signature

Date: 11/4/85

This form to be completed, signed and submitted at the time of the bid opening.

(Please refer to Section 00800 of the Project Manual for Supplementary Conditions.)



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 27, 1985

Joseph Prinz
1817 N.W. 27th Avenue
Portland, Oregon 97210

RE: B61-100-0649
Clinics & Offices Remodel - Phase I

Dear Mr. Prinz:

Based upon a review of your firm's "best efforts" to meet the MBE participation goal for the above referenced bid I have found that the MBE goal was not met due to your decision to use Assiduous Construction rather than MBE firms who were certified by the City of Portland to perform specific sub-contractor functions. In other words, your "best efforts" presentation on December 19, 1985, and the related documentation revealed that you had solicited and obtained quotes from certified MBE firms, yet you elected to use Assiduous Construction to perform specific functions for which they were not certified by the City of Portland. Therefore, your bid must be considered non-responsive.

Please be advised that if your firm wishes to appeal the award decision you must submit a written appeal request to the Purchasing Director, 2505 S.E. 11th Ave, Portland, OR 97202, no later than January 3, 1985. In the appeal request please state the basis of the appeal.

If an appeal is received the Purchasing Section will forward the appeal request to the Clerk of the Board of County Commissioners, and you will be contacted by the Clerk of the Board regarding time and place of a hearing.

Joseph Prinz
December 27, 1985
Page 2

On behalf of Multnomah County, I wish to thank you for the time and effort involved in this project.

Sincerely,



Don Eichman
Purchasing Director

DE/jk

cc: Duane Kline
John Leahy
Rhea Kessler
Amha Hazen
Bid File

CERTIFIED MAIL NO. P315 600 711 - RETURN RECEIPT REQUESTED

(503) 294-9387

December 31, 1985

VIA MESSENGER
and
VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Don Eichman, Purchasing Director
Multnomah County Director of Purchasing
Multnomah County, Oregon
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, Oregon 97202

Dear Mr. Eichman:

Re: B61-100-0649
Clinics & Offices Remodel - Phase I

As you know, we are the attorneys for Joseph Prinz and have a copy of your letter dated December 27, 1985.

Prinz disagrees with the decision as contained in your letter and hereby appeals the decision.

As you have been advised previously, Prinz believes it is entitled to the award of the contract for the following reasons:

1. It was the lowest responsive responsible bidder submitting a bid;
2. To the extent that you determine his bid did not meet the required MBE or other minority participation goals, he used best efforts to meet such goals; and

Mr. Don Eichman
December 31, 1985
Page 2

3. Again, to the extent it is determined his bid did not meet required MBE or other minority participation goals and, even assuming you determine he failed to utilize best efforts, the issue is not one of responsiveness, it relates only to responsibility, and Prinz has submitted information since the opening of bids that clearly satisfies such goals.

In support of this appeal, we rely upon our letters of December 11, 1985, and December 12, 1985, and Mr. Prinz's letters of December 12, 1985, and December 18, 1985, copies of which are enclosed, together with all references in and enclosures and attachments to such letters, the information submitted at the meeting on December 19, 1985, and all other information submitted by Prinz and other bidders in connection with this project.

Finally, we would like to emphasize two points which we previously discussed with you.

First, there was nothing in the City of Portland certification material submitted to bidders that the contractors certified by the City were certified only for limited purposes and not certified generally. Indeed, Section 00800, Supplementary Conditions of the Specifications, page 3, paragraph 4(c), specifically states that no representation is made to the qualifications of such certified minority contractors. Moreover, as outlined in our letter of November 27, 1985, a representative of the City of Portland on at least one occasion (although we have received conflicting reports since then) confirmed that the City classification did not constitute a ban from other work classifications. As a result, it was proper to use Assiduous.

Second, we do not agree that simply using Assiduous as a subcontractor amounts to a lack of best efforts. Clearly, Prinz demonstrated he used best efforts to achieve minority participation. At worst, the decision to use Assiduous was a mistake based upon Prinz's understanding that it was proper to use Assiduous. Any such mistake cannot be used as a reason for determining that Prinz did not use best efforts. Otherwise, there would be no reason for determining whether a bidder, such as Prinz that had failed to satisfy minority participation goals, used best efforts. In short, the scope of review should simply be whether Prinz used best efforts to satisfy the minority participation goals. If so, as we believe he clearly demonstrated he did, the project should be awarded to him.

Mr. Don Eichman
December 31, 1985
Page 3

We look forward to a hearing on our appeal wish to confirm that no award will be made until the appeal is resolved.

Thank you for your cooperation.

Very truly yours,

Richard E. Alexander

REA:mmf
Enclosures

cc (w/encl.): Mr. John Leahy
Mr. Joseph Prinz

SENDER: Complete items 1, 2, 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.	
1. <input type="checkbox"/> Show to whom, date and address of delivery.	
2. <input type="checkbox"/> Restricted Delivery.	
3. Article Addressed to: Don Eichman	
4. Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail	Article Number P610684242
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Addressee <i>Richard E. Alexander</i>	
6. Signature - Agent <input checked="" type="checkbox"/> X	
7. Date of Delivery JAN 3 1986	
8. Addressee's Address (ONLY if requested and fee paid)	

PS Form 3811, July 1983 447-845

DOMESTIC RETURN RECEIPT

ADDITIONAL AUTHORITIES

"In the instant case, although bidders were required to list their proposed minority subcontractors in the eight set-aside categories, the solicitation contained no information, guidelines, or criteria as to what constituted a minority firm or what, if any, steps a bidder was required to take to establish the minority status of a proposed firm. In the absence of a definite statement in this regard, bidders were deprived of an intelligent basis upon which to determine the qualifications of proposed subcontractors, and were subject to having their bids rejected as nonresponsive on the basis of unannounced criteria. Therefore, it is our view that Thomas' bid was improperly rejected. 48 Comp. Gen. 326 (1968)." In the Matter of Thomas Construction Company, Inc., et al., B-183497, Comptroller General of the United States, 55 Comp. Gen. 139 (August 11, 1985).

"Best efforts" means active exploitation in good faith. Western Geophysical Co. v. Bolt Associates, 584 F2d 1164, 1171 (2d Cir 1978). It therefore does not require that a person be correct, only that he actively pursue the matter in good faith.

A-Engrossed
House Bill 2577

Ordered by the House June 20
Including House Amendments dated May 22 and June 20

Sponsored by COMMITTEE ON STATE AND FEDERAL AFFAIRS (at the request of Jack Kalinoski, Associated General Contractors)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes rules for good faith effort by bidder on public contract to secure minority or women business enterprise subcontractor and requires public contracting agencies to rely on certification of minority business enterprise by Department of Transportation, operative January 1, 1986. Provides Department of Transportation exclusive authority to certify minority and women enterprises on and after June 1, 1987.

A BILL FOR AN ACT

1
2 Relating to public contracts.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** Section 2 of this Act is added to and made a part of ORS 279.011 to 279.061.

5 **SECTION 2.** (1) Whenever a public contracting agency requires a bidder to subcontract some part of the
6 contract or obtain materials to be used in performing the contract to a business enterprise that is a minority or
7 women business enterprise, the agency shall award the contract, if one is awarded, to the lowest qualified bidder
8 who has met the minority business enterprise or women business enterprise goal established by the public
9 contracting agency or who has made a good faith effort prior to the time bids are opened to comply with the
10 subcontracting or material supplied requirement.

11 (2) Performing all of the following actions by a bidder constitute a rebuttable presumption that the bidder
12 has made a good faith effort to satisfy the subcontracting requirement described in subsection (1) of this section:

13 (a) The bidder attended any presolicitation or prebid meetings that were scheduled by the contracting agency
14 to inform minority and women business enterprises of contracting and subcontracting or material supply
15 opportunities available on the project;

16 (b) The bidder identified and selected specific economically feasible units of the project to be performed by
17 minority and women business enterprises in order to increase the likelihood of participation by such enterprises;

18 (c) The bidder advertised in general circulation, trade association, minority and trade oriented, women-
19 focus publications, if any, concerning the subcontracting or material supply opportunities;

20 (d) The bidder provided written notice to a reasonable number of specific minority and women business
21 enterprises, identified from a list of certified minority and women business enterprises provided or maintained
22 by the Department of Transportation, soliciting bids for the selected subcontracting or material supply work, in
23 sufficient time to allow the enterprises to participate effectively;

24 (e) The bidder followed up initial solicitations of interest by contacting the enterprises to determine with
25 certainty whether the enterprises were interested: 329

26 (f) The bidder provided interested minority and women business enterprises with adequate information
27 about the plans, specifications and requirements for the selected subcontracting or material supply work:

NOTE: Matter in bold face in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1 (g) The bidder negotiated in good faith with the enterprises, and did not without justifiable reason reject as
2 unsatisfactory bids prepared by any minority and women business enterprises;

3 (h) Where applicable, the bidder advised and made efforts to assist interested minority and women business
4 enterprises in obtaining bonding, lines of credit or insurance required by the contracting agency or contractor;
5 and

6 (i) The bidder's efforts to obtain minority and women business enterprise participation were reasonably
7 expected to produce a level of participation sufficient to meet the goals or requirement of the public contracting
8 agency.

9 (3) If a bidder has not met the minority business enterprise or women business enterprise goal established by
10 the public contracting agency, the agency shall evaluate the good faith effort of the bidder consistent with
11 subsection (2) of this section. It shall be a rebuttable presumption that a bidder has made a good faith effort to
12 comply with the requirement for subcontracting or material supply described in subsection (1) of this section if
13 the bidder has acted consistently with the actions described in subsection (2) of this section. It shall be a
14 rebuttable presumption that the bidder did not make a good faith effort if the bidder has not acted consistently
15 with the actions described in subsection (2) of this section.

16 (4) Any minority and women business enterprise certified as such by the Department of Transportation shall
17 be considered certified as a minority and women business enterprise by any public contracting agency.

18 (5) In consultation with the Department of General Services, the Department of Transportation by rule shall
19 adopt a standard form and a procedure designed to provide complete documentation that a business enterprise is
20 certified as a minority business or women business enterprise. The Department of Transportation shall make
21 available upon request a list of certified minority business and women business enterprises. The department by
22 rule shall establish a fee not to exceed \$75 to cover administrative expenses for certifying a business enterprise as
23 a minority business or women business enterprise which fee shall be charged to the bidder upon bidder
24 prequalification or to the requester upon provision of the certified list. Fees shall be credited to the
25 Transportation Administration Account.

26 (6) Any business enterprise that is refused certification as a minority or women business enterprise may
27 request a contested case hearing as provided in ORS 183.310 to 183.550.

28 (7) For purposes of this section and for purposes of certification of minority or women business enterprises
29 by any public contracting agency in this state:

30 (a) "Minority or women business enterprise" means a business concern which is at least 51 percent owned by
31 one or more minorities or women, as the case may be, or in the case of a corporation, at least 51 percent of the
32 stock of which is owned by one or more minorities or women, and whose management and daily business
33 operations are controlled by one or more of the minority or women stockholders.

34 (b) "Minority individual" is a person who is a citizen or lawful permanent resident of the United States, who
35 is a:

36 (A) Black American or person having origins in any of the Black racial groups of Africa.

37 (B) Hispanic American or person of Mexican, Puerto Rican, Cuban, Central or South American or other
38 Spanish culture or origin, regardless of race.

39 (C) Native American or person who is an American Indian, Eskimo, Aleut or Native Hawaiian.

40 (D) Asian-Pacific American or person whose origin is from Japan, China, Taiwan, Korea, Vietnam, Laos,
41 Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the Pacific or the Northern
42 Marianas.

1 (E) Asian-Indian American or person whose origin is from India, Pakistan or Bangladesh.

2 SECTION 3. On and after June 1, 1987, the Department of Transportation shall be the sole agency
3 authorized to certify enterprises as minority or women business enterprises eligible to perform on public
4 contracts in this state.

5 SECTION 4. Section 2 of this Act becomes operative January 1, 1986.

A

1

SECTION 00430 SUBCONTRACTOR LIST

1.1 INSTRUCTIONS:

- A. Bidder shall list only one subcontractor for each of the categories of Work listed below. If item is not proposed to be subcontracted, bidder shall insert "self" opposite that item.
- B. Bidder proposes and agrees to use the following subcontractors in the performance of the work. Any proposed change of subcontractors after Bid Award must be submitted in writing to Multnomah County for approval.

1.2 TYPE OF WORK

PROPOSED SUBCONTRACTOR

- A. Custom Casework *LEMMONS Mill work*
- B. Doors (Installation) *ASSIDUOUS Construction*
- C. Finish Hardware (Installation) *ASSIDUOUS construction*
- D. Glazing *DIAMOND GLASS*
- E. Drywall *HARLOW'S Drywall*
- F. Carpet (Installation) *TRIPLE-ONE Const.*
- G. Painting *ASSIDUOUS Const.*
- H. Wall Covering *ASSIDUOUS Const.*
- I. Plumbing *PENINSULA PLUMB*
- J. HVAC Work *PENINSULA PLUMB*
- K. Electrical *AC & E Etc.*

MINORITY/FEMALE BUSINESS ENTERPRISE UTILIZATION FORM (MBE/FBE)

1. Name of County Project Clinics & Offices Remodel
2. Project or Bid Number B61-100-0649
3. Name of Contractor Prinz Corporation
4. The above named Contractor intends to fulfill its commitment to expend 20 % of its contract for Minority Business Enterprise and/or 5 % of its contract for Female Business Enterprise in the following manner:

Check One:		Names and Addresses of MBE/FBE Firms Contractor Anticipates Utilizing	Nature of Participation	Dollar Value of Participation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>ASSIDUOUS CONSTRUCTION</u>	<u>Demol & Carpentry</u>	<u>\$ 81,954</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>TRIPLE-ONE BUILDING</u>	<u>Painting & Flooring Work</u>	<u>5315⁰⁰</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DMK CONTRACTORS</u>	<u>Paint & Millwork</u>	<u>2,1945⁰⁰</u>
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____

Total \$ 109,214⁰⁰

Amount of Total Contract 380,000

Minority Enterprise % of Total Contract 23.7

Female Enterprise % of Total Contract 6.28

Joseph M. Prinz
Authorized Signature

Date: 11/13/85

This form to be completed, signed and submitted at the time of the bid opening.
(Please refer to Section 00800 of the Project Manual for Supplementary Conditions.)

HOFFMAN, MATASAR & GLAESER
ATTORNEYS AT LAW
SUITE 330
1020 S.W. TAYLOR STREET
PORTLAND, OREGON 97205

JESS M. GLAESER
JANET LEE HOFFMAN
LAWRENCE MATASAR

TELEPHONE (503) 222-9830

January 8, 1986

Hand Delivered

Jan McGarvin, Clerk
Multnomah County Board of Commissioners
1021 S.W. Fourth, Room 606
Portland, OR 97204

RE: Hearing re: Bid No. B61-100-0649,
Clinics and Offices Remodel - Phase 1

Dear Members of the Board:

This letter will serve to inform you that the under-
signed law firm has been retained to represent the interest of
Rollins & Greene Builders. Rollins & Greene Builders is one of
the general contractors who submitted a bid on the above-noted
project. It is also our understanding that Rollins & Greene
Builders is the second lowest bidder, and, in the event that the
Prinz bid is rejected, Rollins & Greene would be awarded the
contract. Rollins & Greene Builders, therefore, obviously has an
interest in the Board's resolution of the appeal from the
Purchasing Division's rejection of the Prinz bid.

Rollins & Greene Builders fully supports the decision of
the Purchasing Division in rejecting the bid of Joseph Prinz as
being non-responsive. The Prinz bid violates not only the letter
of the County's affirmative action regulations, but also the
spirit and policy upon which the regulations are based.

The Project Manual for this particular project requires
a minimum of 20 percent of the total bid amount for Minority
Business Enterprise participation, and a minimum of 5 percent of
the total bid amount for Female Business Enterprise participation.
(Section 00800, Part 1.2(E)(2).) The Project Manual further
provides that the contractor must include a copy of the City of
Portland's letter of certification for each MBE/FBE firm with any
bid requiring MBE or FBE utilization.

"Certification as an MBE/FBE firm shall be
required prior to bid opening for projects
where MBE/FBE participation is required, in
order for the Minority/Female Business to
participate on the project." (Emphasis
added.) (Section 00800, Part 1.2(e)(4)(a).)

BOARD OF
COUNTY COMMISSIONERS
1986 JAN - 8 PM 4:52
MULTNOMAH COUNTY
OREGON

The bid submitted by Prinz proposed the use of Assiduous Construction as an MBE for purposes of demolition; installation of doors, frames and finish hardware; painting; and wall covering, for a total of \$81,954. As of July, 1985, Assiduous Construction was certified by the City of Portland to perform pilot service, traffic regulating, painting, cleaning and labor. (See letter of December 6, 1985 from Sue Klobertanz, Manager of the Grants and Contract Compliance Division of the City of Portland to Don Eichman.) Assiduous Construction was therefore not certified to perform the carpeting work or the carpentry work relating to doors, frames, and finish hardware. When the dollar figures for each of those portions of the project were subtracted from the Assiduous Construction bid, it became clear that the Prinz bid did not meet the MBE requirements. After submission of the bids, Prinz indicated that Assiduous Construction would utilize the services of other MBE subcontractors for purposes of fulfilling MBE requirements. It should be noted Assiduous is not certified by the City of Portland as a general contractor.

The Project Manual as well as the PCRB Administrative Rules provide that the prime contractor "shall be required to indicate MBE/FBE utilization equal to or greater than the project goal; or, indicated best efforts to attain the goal to be considered a responsive bidder." (Section 00800, Part 1.2(E)(5); PCRB Administrative Rule 60.070(5).)

It is patently obvious that the Prinz bid did not meet the requirement of MBE/FBE utilization equal to or greater than the project goal. Thus, the only issue is whether or not Prinz construction utilized its best efforts to attain the MBE/FBE utilization goal.

Upon receipt of the bid on November 14, 1985, Multnomah County notified Prinz Construction that Assiduous Construction was not listed in the City of Portland MBE directory as having experience to do carpentry work. The Purchasing Division asked for a statement of Assiduous Construction's qualifications and for a cost breakdown as well as a copy of the City of Portland's certification for Assiduous Construction. Prinz responded by attempting to show that other MBE subcontractors would be utilized by Assiduous, either as independent contractors or as employees. Thereafter, the Purchasing Division rejected Prinz's bid and gave him until December 4 to respond. After additional correspondence between Prinz's attorney and the Purchasing Division, additional time was granted to Prinz to demonstrate compliance with the regulations, culminating in a meeting with the Purchasing Division in an effort to allow Prinz to demonstrate his best efforts to attain the MBE utilization goals. On December 27, 1985, the Purchasing Division rejected Prinz's bid as non-responsive. In total, Prinz Construction was given a period of almost six weeks

to demonstrate to the Purchasing Division its compliance with the MBE utilization goals, or its best efforts to attain those goals. No other prime contractor was granted any additional time or opportunity to submit information regarding their bids or provide after-the-fact changes in their bids. Prinz Construction was given more than ample time to demonstrate its best efforts in attempting to attain the MBE utilization goals.

The factors to be considered in determining whether a contractor has made an adequate, good-faith effort are set forth in the Program Manual at Section 00800, Part 1.2(E)(6)(b), as well as in PCRB Administrative Rule 60.070(7)(b). Prinz's attempts to demonstrate good-faith compliance fall far short of the mark, and the Purchasing Division's decision to reject Prinz's bid should be upheld. Prinz's good-faith/best efforts showing consisted of arguing that Assiduous Construction met all the requirements of a certified MBE, and providing information regarding other MBE's contacted prior to bid opening.

After one gets through the smoke screen presented by Prinz and his counsel, it is clear that Prinz had every opportunity to utilize MBE's certified by the City of Portland prior to bid opening. He simply chose to utilize Assiduous Construction, a firm not certified by the City of Portland. Prinz took the same risk as any other contractor in selecting his MBE subcontractors for purposes of this particular project. In addition, Prinz cannot be deemed to have utilized best efforts when it is obvious that he failed to contact the Contract Compliance Office prior to bid opening to insure that the MBE/FBE's he was proposing to utilize were certified. The Project Manual clearly encourages the prime contractor to make such a check. The Project Manual also provides adequate time for MBE certification prior to bid opening. Prinz had been dealing with Assiduous Construction for almost a month prior to bid opening and could easily have obtained certification for Assiduous prior to bid opening. Prinz's failure to assure Assiduous' certification with the City of Portland clearly demonstrates the absence of best efforts in obtaining the MBE utilization goals.

Finally, Prinz' bid violates the spirit and policy behind the County's affirmative action goals with respect to public contracts. The Project Manual and the PCRB Administrative Rules require all bidders to identify MBE and FBE subcontractors to be utilized, the work to be performed, and the dollar amount of the subcontracted work. Further, the same provisions provide that subcontractors listed in the bid shall not be replaced without prior written approval of the County's Purchasing Director, and so doing shall be grounds for a contract award to be refused by the County. These regulations are designed to insure that MBE and FBE subcontractors are firmed-up prior to bid opening. The regula-

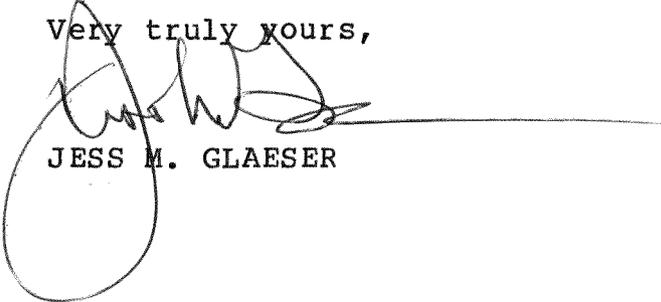
Multnomah County Board of Commissioners
January 8, 1986
Page Four

tions are designed to protect the MBE and FBE subcontractors from frantic negotiations and the extreme economic leverage that prime contractors have over the subcontractors. To now award Prinz the contract would be to set the County regulations with respect to MBE/FBE utilization on its ear. To do so will be a signal to all prime contractors that they can submit any MBE to satisfy project goals, and then after bid opening continue the negotiation process in attempting to locate MBE and FBE subcontractors to satisfy the goals. This clearly is not the intention behind the regulations. The minimum protection granted the MBE's and FBE's by the County's regulations would be reduced to meaninglessness if Prinz's bid is now accepted. As suggested by Carl Moseley's memorandum to Don Eichman dated November 29, 1985, Prinz was still negotiating prices and deals after bid opening. This practice is clearly disallowed under County regulations and is diametrically opposed to the policies granting protection to MBE's and FBE's.

Without commenting on the extremely irregular conduct of Prinz Construction after bid opening, it is obvious that Prinz met neither the MBE/FBE utilization goals nor was it able to indicate best efforts in attaining those goals.

On behalf of Rollins & Greene Builders, we strongly urge the Board to uphold the Purchasing Division's decision rejecting the Prinz Construction bid as non-responsive.

Very truly yours,



JESS M. GLAESER

JMG:eab
cc: James Greene



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
EARL BLUMENAUER • District 4 • 248-5218
GORDON SHADBURNE • District 5 • 248-5213

NOTICE OF HEARING

The Board of County Commissioners of Multnomah County, sitting as the Public Contract Review Board, will hear an appeal by Joseph Prinz on the Bid Award for Bid No. B61-100-0649 on Clinics and Office Remodel, Phase I, Gill Building, on Thursday, January 9, 1986 at 9:30 A.M. in Room 602 of the County Courthouse, 1021 SW Fourth, Portland, OR

MULTNOMAH COUNTY BOARD
OF COMMISSIONERS
SITTING AS THE PUBLIC
CONTRACT REVIEW BOARD

Jane McGarvin
Clerk of the Board

jm

1-6-86



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
EARL BLUMENAUER • District 4 • 248-5218
GORDON SHADBURNE • District 5 • 248-5213

NOTICE OF HEARING

The Board of County Commissioners of Multnomah County, sitting as the Public Contract Review Board, will hear an appeal by Joseph Prinz on the Bid Award for Bid No. B61-100-0649 on Clinics and Office Remodel, Phase I, Gill Building, on Thursday, January 9, 1986 at 9:30 A.M. in Room 602 of the County Courthouse, 1021 SW Fourth, Portland, OR

MULTNOMAH COUNTY BOARD
OF COMMISSIONERS
SITTING AS THE PUBLIC
CONTRACT REVIEW BOARD

Jane McGarvin
Clerk of the Board

jm

1-6-86



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
EARL BLUMENAUER • District 4 • 248-5218
GORDON SHADBURNE • District 5 • 248-5213

NOTICE OF HEARING

The Board of County Commissioners of Multnomah County, sitting as the Public Contract Review Board, will hear an appeal by Joseph Prinz on the Bid Award for Bid No. B61-100-0649 on Clinics and Office Remodel, Phase I, Gill Building, on Thursday, January 9, 1986 at 9:30 A.M. in Room 602 of the County Courthouse, 1021 SW Fourth, Portland, OR

MULTNOMAH COUNTY BOARD
OF COMMISSIONERS
SITTING AS THE PUBLIC
CONTRACT REVIEW BOARD

Jane McGarvin
Clerk of the Board

jm

1-6-86



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
EARL BLUMENAUER • District 4 • 248-5218
GORDON SHADBURNE • District 5 • 248-5213

NOTICE OF HEARING

The Board of County Commissioners of Multnomah County, sitting as the Public Contract Review Board, will hear an appeal by Joseph Prinz on the Bid Award for Bid No. B61-100-0649 on Clinics and Office Remodel, Phase I, Gill Building, on Thursday, January 9, 1986 at 9:30 A.M. in Room 602 of the County Courthouse, 1021 SW Fourth, Portland, OR

MULTNOMAH COUNTY BOARD
OF COMMISSIONERS
SITTING AS THE PUBLIC
CONTRACT REVIEW BOARD

Jane McGarvin
Clerk of the Board

jm

1-6-86



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
EARL BLUMENAUER • District 4 • 248-5218
GORDON SHADBURNE • District 5 • 248-5213

NOTICE OF HEARING

The Board of County Commissioners of Multnomah County, sitting as the Public Contract Review Board, will hear an appeal by Joseph Prinz on the Bid Award for Bid No. B61-100-0649 on Clinics and Office Remodel, Phase I, Gill Building, on Thursday, January 9, 1986 at 9:30 A.M. in Room 602 of the County Courthouse, 1021 SW Fourth, Portland, OR

MULTNOMAH COUNTY BOARD
OF COMMISSIONERS
SITTING AS THE PUBLIC
CONTRACT REVIEW BOARD

Jane McGarvin
Clerk of the Board

jm

1-6-86



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
EARL BLUMENAUER • District 4 • 248-5218
GORDON SHADBURNE • District 5 • 248-5213

NOTICE OF HEARING

The Board of County Commissioners of Multnomah County, sitting as the Public Contract Review Board, will hear an appeal by Joseph Prinz on the Bid Award for Bid No. B61-100-0649 on Clinics and Office Remodel, Phase I, Gill Building, on Thursday, January 9, 1986 at 9:30 A.M. in Room 602 of the County Courthouse, 1021 SW Fourth, Portland, OR

MULTNOMAH COUNTY BOARD
OF COMMISSIONERS
SITTING AS THE PUBLIC
CONTRACT REVIEW BOARD

Jane McGarvin
Clerk of the Board

jm

1-6-86



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
EARL BLUMENAUER • District 4 • 248-5218
GORDON SHADBURNE • District 5 • 248-5213

NOTICE OF HEARING

The Board of County Commissioners of Multnomah County, sitting as the Public Contract Review Board, will hear an appeal by Joseph Prinz on the Bid Award for Bid No. B61-100-0649 on Clinics and Office Remodel, Phase I, Gill Building, on Thursday, January 9, 1986 at 9:30 A.M. in Room 602 of the County Courthouse, 1021 SW Fourth, Portland, OR

MULTNOMAH COUNTY BOARD
OF COMMISSIONERS
SITTING AS THE PUBLIC
CONTRACT REVIEW BOARD

Jane McGarvin
Clerk of the Board

jm

1-6-86



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

PAULINE ANDERSON • District 1 • 248-5220
GRETCHEN KAFOURY • District 2 • 248-5219
CAROLINE MILLER • District 3 • 248-5217
EARL BLUMENAUER • District 4 • 248-5218
GORDON SHADBURNE • District 5 • 248-5213

NOTICE OF HEARING

The Board of County Commissioners of Multnomah County, sitting as the Public Contract Review Board, will hear an appeal by Joseph Prinz on the Bid Award for Bid No. B61-100-0649 on Clinics and Office Remodel, Phase I, Gill Building, on Thursday, January 9, 1986 at 9:30 A.M. in Room 602 of the County Courthouse, 1021 SW Fourth, Portland, OR

MULTNOMAH COUNTY BOARD
OF COMMISSIONERS
SITTING AS THE PUBLIC
CONTRACT REVIEW BOARD

Jane McGarvin
Clerk of the Board

jm

1-6-86

Request Unanimous Consent to consider the Following Matter:

R-10 In the matter of an appeal of Bid Award by Joe Prinz, Inc.
(Bid No. B61-100-0649 - Clinics and Offices Remodel, Phase I
Gill Building)

(Price award only good through January 14, and action needed
to be taken prior to that date)



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

MEMORANDUM

TO: Jane McGarvin, Clerk of Board

FROM: Don Eichman, Director, Purchasing Section *DE/AH*

DATE: January 3, 1986

RE: Appeal by Joe Prinz, Inc./Bid No. B61-100-0649

Please find attached the information packet containing the letter of appeal from Joe Prinz, Inc., and the department's response.

The department has been advised of the appeal and will be present at the Board meeting.

DE/AH/ebm-p
Attachments

BOARD OF
COUNTY COMMISSIONERS
1986 JAN - 3 PM 3:16
MULTNOMAH COUNTY
OREGON

DATE SUBMITTED _____

(For Clerk's Use)
Meeting Date _____
Agenda No. _____

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Appeal B61-100-0649 Clinics & Office Remodel

Informal Only* _____
(Date)

Formal Only January 9, 1986
(Date)

DEPARTMENT General Services DIVISION Finance-Purchasing Section

CONTACT Don Eichman TELEPHONE 248-5111

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Don Fichman

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Appeal of Bid Award by Joe Prinz, Inc. B61-100-0649-Clinics & Office Remodel-Phase I, Gill Building. Requesting unanimous consent for placement on agenda since the bid prices are good through January 14, 1986.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 30 minutes

IMPACT:

PERSONNEL

FISCAL/BUDGETARY

General Fund

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: [Signature] 1/3/86

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) [Signature]

OTHER [Signature]
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

STOEL, RIVES, BOLEY, FRASER & WYSE

ATTORNEYS AT LAW

900 S W FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268

TELEPHONE (503) 224-9380

TELECOPYER (503) 220-2480

CABLE LAWPORT

TELEX 703455

WRITER'S DIRECT DIAL NUMBER

(503) 294-9387

December 31, 1985

VIA MESSENGER

and

VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Don Eichman, Purchasing Director
Multnomah County Director of Purchasing
Multnomah County, Oregon
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, Oregon 97202

Dear Mr. Eichman:

Re: B61-100-0649

Clinics & Offices Remodel - Phase I

As you know, we are the attorneys for Joseph Prinz and have a copy of your letter dated December 27, 1985.

Prinz disagrees with the decision as contained in your letter and hereby appeals the decision.

As you have been advised previously, Prinz believes it is entitled to the award of the contract for the following reasons:

1. It was the lowest responsive responsible bidder submitting a bid;
2. To the extent that you determine his bid did not meet the required MBE or other minority participation goals, he used best efforts to meet such goals; and

Mr. Don Eichman
December 31, 1985
Page 2

3. Again, to the extent it is determined his bid did not meet required MBE or other minority participation goals and, even assuming you determine he failed to utilize best efforts, the issue is not one of responsiveness, it relates only to responsibility, and Prinz has submitted information since the opening of bids that clearly satisfies such goals.

In support of this appeal, we rely upon our letters of December 11, 1985, and December 12, 1985, and Mr. Prinz's letters of December 12, 1985, and December 18, 1985, copies of which are enclosed, together with all references in and enclosures and attachments to such letters, the information submitted at the meeting on December 19, 1985, and all other information submitted by Prinz and other bidders in connection with this project.

Finally, we would like to emphasize two points which we previously discussed with you.

First, there was nothing in the City of Portland certification material submitted to bidders that the contractors certified by the City were certified only for limited purposes and not certified generally. Indeed, Section 00800, Supplementary Conditions of the Specifications, page 3, paragraph 4(c), specifically states that no representation is made to the qualifications of such certified minority contractors. Moreover, as outlined in our letter of November 27, 1985, a representative of the City of Portland on at least one occasion (although we have received conflicting reports since then) confirmed that the City classification did not constitute a ban from other work classifications. As a result, it was proper to use Assiduous.

Second, we do not agree that simply using Assiduous as a subcontractor amounts to a lack of best efforts. Clearly, Prinz demonstrated he used best efforts to achieve minority participation. At worst, the decision to use Assiduous was a mistake based upon Prinz's understanding that it was proper to use Assiduous. Any such mistake cannot be used as a reason for determining that Prinz did not use best efforts. Otherwise, there would be no reason for determining whether a bidder, such as Prinz that had failed to satisfy minority participation goals, used best efforts. In short, the scope of review should simply be whether Prinz used best efforts to satisfy the minority participation goals. If so, as we believe he clearly demonstrated he did, the project should be awarded to him.

Mr. Don Eichman
December 31, 1985
Page 3

We look forward to a hearing on our appeal wish to confirm that no award will be made until the appeal is resolved.

Thank you for your cooperation.

Very truly yours,

Richard E. Alexander

REA:mmf
Enclosures

cc (w/encl.): Mr. John Leahy
Mr. Joseph Prinz

STOEL, RIVES, BOLEY, FRASER & WYSE

ATTORNEYS AT LAW

900 SW FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268

TELEPHONE (503) 224-3380

TELECOPIER (503) 220-2480

CABLE LAWPORT

TELEX 703455

WRITER'S DIRECT DIAL NUMBER

(503) 294-9387

December 11, 1985

VIA MESSENGER

Mr. Don Eichman, Director
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, Oregon 97202

Dear Mr. Eichman:

Re: B61-100-0649

Clinics & Offices Remodel - Phase I

This will confirm our telephone conversation yesterday in which I advised you that we represent Joe Prinz Construction Co. in connection with the above matter.

As you know, Mr. Prinz believes the contract should be awarded to his company. We will be forwarding you information in support of his claim shortly.

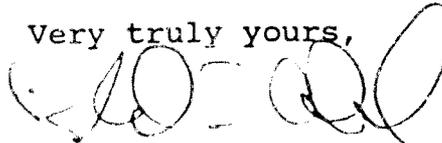
In the meantime, this will confirm that Multnomah County is continuing to review this matter and will not award the contract until such time it has reviewed the information submitted by Mr. Prinz.

Finally, to the extent that an appeal is required to your letter of December 9, 1985, you may consider this the appeal. By so appealing, Prinz does not waive and expressly reserves all of his rights.

Mr. Don Eichman
December 11, 1985
Page 2

As we discussed on the telephone, we fully expect that this matter will be promptly and satisfactorily resolved.

Very truly yours,



Richard E. Alexander

REA:mmf

STOEL, RIVES, BOLEY, FRASER & WYSE,

ATTORNEYS AT LAW

900 S W FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268

TELEPHONE (503) 224-3380

TELECOPIER (503) 220-2480

CABLE LAWPORT

TELEX 703455

WRITER'S DIRECT DIAL NUMBER

(503) 294-9387

December 12, 1985

Mr. Don Eichman, Director
Multnomah County
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, Oregon 97202

Dear Mr. Eichman:

Re: B61-100-0649

Clinics & Offices Remodel - Phase I

Pursuant to our letter of December 11, 1985, Joe Prinz Construction Company ("Prinz") believes it is entitled to the award of the above contract for several reasons.

At the outset, however, it is important to review the background of this matter. Section 00050 specifies that bidders are to obtain certain MBE and FBE participation. Reference is made to Section 00430 and Section 00800 with respect to MBE and FBE participation. Section 00430 references the subcontractor list and provides, among other things, that "any proposed change of subcontractors after bid award must be submitted in writing to Multnomah County for approval." Section 0080 contains supplementary conditions including, at part 1.2(e), provisions relating to MBE and FBE utilization. Subsection (4) references the City of Portland's MBE/FBE certification, and Subsection (5) requires bidders to either equal or exceed the percentage goal or indicate that best efforts were used to obtain such goal.

Prinz submitted a bid on November 14, 1985. Prinz' bid of \$380,000 is the lowest bid. It is Prinz' position that his is the lowest responsive and responsible bid and, as such,

Mr. Don Eichman, Director
December 12, 1985
Page 2

should be awarded the contract for three reasons. First, Prinz believes his bid fully satisfied all requirements of the request for bids. Second, to the extent that, for some reason, the information on MBE/FBE's does not satisfy such requirements, Prinz did utilize best efforts and is therefore entitled to an award of the contract. Finally, issues relating to MBE/FBE participation relate to responsibility, rather than responsiveness. As such, any goals can be satisfied after the time of award and Prinz can satisfy such goals.

Prinz Satisfied all Requirements of the Instruction to Bidders With Respect to MBE/FBE.

Prinz duly completed the MBE/FBE utilization form. In so doing, he noted he would use Assiduous Construction for demolition and carpentry.

The County stated it was concerned as to whether this would qualify since Assiduous is only certified as a service vendor by the City of Portland.

However, Section 12E(4) through Section 0080 only states that Multnomah County will honor the City of Portland MBE/FBE certification. It does not state that, in the event a duly-formed MBE is to be used, that it will not be honored. As such, Assiduous should be utilized. We are submitting with this letter a copy of an information page for Assiduous showing insurance for painting and carpentry. Moreover, even assuming the City of Portland certification is conclusive, Assiduous is certified to perform pilot service, traffic regulation, painting, cleaning and labor. Assiduous was to perform, as stated, demolition and carpentry. There is no specific certification for such subjects and they do constitute labor for which Assiduous is certified. Finally, the utilization of Assiduous and others by Prinz certainly satisfies the intent of the MBE/FBE requirements and should be allowed.

Prinz Utilized Best Efforts to Meet the Goals.

As stated, paragraph 1.2E(5) specifically allows any bidder to an award of the contract even if the goals are not satisfied as long as the bidder utilized best efforts to meet such goals. As Prinz advised in his prior correspondence including, without limitation, his letters of November 20 and November 27, 1985, he did use best efforts. Moreover, we

Mr. Don Eichman, Director
December 12, 1985
Page 3

understand the County is independently reviewing this issue and Prinz will, upon request, be submitting additional information on his efforts. Among other things, however, he took a number of quotes, made concessions such as not requiring a bond, and provided financial assistance to the MBEs he intended to use.

Prinz is Entitled to Provide Information After Award With Respect to What Subcontractors and Suppliers He Intends to Use to Satisfy the Requirements.

Finally, in any event, Prinz, being the low bidder, is entitled to provide the County with any new information he has with respect to what subcontractors and suppliers he intends to use to satisfy the requirements.

At the outset, a distinction must be drawn between a responsive bid and a responsible bid. The latter implies the ability to perform the contract, and goes to the capacity of the bidder rather than to his willingness to perform on the County's terms. In general, it may be said that a bid is not responsive to the invitation and may not be considered for award when it contains a deficiency pertaining to any material factor. A material factor is a circumstance which affects the price, quality or quantity of the articles or services to be furnished. See McBride and Touhey, 1B Government Contracts, § 10.70 (1981).

The Comptroller General has ruled that a low bidder's compliance with MBE requirements on a federally-financed project is a matter of responsibility rather than responsiveness and that documentation concerning such matters may be submitted after bid opening. He has further ruled that a low bidder should be allowed to substitute a new minority subcontractor in his bid in order to meet an MBE participation requirement. Comptroller General's Decision No. B-199145, 28 CCH, Contract Cases Federal, ¶ 80,959 (November 28, 1980), aff'd Comptroller General's Decision No. B-199145.2, 28 CCH, Contract Cases Federal, ¶ 81,728 (July 17, 1981). See also Comptroller General's Decision Nos. B-192696, B-194037, B-194103, CCH Contract Cases Federal, ¶ 83,129 (February 27, 1979) (prime contractor could change its intended subcontractor's bid after bid opening; the requirement for listing subcontractors was a requirement for the contractor to show, after bid opening, that at least the minimum required percentage of subcontracts would be performed by minority-owned firms; the information was required to determine bidder responsibility and was not related to bid responsiveness).

Mr. Don Eichman, Director
December 12, 1985
Page 4

As such, Prinz can properly provide information now on MBE, and he is in a position to satisfy whatever requirements need to be satisfied.

Conclusion.

Multnomah County is, of course, a public agency within the meaning ORS 279.011(5). Moreover, ORS 279.029 requires all public agencies to award construction contracts to the lowest responsive and responsible bidder. As outlined herein, and as indicated in the prior correspondence, Prinz firmly believes that he is entitled to the award of the contract. We are aware of the County's concerns and have attempted to address them from a legal standpoint in this letter. Moreover, we understand that the County has certain concerns with respect to precisely the intent of Prinz' bid and in what respect and for what reasons subcontractor and supplier relationships may have been subject to change since bid opening. I am enclosing a copy of a letter from Prinz outlining the bases for the bids in an effort to answer any such questions.

Moreover, we understand the County will be forwarding a letter to Mr. Prinz requesting certain information with respect to his efforts to meet the minority requirements. We will, of course, respond to it promptly.

Despite the information contained herein, we recognize that, in a matter like this, certain questions can arise and misunderstandings develop. As a result, once you have received all of the information from Prinz and reviewed it, we suggest that we have a meeting to review it in detail and answer any questions you might have.

Very truly yours,

Richard E. Alexander

REA:mmf
Enclosure

cc: Mr. Joe Prinz

INFORMATION PAGE

Liberty Northwest Insurance Corporation

Policy No. WC4-1NC-001854-015-33/-NO1

1. The Insured: Jimmy DuQuot
 DBA: Assiduous Construction
 Mailing address: 2031 N. Watts #5
Portland, OR 97217

- Individual
- Partnership
- Corporation
- Other

Other workplaces not shown above:

2. The policy period is from 10/28/85 to 10/1/86 at the insured's mailing address.
3. A. Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states listed here: Oregon
- B. Employers Liability Insurance: Part Two of the policy applies to work in each state listed in item 3.A.
 The limits of our liability under Part Two are: Bodily Injury by Accident \$ 100,000 each accident
 Bodily Injury by Disease \$ 500,000 policy limit
 Bodily Injury by Disease \$ 100,000 each employee
- C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here:
 All states except Ohio, North Dakota, Washington, Nevada, West Virginia, Wyoming.
4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required below is subject to verification and change by audit.

Reporting Frequency: Monthly Quarterly Semi Annually Annually

Classification of Operations	Code No.	Premium Basis Total Estimated Annual Remuneration	Rate Per \$100 of Remuneration	Estimated Annual Premium
<u>Painting NOC</u> <u>Carpentry NOC</u> <u>Experience Rating Modification</u>	J474	20,000 if any	10.06 10.07	2,012
	5403			---
				2,012 x 1.00

Deposit Premium \$ 250.00

Total Estimated Annual Premium \$ 2,012

Minimum Premium \$

Expense Constant \$

5. Endorsements:
 WC 36 03 01 WC 36 03 04

Countersigned By [Signature]

Sales Code	New/Renewal
9952	NEW

JOSEPH PRINZ
1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

December 12, 1985

Mr. Richard E. Alexander
Stoel, Rives, Boley, Fraser & Wyse
Attorneys at Law
900 SW Fifth Avenue, Suite 2300
Portland, Oregon 97204-1268

Dear Dick:

You asked me to respond to the comments of the memorandum from Carl Moseley to Don Eichman dated November 29, 1985. All of the Moseley comments in his memorandum are listed below by number with my response, if any.

1. At bid opening, Joseph Prinz of Prinz Corporation was low bidder. He listed Assiduous Construction as his MBE firm for demolition; installation of doors, frames and finish hardware; painting; and wall covering for a total of \$81,954. He also listed Triple-One Construction Company as his MBE firm for flooring work at \$5,315.

Moseley has listed correctly information contained in the bid documents.

2. Purchasing sent a letter to Joseph Prinz stating Assiduous Construction was not listed in the Portland MBE directory as having the experience to do the carpentry work. Purchasing asked for a statement of Assiduous' qualifications and for a cost breakdown among the various classes of work.

No response.

3. Prinz responded with a letter stating Assiduous would be directly responsible for demolition and cleanup. For carpeting, Assiduous would hire Ed Lopez, owner of Ed Lopez Carpets and Drapes. For doors, frames and finish hardware, Assiduous would hire Triple-One Construction. Both Ed Lopez and Triple-One are certified MBE firms. Prinz listed Assiduous as performing work worth \$75,457. (Note: The bid price in the letter changed from \$81,954 to \$75,457 for Assiduous, and

Mr. Richard E. Alexander
December 12, 1985
Page 2

Assiduous was no longer listed as doing painting or wall covering--work worth \$20,140 according to Assiduous' quote.)

I responded to their request with a letter stating Assiduous would hire any help it needed that it didn't already have, or subcontract some of the work to other minorities. We were trying to be flexible and were willing to work with the County in any way it preferred. In-between the day of the bid and when I wrote my response, my office had time to start the process of going through the sub-bids we received on the day of the bid for the purpose of refining those bids, looking for areas of double coverage and areas of no coverage. (This is a process that will continue until we are able to write good, sound subcontracts covering all areas once.) Some further negotiating may even continue throughout the job as the subcontractors work together and find they can help one another (by sharing scaffolding, parking places, etc.)

Because of this process the prices dealing with some of the subcontractors, minorities included, changed. This is how the process works for all contractors. There just is not time on bid day to completely organize a job.

4. Even though the cost breakdown showed costs for door, frames and hardware that were 60 percent higher than other bidders and floor covering prices that were 30 percent lower, Purchasing elected to award the bid to Prinz Corporation.

There is nothing unusual for bidders' cost to be different from one line item to another. A flooring bid may vary by including removal of the existing floor and floor preparation in demo, thus reducing the cost of the flooring price or, including those items in with flooring increasing the flooring price.

I cannot answer why there is a difference in cost in doors, frames and hardware and the installation of all of these products. There are too many variables involved. For example, are the bidders buying prefinished doors, raw doors, and are they buying their hardware direct or through installers? Did they include everything asked for?

Every General Contractor will organize their businesses and bidding procedure and work assignments differently. If we didn't our bids would probably all be the same.

Mr. Richard E. Alexander
December 12, 1985
Page 3

5. Soon thereafter, Purchasing was told by Triple-One Construction that it had not given Assiduous a bid price for carpentry until after the bid opening. In addition, Andy Lekas of Cloyd Watt Construction told me Ed Lopez called him and clearly stated Ed did not give Assiduous a price for carpeting until after the bid opening. I understand Ed Lopez has now told you he did indeed give them a price beforehand.

There is no need for Assiduous to get a price from anyone before the bid opening. We helped Assiduous organize his bid. It was his intention to do the work with his own forces and additional help he would hire. Assiduous is the minority contractor. He is not obligated by the intent of the MBE to help others develop their bids. It would be simply a negotiated subcontract arrangement which is standard. (Page 5, City of Portland, Ordinance #157320 amending and clarifying MBE guidelines.)

6. Purchasing reversed its decision and rejected my bid, giving me until December 4 to respond.

No comment, except we are entitled to the award.

7. Prinz delivered a letter dated November 27, stating Assiduous would hire employees to do the carpentry work, and not use Triple-One.

After what I thought to be clarification from the City regarding Assiduous' ability to do the work if it chose to, I informed Eichman it was Assiduous' intent to do so. I also told him we were willing to approach minority participation in any way that fulfills the County's requirements.

Paragraphs after #7.

Don, these turn of events are highly irregular. In the first place, any changes made after the bid opening and before the contract is signed are immaterial. Any contractor would be delighted to change his or her bid after bid opening if that would assure the contractor the job. We cannot consider any information except the conditions that existed at the time of the bid opening.

Secondly, the fact that numbers--and subcontractors--keep changing with every letter from Prinz leads me to believe prices are still being negotiated and deals being made. The

Mr. Richard E. Alexander
December 12, 1985
Page 4

intent of the MBE program and of the forms that require the listing of MBE firms at the time of bid opening is that decisions made at bid time are left unchanged.

If Triple-One did not give Assiduous a number prior to opening, where did Assiduous get the price for the bid? Why is Prinz Corporation low bidder is his MBE price for doors, frames, and hardware is \$15,000 higher than two other bidders? Why did Assiduous' price change from \$81,954 at bid time to \$75,457 six days later--especially since Prinz changed his mind and pulled painting worth \$20,140 out of the original scope of work worth \$81,954?

Quite apart from all these good questions, let's consider one more fact--at the time of bid opening, Assiduous Construction had not agreed to hire Tripe-One to do the work, since Triple-One had not prepared a price. Therefore, Assiduous had no arrangement at the time that qualified it for carpentry work. Depending upon whom you believe, Assiduous may not have had an arrangement with Ed Lopez at that time that qualified them for carpeting. Regardless of later negotiations and arrangements, Assiduous was unqualified at bid opening.

Again, I recommend Purchasing reject the Prinz Corporation bid based upon significant irregularities in the MBE participation and the lack of a qualified MBE firm.

During one of my early discussions with Mr. Moseley he mentioned the County did not like the work of Triple-One Construction. I told him I hoped Assiduous could do the work if the County would go along with it. He told me once the contract was signed I could change all my minorities if I maintained the 20 percent goal and got his approval.

Clearly there is confusion after a day of taking bids and putting a bid together. This is the nature of the job. There is simply not the time before the bid is turned in to organize all the costs and work assignments and cost overlapping and assignments overlapping. That is done when the letter of intent is received or the contract is signed. The costs and responsibilities of all the people involved in a job will change before and during the process to organize a job and to a lesser degree for the duration of the job.

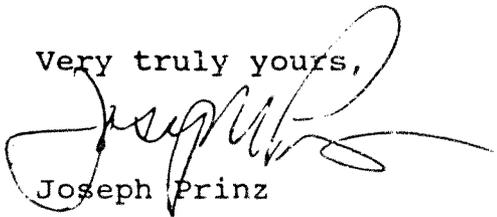
Assiduous was listed on the subcontractor's list as a painter because until just before the bid he was the best price for painting I had. I, in the final crunch to get the bid out,

Mr. Richard E. Alexander
December 12, 1985
Page 5

overlooked replacing his name on that list. He was not listed on the minority list as the painter because I didn't overlook taking him off that list.

In Mr. Moseley's last paragraph, he stated that Assiduous was not qualified for carpentry work. We have listed Assiduous for carpentry work in our MBE utilization form. We used carpentry work to describe what is actually a lot of miscellaneous items. In fact, there is very little, if any, true carpentry work in the job.

Very truly yours,



Joseph Prinz

JP:mmf *

JOSEPH PRINZ
1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

December 18, 1985

VIA MESSENGER

Mr. Don Eichman, Director
Multnomah County
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, Oregon 97202

Dear Mr. Eichman:

* Re: B61-100-0649
Clinics & Offices Remodel - Phase I

You have asked for information concerning our efforts to satisfy the MBE goals. As you know, our position is that we have previously satisfied them. To the extent, however, that we have not satisfied them, the circumstances which brought about the reduction in MBE participation were the result of Multnomah County's decision to reject Assiduous Construction as being certified to do finish carpentry and carpeting. As a result, only \$16,848 was counted towards the MBE goal.

We have, as a result, again made efforts to meet the MBE goals. In that regard, I am enclosing a copy of a letter dated December 13, 1985, we forwarded CSS and Associates, requesting assistance. We have had numerous telephone conversations with others, met with Cruz twice (gave plans and specifications and offered financial assistance) and met with Brisbane Doors and Trim once (provided drawings).

The action planned to bring MBE back to the goals will be accomplished by having Assiduous Construction certified to perform the work originally listed or submit the following for approval by the County.

1. Contract with McCoy Plumbing for Division 15 work for \$50,994, satisfying WBE participation;
2. Contract directly with Ed Lopez (MBE) for carpet and resilient flooring for \$22,085;

Mr. Don Eichman, Director
December 18, 1985
Page 2

3. Contract with Assiduous Construction for demolition and clean-up (MBE) for \$16,848;

4. Contract with Jose Cruz (MBE) for carpentry for \$39,360; and

5. Maintain, if necessary DMK (WBE) proposal for \$21,945.

I am attaching copies of the quotations from McCoy, Lopez, Assiduous and Cruz. We understand DMK has already been approved. We are also attaching a copy of McCoy's Notice of Certification.

Using the above list we would obtain the following percentages:

WBE	19 %
MBE	20.5%

Moreover, to show that adequate good faith was, at the outset, made in obtaining MBE goals, my office, beginning October 11, 1985, contacted 22.5 percent of the certified MBEs in the Portland area listed as General and Specialty Contractors in the City of Portland directory. To put this percentage into perspective, the City of Portland would need to contact 103 of the Contractors listed in the Portland Yellow Pages to look for a General Contractor for the Gill Building.

The methods we used to solicit MBEs were primarily by telephone. We did not receive interest from many MBEs, so as we continued our efforts, we asked Mr. DuQuat with Assiduous Construction to help locate minority people he knew. We knew Mr. DuQuat from previous dealings, and found him to be helpful. This was on October 11, 1985.

With Mr. DuQuat's help and our own efforts, we were able to contact: Triple-One Construction, Ed Lopez Carpets, Premsingh and Associates, Inc., American General Contractors, B & R Construction, Blessing Electric, Livingston Gary Construction, Loyal's Painting, McCoy Plumbing, Right Now Carpet Installation, Allied Paint, Construction Interior Supply Source, and DMK Contractors, Inc.

We received bids from the following: Assiduous Construction, Triple-One Construction, Ed Lopez Carpets,

Mr. Don Eichman, Director
December 18, 1985
Page 3

Prem Singh and Associates, Inc., Blessing Electric, Merit Coating, Floor Factors, Alco Electric, McCoy Plumbing, Pen-Nor, Inc., Construction Interior Supply Source, and DMK Contractors, Inc.

We tried contacting about a dozen MBE's who did not respond to our calls. Among them were Seivier and Sons, Garriss Construction, and Conmx, Inc.

Having dealt with Assiduous Construction (MBE) on other projects, we called them on October 15, 1985, to discuss the Gill Building Project. We walked through the project twice with Mr. DuQuat to help with his bid. We purchased and supplied drawings and specifications for his use. We also agreed to waive his bonding requirements, and to provide intermediate draws for wage payments and to help in all ways possible such as plan take-off, specifications and addendum notification. We assisted him in finding suppliers for any of his needs in his portion of the work. We met with him in our office four times before final bid date and twice since then to discuss the project. We met with Ed Lopez Carpets, Triple-One Construction and Prem Singh and Associates, Inc. in our office. Ed Lopez Carpets, Triple-One Construction and Assiduous Construction were promised the same assistance financially and otherwise throughout the project.

We have discussed this project both before and after the final bid with McCoy Plumbing and are prepared to use them. Prem Singh and Associates, Inc., who we assisted with square footage take-off and pricing, reduced its original bid by 50 percent, but it was still more than twice the average bid received. We worked with Construction Interior Supply Source concerning quantity take-off and alternatives, but its final bid was 50 percent over the bid used in our proposal. We have scheduled a meeting with them to discuss this and future projects. We helped DMK Contractors with estimating. We were told by all of the above that they were either certified MBE or FBE.

We maintained a set of drawings in our office which we reviewed with various minority contractors to assist in the preparation of their bids. In the process of reviewing the drawings, we assisted several of them with take-offs, among other things. In that regard, I am enclosing copies of Exhibits A and B which we prepared to review with a number of bidders including Assiduous and Cruz, to assist them in their bids. I am also enclosing a copy of Exhibit C which was also

Mr. Don Eichman, Director
December 18, 1985
Page 4

prepared and discussed with Construction Interior Supply Source to assist it in the preparation of its bid with respect to clarifying the alternates. I am also enclosing a copy of Exhibit D which was prepared and reviewed with a number of bidders, including Assiduous. These are only some of the documents we prepared in this regard as a number of the documents were destroyed once the bid was finalized.

As you can see from the information we have produced, we firmly believe that our initial bid satisfied all requirements of the County's proposal. To the extent, however, that it did not satisfy such requirements, we believe we certainly satisfied the only requirement necessary for an award of the contract to us and that is that we did use best efforts to obtain the goal. The information we have supplied you in this letter, together with our prior correspondence, certainly establishes that we used such efforts. More importantly, we have reviewed our bid and what we did to meet the MBE goals with what we can determine from the other bidders, and we believe that we equaled, if not exceeded, the efforts of the other bidders in this regard. Moreover, as an example, I am enclosing a copy of our quote sheet from Pen-Noir for the mechanical. You will note it is in the amount of \$49,726. I am also enclosing copies of the MBE/FBE utilization form of three other bidders and you will note that the referenced amount for Pen-Noir for the mechanical is \$56,003, \$55,787 and \$57,926 for apparently the same work. As such, we believe that we did satisfy the requirement to use best efforts. Finally, in any event, as we advised in our letter of December 12, 1985, we are fully capable of satisfying the requirements at this time irrespective of whether we were able to satisfy such requirements at the outset. As such, we are entitled to the award.

Of course, we do not agree that any liquidated damages should be assessed in the event we are awarded the contract.

We are providing this information for you to review in anticipation of our meeting scheduled for 3:30 p.m. on December 19, 1985. If we have not all ready done so, we hope at that time we can fully respond to any remaining questions

Mr. Don Eichman, Director
December 18, 1985
Page 5

you have, the contract may be awarded to us and we may commence work.

Very truly yours,

Joseph Prinz

JP:mmf

Enclosures

JOSEPH PRINZ

1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

December 13, 1985

CSS & Associates
415 Board of Trade Building
310 SW 4th Ave.
Portland, OR 97204

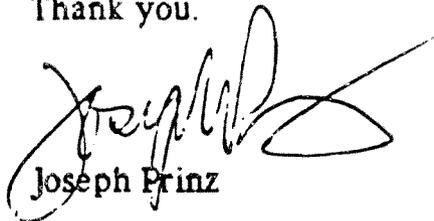
Dear Sir,

RE: Letter of November, 15, 1985

We would appreciate any help you can give us in meeting our MBE requirements on the Gill Building Remodel. We are specifically looking for sub-contract businesses in the following areas:

Cabinets--Custom Casework.
Door and Door Hardware Installation
Carpet and Vinyl Flooring

Thank you.



Joseph Prinz

McCOY PLUMBING

Rebecca Batke, Owner
NEW CONSTRUCTION
REPAIRING—REMODELING

2617 N.E. Union Avenue • 288-5403 • Portland, OR 97212

"YOUR SATISFACTION—OUR SUCCESS"



PLUMBING PROPOSAL and CONTRACT

Job No. _____

Sheet 1 of 1

Phone 248-5111

City Portland 97202

Phone 243-2306

City Portland,

City Portland,

Owner MULTNOMATH COUNTY OREGON

Address 2505 S.E. 11th AVE

Contractor Joe Prinz

Address 1817 N.W. 27th

Job Address 426 S.W. STARK ST.

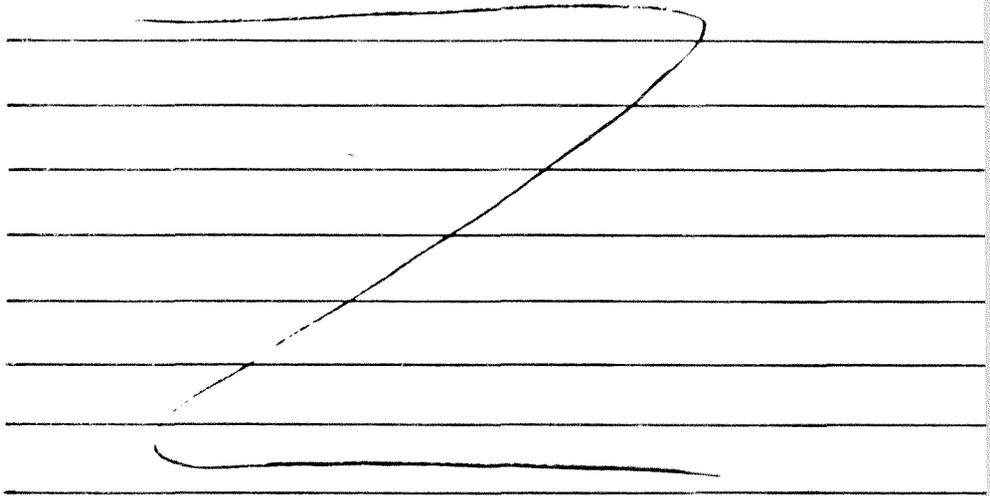
Date 12-17-85

Estimator DAVID BATKE

Phone 288-5403

Bid November 14, 1985. For project i
B61-100-0593
Div. 15.
Basis: Plumbing, pipe insulation, Fire protection
Contract, HVAC. Duct cleaning and new Filters.
* 50,994.⁰⁰/₁₀₀

ALT # 1 Deduct * 515.⁰⁰
ALT # 2. Deduct. * 182.⁰⁰



TERMS: monthly draw as per work done
We will install the above listed top quality materials in accordance with the best mechanical technique. Installation will be guaranteed against defects in workmanship & materials for a period of 1 year. An express mechanic's lien is acknowledged on above job to secure the above terms.

NOTE PROVISIONS
I (we) promise to pay the listed materials and labor on this work order and note of the usual accepted standard rate and prices in full ten days after your statement is received. Interest is to be charged at the highest legal rate allowable by law in the state where this note was executed, and interest will only be charged after maturity.
If, however, this account is not paid as agreed according to the amount of your statement received, and if suit is brought upon this note or if by reason of default in payment, the same or any part thereof be collected by an attorney (we) agree to pay a reasonable attorney's fee, in addition to all collection costs as provided by law, and also a reasonable attorney's fee, or if suit be brought to collect any of principal or interest on this note the undersigned promises to pay in addition court costs provided by law and also a reasonable attorney's fee.
If default be made in any payment of principal or interest, the legal holder of this note may declare the entire principal and all accrued interest at once due and payable.
For value received, each and every party who signs or endorses this note or becomes liable, either now or hereafter, for the payment of this note severally waives presentment, demand, protest, and notice of non-payment hereof, and binds himself hereon as the principal and not as a surety and agrees to remain bound hereon notwithstanding any extension that may be made to any party liable on this note. At the option of the holder hereof, if venue of said suit may be the county of residence of the holder.

Bid _____
Accepted _____ Date _____

ED LOPEZ CARPETS & DRAPES

8530 S.W. BIRCH ST.
PORTLAND, ORE. 97223
(503) 244-7465

12-17-85

Prinz Construction Co.
1817 N.W. 27th.
Portland, Oregon 97210

Dear John,

Thank you for the opportunity to submit a quotation for the Gill Building remodel. My quote for carpet and resilient floor, materials and installation, is \$22,025.00.

Once again thank you for your consideration and if I can be of further service please feel free to call.

Sincerely,



Ed Lopez

EL/pnl

Assiduous Construction

(For a Better Life)

2031 N. WATTS No. 5
PORTLAND, OR 97217

289-7025

Joe Prinz: General Contractor
Attention: John Klukkert

SUBCONTRACT PROPOSAL
REQUEST FOR QUOTATION

PLACE: J.K Gill Bldg.
426 S. W. Stark
Portland, Oregon

PROJECT: Clinics & Offices Remodel

Demo & Cleanup, cost: \$16,848.00
Carpet installed: \$20,425.00
Resilient Floor,
installed: \$4,835.00
Doors, frames and
finish hdw
installed \$38,184.00
Paint \$20,140.00

Yours Respectively,

"We Care"

CRUZ and ASSOCIATES

7037 S.W. BURLINGAME AVE.
PORTLAND, OREGON 97219
(503) 246-8155

Joe Prinz
1817 N.W. 27th
Portland, Oregon, 97210

R.E. Multnomath County Project No. GB 8501
Clinics and Office Remodel -- Phase I

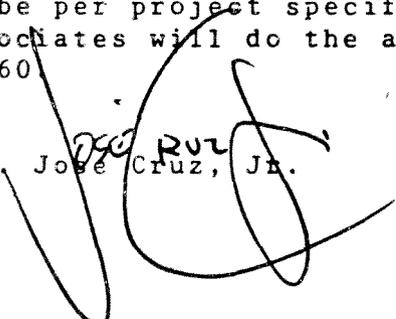
Mr. Prinz;

12-18-85

Cruz and Associates will provide the labor and material
for the above mention project for the following work;

Furnish and install doors, frames and doors
hardwares.
Install bath assesories (Material by others)
Install wall rails
Furnish and install Headers
Furnish and install 2x4 blocking at door frames
Raise two platforms

All work to be per project specification and plans.
Cruz and Associates will do the above work for a lump
sum of \$39,360.

Your,  Jose Cruz, Jr.



CITY OF

PORTLAND, OREGON

OFFICE OF FISCAL ADMINISTRATION
GRANTS AND CONTRACTS COMPLIANCE DIVISION

J.E. Bud Clark, Mayor
Mark Gardiner, Director
Sue Klobertanz, Manager
1220 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 248-4696

FEMALE BUSINESS ENTERPRISE PROGRAM

* * * * *

NOTICE OF CERTIFICATION

MCCOY PLUMBING

You are hereby notified of certification as a

FEMALE BUSINESS ENTERPRISE

as specified by Chapter 3.100 of the Code of the City of
Portland, Oregon.

Unless found in violation of Chapter 3.100 of the City Code,
certification shall be continuous, PROVIDING you meet the re-
quirements for annual and/or other periodic data.

* * * * *

NOTICE TO CONTRACTING OFFICES

This notification does not constitute evidence of certification,
and will not be accepted as such by any contracting office of the
City of Portland. Current certification status may be determined
by reference to the current Female Business Enterprise list, or
by communication with the Contract and Grants Compliance Division.

Signed:

Janet Wright

Dated: October 1, 1985

GILL Bldg - Relite Frames

Drawn By:
Approved By:

Quantity	R.O. Height	R.O. Width	Section	Head Jamb	SILL	
1 ea	3'-9 1/2"	3'-2"	1-A4	16-A7	17-A7	
4 ea	2'-2 1/2"	2'-1"	1-A5	8-A7	14-A7	
1 ea	2'-2 1/2"	4'-10"	2-A5	8-A7	9-A7	
2 ea	3'-2 1/2"	3'-2"	7-A5	8-A7	9-A7	
1 ea	3'-2 1/2"	3'-2"	7-A5	16-A7	17-A7	
1 ea	4'-0"	2'-6"	29-A7	8-A7	9-A7	
1 ea	3'-2 1/2"	3'-2"	32-A5	8-A7	9-A7	
1 ea	5'-0"	6'-6"	35-A5	8-A7	9-A7	} (No Head (7-A7 (7-A7
1 ea	4'-0"	5'-6"	36-A5	8-A7	9-A7	
1 ea	5'-0"	7'-0"	38-A5	8-A7	9-A7	
4 ea	13"	12"	1-A6	8-A7	14-A7	} See 13-A7
2 ea	1'-9"	3'-6"	1-A6	8-A7	15-A7	
2 ea	1'-10"	3'-6"	1-A6	8-A7	14-A7	} Extension 10-A7 ←
6 ea	6'-6 1/2"	3'-2"	4A6/5A6	8-A7	9-A7	
2 ea	13"	12"	5-A6	8-A7	9-A7	
2 ea	3'-2 1/2"	3'-2"	5-A6	8-A7	9-A7	} ALT # 2 15-A7 ←
1 ea	6'-4"	3'-2"	6-A6	8-A7	9-A7	
15 ea	2'-2"	2'-0"	6/9/10 A6	8-A7	9-A7	
1 ea	4'-0"	13'-0"	21-A6	8-A7	9-A7	} ALT # 2
1 ea	4'-0"	11'-0"	22-A6	8-A7	9-A7	
1 ea	4'-0"	9'-0"	23-A6	8-A7	9-A7	
100 LF	Wall cas		11-A7			
16 LF	X-Ray Guide		Rail 28-A7	1 1/2" x 5 1/2" Net		

Petite Frames

P.O.

4 ea 2'-2 1/2" H JB 8-A7 ✓
 1-A5 2'-1" W SILL 14-A7

1 ea 2'-2 1/2" H JB 8 A7 ✓
 (2-A5) 4'-10" W SILL 9 A7

2 ea 3'-2 1/2" H JB 8 A7 ✓
 → 3'-2" W SILL 9 A7
 (7-A5)

1 ea 3'-2 1/2" H JB 16 A7 ✓
 3'-2" W SILL 17 A7

1 ea 3'-9 1/2" H JB 16 A7 ✓
 (1-A4) 3'-2" W SILL 17 A7

1 ea 4' 0" H JB 8 A7 ✓
 (29-A7) 5' 6" W SILL 9 A7

1 ea 4' 0" H JB 8-A7 ✓ (Head - none 7-A7)
 (6-A5) 5' 6" W SILL 9-A7

(38-A5) 5' 0" H JB 8 A7 ✓ (Head - none 7 A7)
 1 ea 7' 0" W SILL 9 A7

(35-A5) 5' 0" H JB 8 A7 ✓ (Head - none 7 A7)
 1 ea 6' 0" W SILL 9 A7

R.O.

4ea ✓ 13" H
1-A6 12" W

JB 8A7
SILL 14A7 - Long!

2ea ✓ 1' 9" H
1A6 3' 6" W

JB 8A7
SILL 15A7 Long!

See 13A7 for extension

2ea ✓ 1' 10" H
1A6 3' 6" W

JB 8A7
SILL 15A7 Long!

5ea ✓ 13" H
5A6 12" W

JB 8A7
SILL 9A7

2ea ✓ 3' 2 1/2" H
5A6 3' 2" W

JB 8A7 (ALT #2)
SILL 9A7

6ea ✓ 6' 6 1/2" H 
5A6 3' 2" W
4A6

JB 8A7 ✓
SILL 9A7

100 LF Wall Cap
11 A7

15ea ✓ 2' 2" H
6A6 2' 0" W
9A6
10A6

JB 8A7
SILL 9A7

16 LF X Ray Rail
28 A7

1ea ✓ 6' 4" H 
6A6 3' 2" W

JB 8A7
SILL 9A7

21A6 4" X 13' 1ea
22A6 4" X 11' 1ea
23A6 4" X 9' 1ea

JB 8A7
SILL 9A7 } ALT #2

GILL Blog -

Paper Towel Dispenser	^{P.T.D.} B-263	
Toilet Paper Dispenser	^{TPD} B-288	
Sanitary Napkin Dispenser	^{N.D.} B-2802	1
Specimen pass thru Cab	^{S.P.C.} B-505	1
Mirror	(MIR) B-292-2436	
Sanitary Napkin Receipt	^{N.R.} B-270	1
Facing Seat	B-508	
Shower Rod	B-6107	
Shower Curtain	B-204-3	
Soap Dispenser - By owner		

283-3333

Recd -

GILL Bldg
Jung Fig

Executive Et.

Approved Et.

1

2

3

Doors - 56 ea New

17 ea Existing

Rehite's - Sliders - etc

4th Flr TTTT TTTT TTTT

5th Flr TTT TTT TTT TTT TTT TTT

+ 3 Large 9'-10'-14' - Alt 2 (300^{sq})
47 Total

Interior Hldrs - Paper Holders etc

4th Flr 11 ea + 2

5th Flr 2 ea

Dressing Rooms

4th Shower Rds - w/ curtain 2 ea 40^{sq}

4th Folding seats 2 ea

4th Coat Rds - 1 ea - 4'

5th Coat Rds - 1 ea - 6'

Clean-up - etc - Labor

Parking 75^{sq} mo.

Ex D

NAME Chan COMPANY Pen-Nor NOV MBE

PHONE 986-3231 BID * USED 49,726⁰⁰

DIVISION PLb PROJECT NAME Gill

COMPLETION TIME _____

SECTIONS 15 - Ded ALT*1 860 ALT*2 Ded ALT*3 200

NOTES No Sprink

MINORITY/FEMALE BUSINESS ENTERPRISE UTILIZATION FORM (MBE/FBE)

- Name of County Project J.K. Gill 4th 5th
- Project or Bid Number B61-100-0649
- Name of Contractor ROLLINS & GIBRANE, PULLARIS
- The above named Contractor intends to fulfill its commitment to expend 20 % of its contract for Minority Business Enterprise and/or 5 % of its contract for Female Business Enterprise in the following manner:

Names and Addresses of MBE/FBE Firms Contractor Anticipates Utilizing	Nature of Participation	Dollar Value of Participation
---	-------------------------	-------------------------------

Check One:

MBE FBE

<input checked="" type="checkbox"/>	<input type="checkbox"/>	XXXXXXXXXX <u>CIS</u>	XXXXXXXXXX <u>FLOOR COVERINGS</u>	<u>\$36,330</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>PENN-NOC</u>	<u>MECHANICAL</u>	<u>\$57,926</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>A.C. AND E.</u>	<u>ELECTRICAL</u>	<u>\$68,000</u>
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

Total \$162,256.00

Amount of Total Contract \$373,814.00

Minority Enterprise % of Total Contract 30.90% ²⁵

Female Enterprise % of Total Contract 5.18% ¹⁸

James C. Murray
Authorized Signature

Date: 11-14-85

This form to be completed, signed and submitted at the time of the bid opening.

(Please refer to Section 00800 of the Project Manual for Supplementary Conditions.)

MINORITY/FEMALE BUSINESS ENTERPRISE UTILIZATION FORM (MBE/FBE)

1. Name of County Project Clinics & Offices remodel - Phase 1
2. Project or Bid Number B 61-100-0593
3. Name of Contractor Michael J. Witt, Inc.
4. The above named Contractor intends to fulfill its commitment to expend 20 % of its contract for Minority Business Enterprise and/or 5 % of its contract for Female Business Enterprise in following manner:

Names and Addresses
of MBE/FBE Firms
Contractor Anticipates
Utilizing

Nature of
Participation

Dollar Value
of Participation

Check One:

MBE FBE

Pen-Work Mechanical 56,003-

Services Rendered doors-installed 15,250-

Ultimate Development Paint 12,500-

Construction Material Supply Specialties 1,370-

Construction Material Supply Carpet & Floor 33,000-

Total 118,123-

Amount of Total Contract 382,996-

Minority Enterprise % of Total Contract 20%

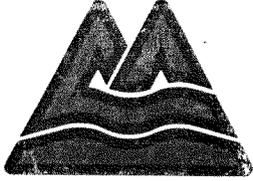
Female Enterprise % of Total Contract 5%

Michael J. Witt
Authorized Signature

Date: 11/4/85

This form to be completed, signed and submitted at the time of the bid opening.

(Please refer to Section 00800 of the Project Manual for Supplementary Conditions.)



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
COUNTY COUNSEL SECTION
SUITE 1400
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204
(503) 248-3138

DENNIS BUCHANAN
COUNTY EXECUTIVE

MEMORANDUM

COUNTY COUNSEL
JOHN B. LEAHY
CHIEF ASSISTANT
RHEA W. KESSLER
ASSISTANTS
ARMINDA J. BROWN
J. MICHAEL DOYLE
PETER KASTING
PAUL G. MACKAY
JANET NOELLE MAIR
LIA SAROYAN
JANE ELLEN STONECIPHER

TO: Don Eichman
Director, Purchasing

FROM: *RK* Rhea Kessler
Chief Assistant County Counsel

DATE: December 23, 1985

RE: Gill Building remodel project.

As you know, ⁵Bu⁵ Glaeser represents the bidders Rollins and Green on the above-referenced project. Since Mr. Glaeser is about to leave town for a vacation, I have informed him that any notices regarding the formal contract award and/or appeal procedures would be directed to his office. Apparently, his clients are also out of town for the holidays.

Mr. Glaeser's address is:

Suite 330
1020 S.W. Taylor
Portland, Oregon 97205

2555C/jdm

JOSEPH PRINZ

1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

December 20, 1985

Mr. Don Eichman, Director
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, OR 97202

Dear Mr. Eichman,

Pursuant to our meeting yesterday, we are enclosing our notes of bids from the following MBE's on this project:

Contractor's Interior Supply	Toilet Accessories
Blessing Electric	Electrical
Triple-One Construction	Vinyl
Ed Lopez	Carpets
Assidious Construction	Demo
	Carpet
	Resilient Flooring
	Misc.
Contractor's Interior Supply	Flooring
Pen Nor	Mechanical
Alco Electric	Electrical
Prem Singh	Accoustical Ceiling
Merit Coating	Paint

We are also enclosing copies of written confirmations of the bids from:

Contractor's Interior Supply

All of these bids were submitted prior to bid time.

The bids of Ed Lopez (Carpet), Triple-One Construction (Flooring), and Triple-One Construction (Door Installation), were included in Assidious' bid.

This information shows two things. First, irrespective of whether Assidious' work is counted, the work that was being done by their certified sub sub-contractors should be included and, if so, the MBE goals are satisfied. Second, it shows together with the information previously submitted, that we did, in fact, use best efforts to meet the goals.

2.

As we advised you, we contacted a substantial number of other MBE bidders, and these are the bidders that responded.

If you have any further questions please call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph Prinz". The signature is written in dark ink and is positioned above the printed name.

Joseph Prinz

cc: Dick Alexander

NAME Jimmy COMPANY Assiduous Const

PHONE 289-7025 BID = USED 81,954

DIVISION PROJECT NAME GILL

COMPLETION TIME

SECTIONS 2070 Demo ALT #1 ALT #2 ALT #3

9680 Carpet

9650 Pals Floor

AHL Carpentry & Clean-up labor & Mat

NOTES

Includes Triple one - Ed Lopez price

NAME Ed COMPANY Ed Lopez Carpets

PHONE 244-7465 BID # USED 20,425

DIVISION Carpet PROJECT NAME GILL

COMPLETION TIME _____

SECTIONS 09680 ALT #1 _____ ALT #2 _____ ALT #3 _____

NOTES Bid with Assid because
of floor prep

NAME Gloria COMPANY Const Interiors FBE

PHONE 225-9019 BID # USED \$1,370 MBE

DIVISION 10800-Toilet PROJECT NAME GILL
Accessories

COMPLETION TIME _____

SECTIONS Ded 38⁰⁰ Ded 38⁰⁰ ALT #1 ALT #2 ALT #3

NOTES _____

NAME Tom COMPANY Martin Cool

PHONE 653-2718 BID # USED

DIVISION _____ PROJECT NAME 6.11

WBE
used

COMPLETION TIME _____

SECTIONS _____ ALT #1 _____ ALT #2 _____ ALT #3 _____

9900 11,715 #1 + 2265 (970)
9950
NOTES

WBE

NAME Henny COMPANY Blessing etc

PHONE ~~284~~ 284-1189 BID # USED

DIVISION _____ PROJECT NAME Gill FBE

COMPLETION TIME _____

SECTIONS _____ ALT #1 _____ ALT #2 _____ ALT #3 _____

81516 (1600)

Div
16

NOTES John - this is \$20K+ high

NOT
USE

Woman/ MBE - FBE

NAME Bon Tai COMPANY Triple One

PHONE 283-1322 BID # USED 5,315

DIVISION or Vinyl PROJECT NAME GILL

COMPLETION TIME _____

SECTIONS 09650 ALT #1 _____ ALT #2 _____ ALT #3 _____

NOTES Bid to be included with
Asid because of floor preparation
Does not care if he goes w/
Asid or By himself.

NAME Chaucer - Pen-Nor - Pen-Nor
COMPANY Pen-Nor MBE

PHONE 286-2231 BID = USED 49,726⁰⁰

DIVISION Plb PROJECT NAME Gill

COMPLETION TIME

SECTIONS 15 - Ded ALT #1 860 ALT #2 Ded ALT #3 200

NOTES No Sprink
MCM of Pen-Nor Plumb
w/ Sprink @ \$5,000*

NAME Bon lai COMPANY Trip. - One

~~PHONE~~ Person to Person BID # USED
in Office

DIVISION _____ PROJECT NAME GILL

COMPLETION TIME _____

SECTIONS _____ ALT #1 _____ ALT #2 _____ ALT #3 _____

*John what's been
all this mean*

NOTES We discussed door installation @ 80 ea
the amount of Sq Ft floor area to be built and
installing elite frames & etc. Assiduous was
to deliver all materials to the work area
with One would furnish Carpenters / wanted to work

Assiduous because of other job

NAME Geo COMPANY Alco Elec
PHONE 238 9710 BID # USED 86,850 MBE
DIVISION Electrical PROJECT NAME GILL Bldg

COMPLETION TIME _____

SECTIONS 16010 ALT #1 _____ ALT #2 ^{#ped} 2000 ALT #3 _____

ALL

NOTES

high

NAME Prinsingh COMPANY _____

PHONE 288-4637 BID # USED 35,000⁰⁰

DIVISION Acc Ceiling PROJECT NAME GILK

COMPLETION TIME _____

SECTIONS 09570 ALT #1 _____ ALT #2 _____ ALT #3 _____

NOTES Minority Sub.

Joe - I gave him information to help him with pricing, but he said no change?

*Deton
Call P.
that is
high I
thought
worked*

*your
together*

NAME Pecm COMPANY Pecm Singh
PHONE 288-4637 BID NUMBER USED 68,847
DIVISION Acoustic Clg PROJECT NAME GILL
INSULATION
SECTIONS 09510 BASIC \$168,847

ALTERNATES #1

#2 + 600 #3
69,447 #5 #6

John - please work w/ Pecm. See if we can get
MINORITY QUALIFICATIONS Yes - a bid we can use for hibid
NOTES: Repair & Replace Present Clg or next time
Remove and replace with new
including insulation
600⁰⁰ - for ceiling Plaster Patch

NAME Moria COMPANY Const. Int. FB/E

PHONE 225-9019 BID # USED 37,700 MBE

DIVISION Carpet PROJECT NAME GILL
Vinyl

COMPLETION TIME _____

SECTIONS 9650 ALT #1 _____ ALT #2 _____ ALT #3 _____
9680

NOTES Would not separate price

**CONSTRUCTION
INTERIOR SUPPLY
SOURCE**

A Subsidiary of Trans Atlantic Trading Corporation

October 29, 1985

Joe Prinz Co.
1817 NW 27th
Portland, OR 97200

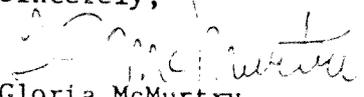
RE: Gill Building
Clinic and Office Remodel

Gentlemen:

Attached is my confirmation for the project referenced above on those sections quoted during competitive bidding. I hope you found it advantageous to use our pricing in preparing your bid.

We have worked on other projects in the Gill Building and thus feel that we have a distinct advantage in successfully performing work on this project. If you are awarded the contract, we would like very much to work with you. We are certified as a Minority, Female Business Enterprise and are willing to negotiate, if our prices are not "low", in order for you to fulfill these requirements.

Sincerely,


Gloria McMurtry

BOARD OF TRADE BUILDING, SUITE 415
210 SOUTHWEST FOURTH AVENUE
PORTLAND, OR 97207
PHONE (503) 225-9019

Proposal

CONSTRUCTORS INTERIOR SUPPLY SOURCE

P.O. Box 602
Portland, Oregon 97207
(503) 225-9019

PROPOSAL SUBMITTED TO Joe Prinz Co.	PHONE	DATE October 29, 1985
STREET 1817 NW 27th	JOB NAME Gill Building Office and Clinic Remodel	
CITY, STATE AND ZIP CODE Portland, OR 97200	JOB LOCATION 426 S.W. Stark	

Section 9680,9650- Carpet and Resilient Flooring \$37,700.00

Furnished and installed, per plans and specifications
no exceptions or exclusions.

Section 10800 - Toilet Accessories \$1,370.00

Furnished F.O.B. Job.

Alternate #1 Deduct \$38.00
Alternate #2 Deduct \$38.00

(1) Addendum received.

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

See sections above _____ dollars (\$ _____)

Payment to be made as follows:

Per contract

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance

Authorized
Signature

D. G. Mc Murtry
Note: This proposal may be
withdrawn by us if not accepted within 30

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

"BEST EFFORTS" REVIEW RE: MBE

BID B61-100-0649

J.K. Gill Remodel

DECEMBER 19, 1985

Don Eichman:

We are convened at the Purchasing Section to review Bid No. B61-100-0649, Construction Remodel, J.K. Gill Building. The purpose of the meeting is to review the minority participation goals of the specifications of the aforementioned bid. Present today are Mr. Joe Prinz, Mr. Dick Alexander, Amha Hazen, myself (Don Eichman), Carol Justice.

I want to review briefly with you the purpose of the meeting in terms of the best effort - the criteria for the best effort and meeting the participation goals are layed out in our Administrative Rules AR 60.070. I'll read from Section 5 of that Administrative Rule. The prime contractor shall be required to indicate MBE/FBE utilization equal to or greater than the project goal or indicate best efforts to attain the goal to be considered a responsive bidder.

Upon receiving the rejection letter, Mr. Prinz asked for a review. The first step of that review process is the best effort. That does not preclude a further appeal step, which would be to the Board of Commissioners. The criteria for reviewing best effort appears on Page 6 of the Administrative Rules under the Article 7.b. It is the same criteria for post award as pre-bid award. The seven items - or six items listed under Paragraph B, 7.b.

With that introduction, Mr. Prinz, I'll ask you to - or Mr. Alexander - respond in addition to what you've submitted here in writing the correspondence dated December 18, 1985.

MR. ALEXANDER:

Mr. Eichman, I'll make a few comments and, uh, Mr. Prinz, I think has a couple additional items that he would like to state, but before I do that, I want to make sure that I understand the items in 7.b. just referenced but (GARBLED).

At the outset, Mr. Eichman, I want to thank you for the prompt and professional response you gave to our original oral protest. My experience in these is that many times, contracting officers or purchasing agents like yourself if they feel like they've made a decision, they go ahead and award to the second low bidder or the third low bidder, whichever the case may be, without really taking the time to consider the position of someone in Mr. Prinz's position. And in the event, in those cases, that uh, someone in Mr. Prinz's position is accurate in terms of the fact that the bid should be awarded to him, it's very difficult to undo what's already been done if an award has already been made to the other bidder. We appreciate the fact that you acted promptly and did not go ahead with an award pending this review and as I mentioned the first time I talked with you, and as our correspondence indicates, we think that for several reasons, Prinz is entitled to the award of this contract.

And, on that point, I know that your letter and in your opening remarks, you stated that the purpose of this proceeding was to review the best efforts and I

understand that's what we're in the process of doing and of course, we have done everything we can to show you that we satisfied the best effort standards. But that's not to say that we don't think that Prinz satisfied at the outset the requirements and in our letters, we have set forth our position in that regard and we hope that you'll take a look at that. And on that point, just very quickly - I won't go over what we've said before - if the documents for the City certification and the instructions to the bidders are looked at on their face, they are subject to interpretation that while the County looks to the City certification roles to decide who is certified, that that is not the only place that the County will look to to see if someone is certified and if you have a bidder that is otherwise qualified as a minority or a womens business organization, the documents themselves are subject to the interpretation that that would be satisfactory. Now that's our first position.

Secondly, while the bidders and in particular, Assiduous is certified by the City for certain items but not demolition and carpentry, the work that he will be doing for Prinz under these contract documents essentially labor and he is certified under that section for labor, so we think even if we're required to look to the City requirements, that for the use of Assiduous, the work specified in this contract, we did satisfy the work. But, if for some reason the County continues to think that we did not satisfy those requirements, we think that Prinz is nevertheless entitled to the award for two additional reasons.

The first is the good faith efforts that you addressed earlier. And we think with Prinz's letter of December the 18th, together with the enclosures, his letter of December 12, together with those enclosures, and the other documentation he submitted to you, that Prinz really has satisfied both the intent and the literal requirements of that best effort standards, uh, as, as imposed by the County or any governmental agency. If you look at what Prinz has done in terms of really honestly trying to use legitimate minority businesses, I don't think that you can come to any conclusion other than what he did was best efforts. We all know there's a lot of MBE's out there that may not be legitimate. We all know there's a lot of prime contractors out there that try different ways to get around the requirements. Prinz didn't do that. I think that if you look at the people he used and the efforts he made, he satisfied a good faith standard if you look at it on an absolute basis, and just look at what he did and think to yourself, whether he used best efforts or not. And I think you'll come to the conclusion he did. And if you look at it on a relative scale, best efforts in relationship to the other bidders, I think he shows up very well in that regard, too. Take a look at what he did in respect and in comparison to the other bidders. And I think if you do that, you'll find that he did very well in that regard and maybe equaled or exceeded what the other bidders did. So we think he does satisfy the literal requirements of best efforts and he really - and I hope you looked at this letter of December 18 - he really and probably more importantly, satisfied the intent of the MBE requirements. And that's what's important.

The final point is, as his letter of December the 18th points out, that we view MBE - and I think it's consistent with what publications _____ view it - as an

issue relating to responsibility. And that is if because of a disagreement on what the requirements are, or later information on whether someone like Assiduous is or is not qualified and whether the City requirements are or not- are not required, if nevertheless, someone like Prinz can come in like Prinz has and give you bonified information that if you want him to use someone else, he will, and if these other people he's using are legitimate MBE's, he can do that. And you can award the contract to him and that again satisfies the integrity of the competitive bid process, it satisfies the intent of the MBE requirement, and, uh, and, and, perhaps just importantly, results in an award for the least amount of dollars for Multnomah County. And we think for that reason, and I cited the cases to you, and, uh, we really think those cases are the law in that issue, that irrespective of other issues, ah, Prinz is entitled to uh, to the award of the contract for that purpose.

We want to make it clear that we relying on all three of those points. We don't think that if an award is made on the best efforts issue, that, uh, there should be any uh, uh, consideration of liquidated damages. Uh, we think that Prinz, uh, should be awarded the contract for the bid price, and uh, I think the only other point I have is, uh, some of the requirements, uh, with respect to the best efforts, uh, uh, determination has to do with references to plans and specifications, Mr. Prinz has here today a set of the drawings and uh, he can tell you some additional things that he firm did with respect to those drawings to assist MBE bidders on this project. We did not attach that information to our letter because of the size of the drawings, but we want you to consider that information as well as the information in my two referenced letters of the 12th and the 18th that Mr. Prinz and the other documentation, uh. That's all I have. We're here to make sure that you understand what we've said, answer any questions you have, and presumably in the event the award's made to, uh, get on with the job. Mr. Prinz, do you have (PAPERS BEING SHUFFLED AROUND - GARBLED) _____ the drawings and _____ any comments you have.

MR. PRINZ:

Is this letter - this December 18 letter - in its entirety ?

MR. EICHMAN:

Yes, it is.

MR. PRINZ:

Is part of this (GARBLED).....

MR. EICHMAN:

Yes. Right.

MR. PRINZ:

Are you familiar with - have you looked at this?

MR. EICHMAN:

Yes.

MR. PRINZ:

I think it's pretty self-explanatory _____, I think that there are a number of, of, uh, MBE's that we attempted to contact that we have not listed because when they showed no interest either by not returning calls or by telling us there was no interest, they were uh, uh, we have no record, no further record of them. We were (TRAILS OFF) and jot their names down.

Uh, the uh, our approach with I think as our letter points out with the MBE's were to do, uh, the approach we're looking for is as many people to give us bids as possible. And, uh, and, you know, we were looking for many bids, we were looking for qualified people that were able to give us a bid, a competitive bid, so we could thus end up with the job. Uh, and for the reason we do is in our best interest and we did look for (GARBLED - UNCLEAR. PAPERS BEING SHUFFLED. SENTENCE MAY BE INCORRECT) Some of those people were unable to - were, uh, the, the, project is confusing as much as the alternates. The alternates, uh, affected lots of areas. And, uh, that confused many of the, many of the, uh, the bidders, MBE bidders, and non MBE bidders. And, uh, because the uh, because of the, the high percentage required, we spent a lot of time with the MBE bidders. Uh, in other words, there were fewer of them to go after with a high percentage of the job going to them and we, we, ended up spending a lot of time with them.

Here is a drawing. Often we _____ our drawings and specifications and probably your office has a better record of that than I do. Uh, we probably bought 15 sets, I guess, uh, and we copied sections of sets. We called, uh, uh, someone in that, that was having a problem figuring out what was going on, generally with the alternates but with the job scope, with all of the job scope. We do this for a number of MBE's. And, uh, this is typical. Generally we gave that drawing we drew it on their drawings, and gave that drawing to them and so, and with that information. This is the set that we, that we worked on with a number of people and we kept in-house. This is not all of the notes to all of the people. This is an example. And this, this, and, and so, so what we did is after Purchasing drawings and specs have in their office,(???)uh, people would work on them and bring them in, we'd show them, uh, often, uh, in our first meeting with them and uh, sometimes when they left and came back, what it is we were talking about, what we were looking for and uh, in this example, I think rough carpentry, there is very little rough carpentry but what there is is building, raising two platforms 6 inches. That's, (TRAILS OFF) Wood blocking at, at some doors and windows in metal studs. The green marks indicate ah, the uh, alternates and uh, alternate 1 I believe, which would deal with the solution (TRUCK WENT BY, VOICE TRAILED OFF) And, this is a, ah,

(PAPERS LOUDLY SHUFFLING, DROWNING OUT HIS VOICE) I think, as, so we've worked carefully. We also, I think, in this package of information which you received yesterday, our rough take-off list which we supplied to people. The uh, it takes a lot, a lot of work to dig some of this information out. And we didn't want to scare any of the MBE people we were looking for bids from away because of lack of information. So we dug that information out and we handed them that information.

MR. ALEXANDER:

Just so it's clear, what you're saying is with respect to some of this color-coding on the drawings, since some of these MBE's are smaller and maybe less sophisticated in terms of doing take-offs, you did this kind of thing to help them with the take-offs in bidding.

MR. PRINZ:

Yes. What I was saying....

MR. ALEXANDER:

Yeah, it's not something that you would generally do, uh

MR. PRINZ:

No, no, generally we would not do this on a project. We would hand out the drawings. Generally there is enough activity where we get sound bids from, uh... Generally, we wouldn't want to do this on a project because that person would do this on the project whereas a person with less experience and we've, done, you know, did others and uh, we wouldn't take our time. There's enough of those people out there giving us bids, we don't need to. We needed, we needed participation with MBE's. There's a limited number of those people, uh, out there, and a limited number of people who are interested in this job. This was a tough job to take off. Yes, we did that because, and generally they are, they are smaller businesses. Uh, the, uh, I think the average. So the take-off information in this package of goods, the uh, letter from yesterday, the _____, he took that off originally in its rough form for, to help, uh, solicit bids on installation and later on the _____ actually building these frames. We, the uh, one of the minority contractors that whom we, would like to use because she was a woman owned business and an MBE, uh, had a problem understanding what was part of the alternates and what wasn't with regards to supplying specialty items and uh, I have that take off. Again most often, this, and why I have these two take-offs is we, we wanted a count of these ourselves. We kept it. This take-off was given to her relative to the alternates, uh, over the telephone, so we ended with it, generally went out the door with it. So, it, we, we get a lot of this work. We did not only what you see here, although what you see here is a reasonable example, but we did a lot of this work, and uh, we also, I think as this letter points out, uh, offered to

uh, forego any bonding from the subcontractors on their work, uh, which, which is uh, which puts us a little, we feel that it puts us a little out on a limb in our supervision _____, but we were willing to do that. I think that a bigger sacrifice we were willing to make and made with many of the MBE people that showed us serious interest. uh, _____ some of those people _____ and _____ that didn't, because when the bids came in, that consideration was financial, plain and simply, we said, if you can't afford to get enough manpower to do the job for whatever reason this job is stretching your ability to handle with your bank, we were willing to pay you weekly. In other words, we're willing to keep your pay _____ so you can pay your help every week and you can repay us out of your draws or, we'll figure that on _____ Basically, we were, that is the biggest sacrifice. At that point we had lost our protection by not bonding them and at that point, we were paying for their labor, for their help. That's a big sacrifice and why that is it's not only cash out of our pockets - money - it also, uh, we also lose, uh, you know, we pretty well lost all of our ability to collect that money again if that person decides to sour. And we were willing to do that. We were willing to work very closely and I think make some real sacrifices, basically do things that we ordinarily wouldn't, wouldn't, uh, consider doing, to get this, to get this participation and to solicit, uh, make this a good looking job for a number of people that showed real interest. I don't, uh, I can, I can expound, I guess, and tell you more of what we did if you have any questions, I think you have a good example in front of you and in the letter.

MR. EICHMAN:

Very good. OK. Any further points at this junction?

MR. ALEXANDER:

Well, the only . I just have two other things. The first is as I said at the outset, we really think that we at least tried to give you everything that we had before we got here. If there's any questions you have or you think there's any holes in the information we've given you, we would like to know about it and we'll do what we can to give that to you. You can either ask us now, or if something comes to you while you're considering this later, that's ok.

The second thing is yesterday, Mr. Prinz asked me whether there was anything else we could do in our letters. And he said, he said, should we send them a letter telling them that what we said was true, or should we notarize the letters, and I told him that that wasn't required, and that if you have any questions about that, you'd obviously raise it. Obviously, if you'd feel more comfortable if those letters are notarized, or something like that, we'd be perfectly happy to do that.

MR. EICHMAN:

Not at this point, as far as verification. I have a couple of avenues of doing that where there are questions on documentation. I'll go into that in a moment, because that'll be my process. Then I would require further information or contact the people directly and ask them to supply that documentation.

I think at this point, it would be useful for you to know what I have to do with the information that you have provided. One step in the review process is as you have stated in your letter, to look at that MBE participation goal. The letter you received from this office rejecting the bid was that it didn't meet the City certification requirement. That City certification requirement is that those firms only be credited for those subcontract areas for which they have expertise and have been certified and that's why your participation goal was reduced from your 20% to, what? 6%. So that was your. Now, the second step of that review is the best effort. Had there been a best effort prior to the bid opening. I think that may be a point that I don't think is well understood from your response. The, what you have been providing here, and I will use an example: Ed Lopez. The correspondence here in this documentation is dated 12-17-85. We need documentation to show that you made the best effort prior to bid opening, not subsequently.

MR. ALEXANDER:

OK. Now, OK, now, Mr. Eichman, on that point, it's important to understand what we did in our December 18 letter. Uh, taking, taking Mr. Prinz's letter, beginning with the second paragraph of the first page. Beginning there and on down through the first page, and all the way down to where we say _____, 19%, MBE 20.5%.

MR. EICHMAN:

Right.

MR. ALEXANDER:

All of that to there is what has been done since then to accommodate you.

MR. EICHMAN:

I understand that.

MR. ALEXANDER:

All right. Now, beginning with - and that's part of that is the document you just referenced. Beginning with the word moreover, from there on through is everything that we done prior to bid. _____ for good faith was at the outset made, my office beginning October 11. This is everything that was done prior to bid time. From that point on.

PAGE 8

MR. EICHMAN:

Exactly. And I've gone over this letter.

MR. ALEXANDER:

OK. I just want to make sure you understood that.

MR. EICHMAN:

Yes. Thank you. The letter lists a number of firms that were contacted and then follows it up at the bottom of page 2 that bids were actually received from the following. And I don't see in your documentation any written bids from those firms.

MR. ALEXANDER:

Were those written, Mr. Prinz, or by telephone?

MR. PRINZ:

No, they were all by phone. That is typically, typically. We provided you with at least four or five bids. Those bids were relative to answering the next question which or pardon me, a question earlier than good faith effort and that was how do you correct the problem. And we suggest that you correct the problem by, I guess, for one, calling putting hardware on a door labor, as opposed to calling it carpentry. I think if I called it labor originally, we probably wouldn't be having this discussion, but uh, in otherwords, Assiduous [sic] Construction certified by uh, uh, calling what he's doing, uh, give it a more accurate name, uh, which we used carpentry. And if that doesn't work, the County will not go along with that, we're suggesting another solution. Here's another way to solve the problem, and we provided you with written proposals which we've gotten recently from, I think, four sub-contractors to show you our intent and that we were serious in solving this problem through the second way. In otherwords, if the first way wasn't successful, here's another way we can solve this problem and we've gone to some effort to figure out that other area and we're serious and those are the proposals you see.

MR. EICHMAN:

I understand your seriousness and the effort that you've made today in preparing for this review. My focus in terms of what I consider is the former and not the latter. By that, I mean, we can look at Assiduous [sic] and open that door to review to see if the City in fact did certify in those subcontract areas that you've included in Assiduous' [sic] bid. The latter part, the efforts you've made since the post bid opening, I can't look at. The decision to award, despite the tremendous job you may have done post award in preparing to give the County a, what they wanted, quote-unquote, we have to look at only what occurred prior to bid opening. And that's, that's where

MR. ALEXANDER:

We, we understand what you're saying and we'll talk about what you want to talk about now, but before we leave here today, I'll talk about that. So, if what you want to look at, you know, you mentioned two, two ways, Mr. Prinz, even under our theory, there's a third way to solve the problem and that is to show what efforts were made prior to award to do that. And what you want to know is whether there's any more documentation other than what we have given you here on pages 2, 3 and 4.

MR. EICHMAN:

Right. For example, Triple One is cited here as having given a bid, but is there documentation to show that you had a bid in hand or over the phone from Triple One prior to bid opening?

MR. ALEXANDER:

Not in the package.

MR. EICHMAN:

No. That's what I'm saying. So I would need to do, I either need to do that from obtaining from you if it's in your records, or I will write to Triple One, uh,

MR. ALEXANDER:

We could get that quicker. And then, you know, if you're not satisfied with what we give you, then you can, you know, make your own _____. So you want copies of all

MR. EICHMAN:

Any bids

MR. ALEXANDER:

prior to award. And a lot of times, these come over the telephone. What we'll do is just make a note that X called and this is his bid. And you want copies of those.

MR. EICHMAN:

Whatever is available.

MR. ALEXANDER:

PAGE 10

All right. What else do you want?

MR. EICHMAN:

At that point, that's what we're looking at. Just, did you have uh, other options available to you.

MR. ALEXANDER:

Pardon me?

MR. EICHMAN:

Did you have - in other words, did you have other bids that you elected, you know, you selected Assidious [sic] among other bids that you had, because the key to best effort would be that you did, in fact, go out and solicit bids under the criteria that we have given to you in that A.R. reference 60.070. You selected Assidious [sic].

MR. PRINZ:

We spent a lot of time and effort with other people whose bids ultimately came in high for one reason or another.

MR. EICHMAN:

Now, Mr. Eichman, we'll, we'll get you, uh, too late to get it to you today, but we'll have it to you first thing tomorrow morning, copies of any pre-bid documentation with respect to subcontractor bids.

MR. PRINZ:

(GARBLED)

MR. ALEXANDER:

All right. Now, I hope that you appreciate that when a prime contractor bids a job and solicits MBE's, an awful lot is done over the telephone. It just necessarily is and you're not going to find any contractor that I'm aware of that sits down and writes letters, for example, to all the MBE's _____, and then follows up with another letter saying I haven't heard from you. You know, they make telephone calls and sometimes they're responded to and sometimes they're not. So, to the extent that he's got the bids, that will be documentation. But I hope to the extent that you want documentation, that you consider this letter documentation, because in this letter, Mr. Prinz is saying on a piece of paper what he did. And it may have been done orally, but it was still done.

There's another point here that I want to make sure that you understand at least our position. You know, obviously, Mr. Prinz went out and talked to a lot of MBE's. I think you'll conclude that. And obviously he concluded by using Assiduous among others and one of the reasons he used Assiduous was because there were MBE and he thought that they were MBE for that specific work that he was using them for. According to your letter, that was wrong. But good faith effort, or best effort, doesn't require that the bidder be right. All it requires is he used good faith and best effort to satisfy the goals. And obviously the way it stands now, Prinz made a mistake in deciding to use Assiduous, Assiduous, as opposed to some combination of other contractors, whether or not they were available. But I think just because he decided to use Assiduous, and that turned out to be wrong, doesn't mean that he didn't use good faith efforts. I mean, what you've got to do is look at the effort he made and what he went through and determine whether all things considered, he made best efforts to satisfy the goals. The question isn't whether he did satisfy them, it's whether he tried to. Or whether he just kind of hung back and took the first bid that came in, knowing the guy wasn't MBE but thinking that would satisfy them. I don't think he did that, by any stretch of the imagination. And I didn't know, maybe that little speech wasn't necessary, but I thought I heard you saying that if he made a mistake, there's no way he could satisfy the best effort criteria, and I don't think there's any relationship between being right and satisfying best efforts, because if you're right, there's no need to get to the best efforts test. You only get to the best efforts when it turns out you've been wrong or don't satisfy them.

MR. PRINZ:

For documentation, what we would be supplying you is our, our sheet of bid ____, where we take individual bids down. In otherwords, a piece of paper for each bid, with a man's name, phone number, or the person's name and phone number and the business _____, and what he's bidding.

MR. EICHMAN:

Anything that you believe that would assist me.

MR. PRINZ:

Those were taken - no, we didn't take all the MBE's in that way - some of them came in the offices and we were working closely with them. They came in the office, most of them called on the phone. And those do not represent anywhere close to all of them or even half of the people we, we contacted, and, and, in some cases don't even represent all of the people who work _____. Some of those people decided not to bid.

MR. EICHMAN:

All right. You gave me a figure in your correspondence here, pointed it out very well that that represents (papers shuffling) I think 22.

PAGE 13

MR. ALEXANDER:

Yeah. 22 or 23. 22.5.

MR. EICHMAN:

So, that's obviously a large number. Again, whatever you have to indicate. To back that up, other than the statement.

MR. PRINZ:

To back up 22 1/2%?

MR. EICHMAN:

As close as you can come to that in being reasonable in terms of what your recall is and what you've recorded that's in your office.

MR. PRINZ:

OK. (GARBLED) the people we contacted. The people we attempted to deal with.

MR. EICHMAN:

Any further comments or information you'd like to provide.

MR. ALEXANDER:

I can't think of anything. Anything, Mr. Prinz?

MR. PRINZ:

No. No. I've always thought this was clear cut.

MR. EICHMAN:

Be no further information be provided, the meeting is now closed. You will receive within 10 days of today a response from me unless I otherwise change that date in writing back to you.

MR. ALEXANDER:

All right. This doesn't need to be on the record, but the other thing, we think this could be ----- TAPE ENDS.

PAGE 14

CLS
12-20-85

•
•
•
•
•



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 27, 1985

Joseph Prinz
1817 N.W. 27th Avenue
Portland, Oregon 97210

RE: B61-100-0649
Clinics & Offices Remodel - Phase I

Dear Mr. Prinz:

Based upon a review of your firm's "best efforts" to meet the MBE participation goal for the above referenced bid I have found that the MBE goal was not met due to your decision to use Assiduous Construction rather than MBE firms who were certified by the City of Portland to perform specific sub-contractor functions. In other words, your "best efforts" presentation on December 19, 1985, and the related documentation revealed that you had solicited and obtained quotes from certified MBE firms, yet you elected to use Assiduous Construction to perform specific functions for which they were not certified by the City of Portland. Therefore, your bid must be considered non-responsive.

Please be advised that if your firm wishes to appeal the award decision you must submit a written appeal request to the Purchasing Director, 2505 S.E. 11th Ave, Portland, OR 97202, no later than January 3, 1985. In the appeal request please state the basis of the appeal.

If an appeal is received the Purchasing Section will forward the appeal request to the Clerk of the Board of County Commissioners, and you will be contacted by the Clerk of the Board regarding time and place of a hearing.

Joseph Prinz
December 27, 1985
Page 2

On behalf of Multnomah County, I wish to thank you for the time and effort involved in this project.

Sincerely,



Don Eichman
Purchasing Director

DE/jk

cc: Duane Kline
John Leahy
Rhea Kessler
Anha Hazen
Bid File

CERTIFIED MAIL NO. P315 600 711 - RETURN RECEIPT REQUESTED

IPM070R

4-0298015350 12/26/85

ICS IPMRNCZ CSP

ZCZC 8059654638 TORN SANTA BARBARA CA 25 12-26 0615P EST

PMS DONALD EICHMAN COUNTY OF MULTNOMAH PURCHASING DEPT RPT DLY MGM, DB

2505 SOUTHEAST 11

PORTLAND OR 97202

RT

PLEASE BE ADVISED THAT MY FIRM WILL ENDEAVOR TO GUARANTEE ALL PRICES WITH RESPECT TO THE J K GILL OFFICES AND REMODEL PROJECT TO 1/14/86.

JAMES C GREENE JR OWNER ROLLINS AND GREENE BUILDERS

2111 NORTHEAST HOLMAN

PORTLAND OR 97211

NNNN

1810 EST

IPM070R

JOSEPH PRINZ

1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

TRANSMITTAL

TO: Don Eichmann
Purchasing

PROJECT: Clinics & offices Remodel - Phase 1
PROJECT NO: B61-100-0649
DATE: 12/23/88

REMARKS:

PLEASE MAINTAIN AT PRICES GIVEN
FOR AN ADDITIONAL THIRTY DAYS BIDD
FOR THE ABOVE PROJECT.

Joe Prinz



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 20, 1985

McCartney Johnson
PO Box 185
Clackamas, Or 97015

RE: B61-100-0649
Clinics and Offices Remodel - Phase I

Dear Sirs:

An award has not been made on the above referenced bid due to review of the apparent low bidder's bid. Since it has been over thirty days from the bid opening, please respond in writing no later than December 30, 1985 if you intend to maintain those prices for an additional thirty days.

Yours truly,

DON EICHMAN
Purchasing Director

DE: jm

CERTIFIED MAIL: P 071 043 337



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 20, 1985

Michael Watt Inc.
P.O. Box 02374
Portland, Or 97202

RE: B61-100-0649
Clinics and Offices Remodel - Phase I

Dear Sirs:

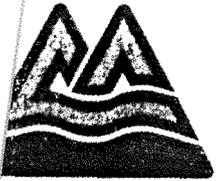
An award has not been made on the above referenced bid due to review of the apparent low bidder's bid. Since it has been over thirty days from the bid opening, please respond in writing no later than December 30, 1985 if you intend to maintain those prices for an additional thirty days.

Yours truly,

DON EICHMAN
Purchasing Director

DE:jm

CERTIFIED MAIL P071 043 336



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 20, 1985

Rollins & Greene Builders
2111 N.E. Holman
Portland, Or 97211

RE: B61-100-0649
Clinics and Offices Remodel - Phase I

Dear Sirs:

An award has not been made on the above referenced bid due to review of the apparent low bidder's bid. Since it has been over thirty days from the bid opening, please respond in writing no later than December 30, 1985 if you intend to maintain those prices for an additional thirty days.

Yours truly,

DON EICHMAN
Purchasing Director

DE:jm

P 071 043 335 CERTIFIED MAIL



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 20, 1985

Prinz Corp.
1817 N.W. 27th Ave
Portland, Or 97210

RE: B61-100-0649
Clinics and Offices Remodel - Phase I

Dear Sirs:

An award has not been made on the above referenced bid due to review of the apparent low bidder's bid. Since it has been over thirty days from the bid opening, please respond in writing no later than December 30, 1985 if you intend to maintain those prices for an additional thirty days.

Yours truly,

DON EICHMAN
Purchasing Director

DE:jm

CERTIFIED MAIL P 071 043 334



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 20, 1985

Cloyd Watt Construction Co.
804 N. Killingsworth Court
Portland, Oregon 97217

RE: B61-100-0649
Clinics and Offices Remodel - Phase I

Dear Sirs:

An award has not been made on the above referenced bid due to review of the apparent low bidder's bid. Since it has been over thirty days from the bid opening, please respond in writing no later than December 30, 1985 if you intend to maintain those prices for an additional thirty days.

Yours truly,

DON EICHMAN
Purchasing Director

DE:jm

CERTIFIED MAIL P071 043 333



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 16, 1985

Joseph Prinz
1817 N.W. 27th
Portland, OR 97210

RE: B61-100-0649
CLINICS & OFFICES REMODEL - PHASE I

Dear Mr. Prinz:

Per my letter of December 9, 1985, your firm did not meet the mandatory bid requirement for minority business enterprise utilization. Your total level of MBE participation was reduced to 6% due to the fact that one of your subcontractors, Assiduous Construction, was not certified by the City of Portland to perform the following specific functions - finish carpentry, installing carpets, acting as a general contractor.

Our Administrative Rules, Division 60, allow for a review by the Purchasing Director to determine if a "best effort" has been made by a firm that has not met the mandatory requirements. Per our conversation, please review Section 00800, pages 2 through 4 prior to our meeting on Thursday, December 19, 1985, at 8:30 a.m. The criteria listed in Section 6.b., page 00800-4-End, are also used to determine if a "best effort" was made. Therefore, please prepare your documentation in accordance with that section.

The bid will not be awarded until after the Purchasing Director has determined if your firm has met the "best effort" requirements.

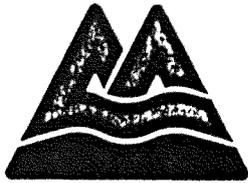
Sincerely,

Don Eichman, Director
Purchasing Section

DE/AH/clis

Enclosures

CERTIFIED MAIL NO. P315 600 585 - RETURN RECEIPT REQUESTED



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 9, 1985

Joseph Prinz
1817 N.W. 27th
Portland, OR 97210

RE: B61-100-0649
CLINICS & OFFICES REMODEL - PHASE I

Dear Mr. Prinz:

I regret to inform you that your bid for the above referenced project has been determined to be non-responsive due to failure to meet the 20% MBE utilization requirement.

Multnomah County uses the City of Portland's certification list. MBEs certified by the City of Portland must meet the tests for a minority business and the tests to determine whether the firm "performs substantial and commercially useful functions" (City Ordinance 157320; May 8, 1985; Item 3). The firm is then certified for those specific functions.

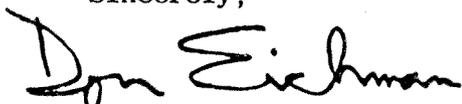
MBE goals are met by utilizing MBEs certified to perform a particular service/product. If a subcontractor has not been certified to provide a specific product/service at the time of bid opening, use of that firm to provide that product/service is not counted toward the MBE goal.

Specifically, with regard to Assiduous Construction, the firm was certified in July 1985 to perform pilot service, traffic regulating, painting, cleaning and labor. At the time of bid opening, Assiduous Construction was not certified as a general contractor or certified to do finish carpentry and carpeting. As a result, only \$16,848 for demolition would be counted to the MBE goal which brings your total MBE participation to \$21,683.00 or 6%.

Mr. Joseph Prinz
December 9, 1985
Page 2

Thank you for your interest in participating in the County's bid process. If you elect to appeal this decision, please contact me in writing by December 20, 1985.

Sincerely,



Don Eichman, Director
Purchasing Division

cc: Duane Kline
Carl Moseley
A.M. Hazen

DE/AH/csj

JOSEPH PRINZ
1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

December 12, 1985

Mr. Richard E. Alexander
Stoel, Rives, Boley, Fraser & Wyse
Attorneys at Law
900 SW Fifth Avenue, Suite 2300
Portland, Oregon 97204-1268

Dear Dick:

* You asked me to respond to the comments of the memorandum from Carl Moseley to Don Eichman dated November 29, 1985. All of the Moseley comments in his memorandum are listed below by number with my response, if any.

1. At bid opening, Joseph Prinz of Prinz Corporation was low bidder. He listed Assiduous Construction as his MBE firm for demolition; installation of doors, frames and finish hardware; painting; and wall covering for a total of \$81,954. He also listed Triple-One Construction Company as his MBE firm for flooring work at \$5,315.

Moseley has listed correctly information contained in the bid documents.

2. Purchasing sent a letter to Joseph Prinz stating Assiduous Construction was not listed in the Portland MBE directory as having the experience to do the carpentry work. Purchasing asked for a statement of Assiduous' qualifications and for a cost breakdown among the various classes of work.

No response.

3. Prinz responded with a letter stating Assiduous would be directly responsible for demolition and cleanup. For carpeting, Assiduous would hire Ed Lopez, owner of Ed Lopez Carpets and Drapes. For doors, frames and finish hardware, Assiduous would hire Triple-One Construction. Both Ed Lopez and Triple-One are certified MBE firms. Prinz listed Assiduous as performing work worth \$75,457. (Note: The bid price in the letter changed from \$81,954 to \$75,457 for Assiduous, and

Mr. Richard E. Alexander
December 12, 1985
Page 2

Assiduous was no longer listed as doing painting or wall covering--work worth \$20,140 according to Assiduous' quote.)

I responded to their request with a letter stating Assiduous would hire any help it needed that it didn't already have, or subcontract some of the work to other minorities. We were trying to be flexible and were willing to work with the County in any way it preferred. In-between the day of the bid and when I wrote my response, my office had time to start the process of going through the sub-bids we received on the day of the bid for the purpose of refining those bids, looking for areas of double coverage and areas of no coverage. (This is a process that will continue until we are able to write good, sound subcontracts covering all areas once.) Some further negotiating may even continue throughout the job as the subcontractors work together and find they can help one another (by sharing scaffolding, parking places, etc.)

Because of this process the prices dealing with some of the subcontractors, minorities included, changed. This is how the process works for all contractors. There just is not time on bid day to completely organize a job.

4. Even though the cost breakdown showed costs for door, frames and hardware that were 60 percent higher than other bidders and floor covering prices that were 30 percent lower, Purchasing elected to award the bid to Prinz Corporation.

There is nothing unusual for bidders' cost to be different from one line item to another. A flooring bid may vary by including removal of the existing floor and floor preparation in demo, thus reducing the cost of the flooring price or, including those items in with flooring increasing the flooring price.

I cannot answer why there is a difference in cost in doors, frames and hardware and the installation of all of these products. There are too many variables involved. For example, are the bidders buying prefinished doors, raw doors, and are they buying their hardware direct or through installers? Did they include everything asked for?

Every General Contractor will organize their businesses and bidding procedure and work assignments differently. If we didn't our bids would probably all be the same.

Mr. Richard E. Alexander
December 12, 1985
Page 3

5. Soon thereafter, Purchasing was told by Triple-One Construction that it had not given Assiduous a bid price for carpentry until after the bid opening. In addition, Andy Lekas of Cloyd Watt Construction told me Ed Lopez called him and clearly stated Ed did not give Assiduous a price for carpeting until after the bid opening. I understand Ed Lopez has now told you he did indeed give them a price beforehand.

There is no need for Assiduous to get a price from anyone before the bid opening. We helped Assiduous organize his bid. It was his intention to do the work with his own forces and additional help he would hire. Assiduous is the minority contractor. He is not obligated by the intent of the MBE to help others develop their bids. It would be simply a negotiated subcontract arrangement which is standard. (Page 5, City of Portland, Ordinance #157320 amending and clarifying MBE guidelines.)

6. Purchasing reversed its decision and rejected my bid, giving me until December 4 to respond.

No comment, except we are entitled to the award.

7. Prinz delivered a letter dated November 27, stating Assiduous would hire employees to do the carpentry work, and not use Triple-One.

After what I thought to be clarification from the City regarding Assiduous' ability to do the work if it chose to, I informed Eichman it was Assiduous' intent to do so. I also told him we were willing to approach minority participation in any way that fulfills the County's requirements.

Paragraphs after #7.

Don, these turn of events are highly irregular. In the first place, any changes made after the bid opening and before the contract is signed are immaterial. Any contractor would be delighted to change his or her bid after bid opening if that would assure the contractor the job. We cannot consider any information except the conditions that existed at the time of the bid opening.

Secondly, the fact that numbers--and subcontractors--keep changing with every letter from Prinz leads me to believe prices are still being negotiated and deals being made. The

Mr. Richard E. Alexander
December 12, 1985
Page 4

intent of the MBE program and of the forms that require the listing of MBE firms at the time of bid opening is that decisions made at bid time are left unchanged.

If Triple-One did not give Assiduous a number prior to opening, where did Assiduous get the price for the bid? Why is Prinz Corporation low bidder is his MBE price for doors, frames, and hardware is \$15,000 higher than two other bidders? Why did Assiduous' price change from \$81,954 at bid time to \$75,457 six days later--especially since Prinz changed his mind and pulled painting worth \$20,140 out of the original scope of work worth \$81,954?

Quite apart from all these good questions, let's consider one more fact--at the time of bid opening, Assiduous Construction had not agreed to hire Tripe-One to do the work, since Triple-One had not prepared a price. Therefore, Assiduous had no arrangement at the time that qualified it for carpentry work. Depending upon whom you believe, Assiduous may not have had an arrangement with Ed Lopez at that time that qualified them for carpeting. Regardless of later negotiations and arrangements, Assiduous was unqualified at bid opening.

Again, I recommend Purchasing reject the Prinz Corporation bid based upon significant irregularities in the MBE participation and the lack of a qualified MBE firm.

During one of my early discussions with Mr. Moseley he mentioned the County did not like the work of Triple-One Construction. I told him I hoped Assiduous could do the work if the County would go along with it. He told me once the contract was signed I could change all my minorities if I maintained the 20 percent goal and got his approval.

Clearly there is confusion after a day of taking bids and putting a bid together. This is the nature of the job. There is simply not the time before the bid is turned in to organize all the costs and work assignments and cost overlapping and assignments overlapping. That is done when the letter of intent is received or the contract is signed. The costs and responsibilities of all the people involved in a job will change before and during the process to organize a job and to a lesser degree for the duration of the job.

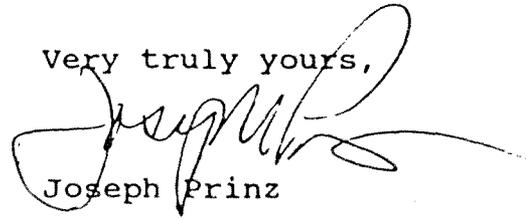
Assiduous was listed on the subcontractor's list as a painter because until just before the bid he was the best price for painting I had. I, in the final crunch to get the bid out,

Mr. Richard E. Alexander
December 12, 1985
Page 5

overlooked replacing his name on that list. He was not listed on the minority list as the painter because I didn't overlook taking him off that list.

In Mr. Moseley's last paragraph, he stated that Assiduous was not qualified for carpentry work. We have listed Assiduous for carpentry work in our MBE utilization form. We used carpentry work to describe what is actually a lot of miscellaneous items. In fact, there is very little, if any, true carpentry work in the job.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Joseph Prinz', written over the typed name below.

Joseph Prinz

JP:mmf

STOEL, RIVES, BOLEY, FRASER & WYSE

ATTORNEYS AT LAW

900 SW FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268

TELEPHONE (503) 224-3380

TELECOPIER (503) 220-2480

CABLE LAWPORT

TELEX 703455

WRITER'S DIRECT DIAL NUMBER

(503) 294-9387

December 12, 1985

Mr. Don Eichman, Director
Multnomah County
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, Oregon 97202

Dear Mr. Eichman:

Re: B61-100-0649
Clinics & Offices Remodel - Phase I

Pursuant to our letter of December 11, 1985, Joe Prinz Construction Company ("Prinz") believes it is entitled to the award of the above contract for several reasons.

At the outset, however, it is important to review the background of this matter. Section 00050 specifies that bidders are to obtain certain MBE and FBE participation. Reference is made to Section 00430 and Section 00800 with respect to MBE and FBE participation. Section 00430 references the subcontractor list and provides, among other things, that "any proposed change of subcontractors after bid award must be submitted in writing to Multnomah County for approval." Section 0080 contains supplementary conditions including, at part 1.2(e), provisions relating to MBE and FBE utilization. Subsection (4) references the City of Portland's MBE/FBE certification, and Subsection (5) requires bidders to either equal or exceed the percentage goal or indicate that best efforts were used to obtain such goal.

Prinz submitted a bid on November 14, 1985. Prinz' bid of \$380,000 is the lowest bid. It is Prinz' position that his is the lowest responsive and responsible bid and, as such,

Mr. Don Eichman, Director
December 12, 1985
Page 2

should be awarded the contract for three reasons. First, Prinz believes his bid fully satisfied all requirements of the request for bids. Second, to the extent that, for some reason, the information on MBE/FBE's does not satisfy such requirements, Prinz did utilize best efforts and is therefore entitled to an award of the contract. Finally, issues relating to MBE/FBE participation relate to responsibility, rather than responsiveness. As such, any goals can be satisfied after the time of award and Prinz can satisfy such goals.

Prinz Satisfied all Requirements of the Instruction to Bidders With Respect to MBE/FBE.

Prinz duly completed the MBE/FBE utilization form. In so doing, he noted he would use Assiduous Construction for demolition and carpentry.

The County stated it was concerned as to whether this would qualify since Assiduous is only certified as a service vendor by the City of Portland.

However, Section 12E(4) through Section 0080 only states that Multnomah County will honor the City of Portland MBE/FBE certification. It does not state that, in the event a duly-formed MBE is to be used, that it will not be honored. As such, Assiduous should be utilized. We are submitting with this letter a copy of an information page for Assiduous showing insurance for painting and carpentry. Moreover, even assuming the City of Portland certification is conclusive, Assiduous is certified to perform pilot service, traffic regulation, painting, cleaning and labor. Assiduous was to perform, as stated, demolition and carpentry. There is no specific certification for such subjects and they do constitute labor for which Assiduous is certified. Finally, the utilization of Assiduous and others by Prinz certainly satisfies the intent of the MBE/FBE requirements and should be allowed.

Prinz Utilized Best Efforts to Meet the Goals.

As stated, paragraph 1.2E(5) specifically allows any bidder to an award of the contract even if the goals are not satisfied as long as the bidder utilized best efforts to meet such goals. As Prinz advised in his prior correspondence including, without limitation, his letters of November 20 and November 27, 1985, he did use best efforts. Moreover, we

Mr. Don Eichman, Director
December 12, 1985
Page 3

understand the County is independently reviewing this issue and Prinz will, upon request, be submitting additional information on his efforts. Among other things, however, he took a number of quotes, made concessions such as not requiring a bond, and provided financial assistance to the MBEs he intended to use.

Prinz is Entitled to Provide Information After Award With Respect to What Subcontractors and Suppliers He Intends to Use to Satisfy the Requirements.

Finally, in any event, Prinz, being the low bidder, is entitled to provide the County with any new information he has with respect to what subcontractors and suppliers he intends to use to satisfy the requirements.

At the outset, a distinction must be drawn between a responsive bid and a responsible bid. The latter implies the ability to perform the contract, and goes to the capacity of the bidder rather than to his willingness to perform on the County's terms. In general, it may be said that a bid is not responsive to the invitation and may not be considered for award when it contains a deficiency pertaining to any material factor. A material factor is a circumstance which affects the price, quality or quantity of the articles or services to be furnished. See McBride and Touhey, 1B Government Contracts, § 10.70 (1981).

The Comptroller General has ruled that a low bidder's compliance with MBE requirements on a federally-financed project is a matter of responsibility rather than responsiveness and that documentation concerning such matters may be submitted after bid opening. He has further ruled that a low bidder should be allowed to substitute a new minority subcontractor in his bid in order to meet an MBE participation requirement. Comptroller General's Decision No. B-199145, 28 CCH, Contract Cases Federal, ¶ 80,959 (November 28, 1980), aff'd Comptroller General's Decision No. B-199145.2, 28 CCH, Contract Cases Federal, ¶ 81,728 (July 17, 1981). See also Comptroller General's Decision Nos. B-192696, B-194037, B-194103, CCH Contract Cases Federal, ¶ 83,129 (February 27, 1979) (prime contractor could change its intended subcontractor's bid after bid opening; the requirement for listing subcontractors was a requirement for the contractor to show, after bid opening, that at least the minimum required percentage of subcontracts would be performed by minority-owned firms; the information was required to determine bidder responsibility and was not related to bid responsiveness).

Mr. Don Eichman, Director
December 12, 1985
Page 4

As such, Prinz can properly provide information now on MBE, and he is in a position to satisfy whatever requirements need to be satisfied.

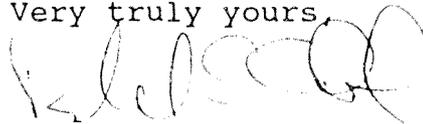
Conclusion.

Multnomah County is, of course, a public agency within the meaning ORS 279.011(5). Moreover, ORS 279.029 requires all public agencies to award construction contracts to the lowest responsive and responsible bidder. As outlined herein, and as indicated in the prior correspondence, Prinz firmly believes that he is entitled to the award of the contract. We are aware of the County's concerns and have attempted to address them from a legal standpoint in this letter. Moreover, we understand that the County has certain concerns with respect to precisely the intent of Prinz' bid and in what respect and for what reasons subcontractor and supplier relationships may have been subject to change since bid opening. I am enclosing a copy of a letter from Prinz outlining the bases for the bids in an effort to answer any such questions.

Moreover, we understand the County will be forwarding a letter to Mr. Prinz requesting certain information with respect to his efforts to meet the minority requirements. We will, of course, respond to it promptly.

Despite the information contained herein, we recognize that, in a matter like this, certain questions can arise and misunderstandings develop. As a result, once you have received all of the information from Prinz and reviewed it, we suggest that we have a meeting to review it in detail and answer any questions you might have.

Very truly yours,



Richard E. Alexander

REA:mmf
Enclosure

cc: Mr. Joe Prinz

INFORMATION PAGE

Northwest Insurance Corporation

Policy No. WC4-1NC-001854-015-33/-NO1

Insured: Jimmy DuQuot
DBA: Assiduous Construction

- Individual
- Partnership
- Corporation
- Other

Mailing address: 2031 N. Watts #5
Portland, OR 97217

Other workplaces not shown above:

The policy period is from 10/28/85 to 10/1/86 at the Insured's mailing address.

Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states listed here: Oregon

Employers Liability Insurance: Part Two of the policy applies to work in each state listed in Item 3.A. The limits of our liability under Part Two are: Bodily Injury by Accident \$ 100,000 each accident
Bodily Injury by Disease \$ 500,000 policy limit
Bodily Injury by Disease \$ 100,000 each employee

C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here: All states except Ohio, North Dakota, Washington, Nevada, West Virginia, Wyoming.

The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required below is subject to verification and change by audit.

Reporting Frequency: Monthly Quarterly Semi Annually Annually

Classification of Operations	Code No.	Premium Basis Total Estimated Annual Remuneration	Rate Per \$100 of Remuneration	Estimated Annual Premium
Painting NOC Carpentry NOC	J474	20,000	10.06	2,012
	5403	if any	10.07	---
Experience Rating Modification				2,012 x 1.00

Deposit Premium \$ 250.00 Total Estimated Annual Premium \$ 2,012
Minimum Premium \$ Expense Constant \$

Endorsements:
WC 36 03 01 WC 36 03 04

Countersigned By *[Signature]*

Sales Code	New/Renewal
9952	NEW

STOEL, RIVES, BOLEY, FRASER & WYSE

ATTORNEYS AT LAW

900 S W FIFTH AVENUE, SUITE 2300
PORTLAND, OREGON 97204-1268

TELEPHONE (503) 224-3380
TELECOPIER (503) 220-2480
CABLE LAWPORT
TELEX 703455

WRITERS DIRECT DIAL NUMBER

(503) 294-9387

December 11, 1985

VIA MESSENGER

Mr. Don Eichman, Director
Department of General Services
Purchasing Division
2505 SE 11th Avenue
Portland, Oregon 97202

Dear Mr. Eichman:

Re: B61-100-0649
Clinics & Offices Remodel - Phase I

This will confirm our telephone conversation yesterday in which I advised you that we represent Joe Prinz Construction Co. in connection with the above matter.

As you know, Mr. Prinz believes the contract should be awarded to his company. We will be forwarding you information in support of his claim shortly.

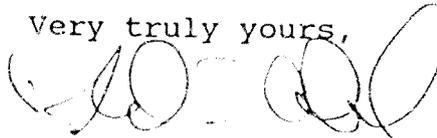
In the meantime, this will confirm that Multnomah County is continuing to review this matter and will not award the contract until such time it has reviewed the information submitted by Mr. Prinz.

Finally, to the extent that an appeal is required to your letter of December 9, 1985, you may consider this the appeal. By so appealing, Prinz does not waive and expressly reserves all of his rights.

Mr. Don Eichman
December 11, 1985
Page 2

As we discussed on the telephone, we fully expect that this matter will be promptly and satisfactorily resolved.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Richard E. Alexander', written in a cursive style.

Richard E. Alexander

REA:mmf



CITY OF

PORTLAND, OREGON

OFFICE OF FISCAL ADMINISTRATION
GRANTS AND CONTRACTS COMPLIANCE DIVISION

J.E. Bud Clark, Mayor

Sue Klobertanz, Manager
1220 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 248-4696

December 6, 1985

Don Eichman, Director
Department of General Services
Purchasing Division
2505 S E 11th Avenue
Portland, OR 97202

1000

85
DEC -6
P 1:20

Dear Mr. Eichman:

I am responding to your questions concerning the Minority Business Enterprise (MBE) certification process and specifically the status of Assiduous Construction.

First, let me say that your understanding of the certification process as outlined in your letter of December 4, 1985, is correct. At the time of a certification request, a firm is asked to state the nature of its business. The request is then reviewed to see if the business, as stated by the applicant, meets both the tests for a minority business, and the tests for a firm which "performs substantial and commercially useful functions" (City Ordinance 157320; May 8, 1985; Item 3). The firm is then certified for those specific functions. Should a firm expend or change the nature of its business, it may ask for additional review at that time.

Second, it is from the existing certification list, including firm functions, that the Purchasing Agent determines if MBE goals are met at the time of bid opening. If the firm has not been certified to provide a specific product/service at the time of bid opening, use of that firm to provide that product/service is not counted toward the MBE goal.

Specifically, with regard to Assiduous Construction, the firm was certified in July 1985 to perform pilot service, traffic regulating, painting, cleaning and labor. The firm was in its first year of business and reported no jobs as of that time and no employees. The firm has not notified this office of any changes since that time.

I hope that this information is useful to you. Please feel free to call me if you have additional questions.

Sincerely,

Sue Klobertanz, Manager
Grants & Contracts Compliance Division

cc: Harold Vaughn



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

December 4, 1985

Sue Kloberantz
Manager
Office of Fiscal Administration
Grants and Contracts Compliance Division
1220 SW Fifth Avenue
Portland, OR 97204

Dear Ms. Kloberantz:

It is my understanding of your certification process that a firm is certified as a provider of specific products and/or services. Thus, a minority sub-contractor would have to be certified as providing the products/services for which he/she is listed as a sub-contractor. Further, if a minority/female sub-contractor is not certified in a specific area prior to bid opening it has been the City's practice to consider the bid non-responsive in terms of meeting minority/female participation requirements.

Please advise me if I am correct in my understanding of the City of Portland's certification process and send me any related information pertaining to this topic. Due to an immediate decision I must make regarding a construction bid I would appreciate a written response from you at your earliest possible convenience.

Sincerely,

Don Eichman, Director
Purchasing Division

DE/AH/csj

cc: Duane Kline
Rhea Kessler



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

DENNIS BUCHANAN
COUNTY EXECUTIVE

MEMORANDUM

TO: Don Eichman, Director
Purchasing Section

FROM: Carl Moseley *CM*
Construction Manager

DATE: November 29, 1985

RE: GILL BUILDING REMODELING BID

I am concerned about the apparent low bid submitted by Prinz Corporation for the Clinics and Offices Remodel, Phase I, at the Gill Building. I feel strongly that, at the time of the bid opening, the subcontractor Assiduous Construction was not qualified to perform the classes of work for which it was listed in the bid book. I also find significant inconsistencies in supporting documentation submitted by Prinz Corporation. Based upon the information given below, I recommend Purchasing reject the Prinz Corporation bid.

Let me list the sequence of events that led to my decision:

1. At bid opening, Joseph Prinz of Prinz Corporation was low bidder. He listed Assiduous Construction as his MBE firm for demolition; installation of doors, frames and finish hardware; painting; and wall covering for a total of \$81,954.00. He also listed Triple-One Construction Company as his MBE firm for flooring work at \$5,315.00.
2. Purchasing sent a letter to Joseph Prinz stating Assiduous Construction was not listed in the Portland MBE directory as having the experience to do the carpentry work. Purchasing asked for a statement of Assiduous' qualifications and for a cost breakdown among the various classes of work.
3. Prinz responded with a letter stating Assiduous would be directly responsible for demolition and cleanup. For carpeting, Assiduous would

- hire Ed Lopez, owner of Ed Lopez Carpets and Drapes. For doors, frames and finish hardware, Assiduous would hire Triple-One Construction. Both Ed Lopez and Triple-One are certified MBE firms. Prinz listed Assiduous as performing work worth \$75,457.00. (Note: The bid price in the letter changed from \$81,954.00 to \$75,457.00 for Assiduous, and Assiduous was no longer listed as doing painting or wall covering--work worth \$20,140.00 according to Assiduous' quote.)
4. Even though the cost breakdown showed costs for doors, frames and hardware that were 60% higher than other bidders and floor covering prices that were 30% lower, Purchasing elected to award the bid to Prinz Corporation.
 5. Soon thereafter, Purchasing was told by Triple-One Construction that they had not given Assiduous a bid price for carpentry until after the bid opening. In addition, Andy Lekas of Cloyd Watt Construction told me Ed Lopez called him and clearly stated Ed did not give Assiduous a price for carpeting until after the bid opening. I understand Ed Lopez has now told you he did, indeed, give them a price beforehand.
 6. Purchasing reversed its decision and rejected Prinz's bid, giving him until December 4 to respond.
 7. Prinz delivered a letter November 27 stating Assiduous would hire employees to do the carpentry work, and not use Triple-One.

Don, these turns of events are highly irregular. In the first place, any changes made after the bid opening and before the contract is signed are immaterial. Any contractor would be delighted to change his or her bid after bid opening if that would assure the contractor the job. We cannot consider any information except the conditions that existed at the time of the bid opening.

Secondly, the fact that numbers--and subcontractors--keep changing with every letter from Prinz leads me to believe prices are still being negotiated and deals being made. The intent of the MBE program and of the forms that require the listing of MBE firms at the time of bid opening is that decisions made at bid time are left unchanged.

If Triple-One did not give Assiduous a number prior to bid opening, where did Assiduous get the price for the bid? Why is Prinz Corporation low bidder if his MBE price for doors, frames and hardware is \$15,000 higher than two other bidders? Why did Assiduous' price change from \$81,954.00 at bid time to \$75,457.00

Memorandum / Don Eichman
November 29, 1985
Page 3

six days later--especially since Prinz changed his mind and pulled painting worth \$20,140.00 out of the original scope of work worth \$81,954.00?

Quite apart from all these good questions, let's consider one more fact--at the time of bid opening, Assiduous Construction had not agreed to hire Triple-One to do the work, since Triple-One had not prepared a price. Therefore, Assiduous had no arrangement at that time that qualified it for carpentry work. Depending upon whom you believe, Assiduous may not have had an arrangement with Ed Lopez at that time that qualified them for carpeting. Regardless of later negotiations and arrangements, Assiduous was unqualified at bid opening.

Again, I recommend Purchasing reject the Prinz Corporaiton bid based upon significant irregularities in the MBE participation and the lack of a qualified MBE firm.

CPM/clis

cc: Wayne George
Amha Hazen

JOSEPH PRINZ

1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

11/27/85

Don Eichman
Purchasing Division
Multnomah County
2505 SE 11th Ave.
Portland, OR 97202

RE: B61-100-0649

I would like to update you on some changes we would like to make concerning our plans for minority participation.

We have been in contact with Herman Brame at Janet Wright's office of the City of Portland, and have found the MBE classifications do not constitute a ban from any other work classification, and the classification information is neither a recommendation nor a representation of qualifications.

This being the case, Mr. DuQuat of Assidious Construction would like to hire employees of his own for all phases of work outlined in my letter of 11/20/85. Mr. DuQuat will still be employing Mr. Lopez for carpet installation.

For carpentry, Mr. DuQuat has and will employ Mr. Lenard, a finish carpenter with many years of experience with Copenhagen Construction and Mr. DuQuat's firm, Assidious Construction.

Mr. DuQuat has no intention of brokering any of his contract work and for this reason he would like to employ the above mentioned people as his employees working directly for Assidious Construction. I believe Mr. DuQuat can demonstrate to your satisfaction he and his people are qualified when it is time to do so. Mr. DuQuat has demonstrated his abilities to me and I am your guarantee a quality job will be done.

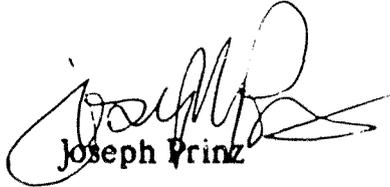
Mr. DuQuat and I are both flexible and willing to approach the minority participation in any way that fulfills the County's requirements.

For my part, I have taken affirmative action steps and am working in good faith and have met the affirmative action goals on this job. To do so my firm is not requiring a bond from our minority participants and we are also helping them financially to meet their payrolls between construction

Pg 2

At least a week prior to the bid we contacted a number of MBE's to solicit bids (Premsingh & Associates Inc., McCoy Plumbing, Construction Interiors, Blessing Electric and others). We also called numerous other MBE's that showed no interest in this job. We worked closely with Assidious Construction, since mid October, helping him in any way we could, including buying him his own set of spec's and drawings and walking him through the job site, and helping him prepare his bid. We also helped Triple One Associates and Premsingh Associates Inc. with drawings, spec's and take-offs to develop their bids. Mr. Lopez also worked with Mr. DuQuat in preparing his bid well before the bids were submitted.

I have followed the letter and intent of MBE participation with qualified and certified people. If I can be more help or I'm not understanding something please let me know.


Joseph Prinz

JOSEPH PRINZ

1817 NORTHWEST 27TH • PORTLAND, OREGON 97210 • (503) 243-2306

11/20/85

Don Eichman
Purchasing Division
Multnomah County
2505 SE 11th Ave.
Portland, OR 97202

RE: B61-100-0649, Clinic and Office Remodel--Phase 1

Please see inclosed brakedown of work and values.

It is our intent to use Assidious Construction for all items he has quoted with the exception of Resilient Flooring and Paint.

I don't know what you're looking for in regards to a qualification statement so if the following information is not adequate, please let me know.

To qualify for demo & cleanup Jimmy DuQuat of Assidious Construction has 13 years of experience in demolition.

For carpeting Assidious Construction will employ Ed Lopez, 8530 SW Birch Street, Portland, OR. Mr. Lopez has 18 years experience and offers Jim Bernard of Bernard and Kenny Construction as a reference. If you would like to look at Mr. Lopez's recent work, let me direct you to the Waldo Block Renovation above the Elephant's Castle in SW Portland. Mr Lopez is also listed as a Certified Minority, October-November 1985.

Resilient Flooring--Assidious Construction bid not accepted.

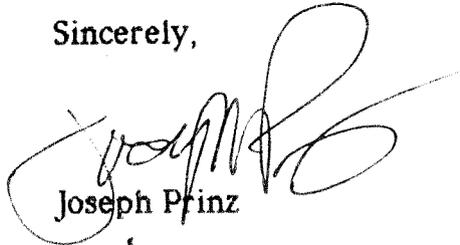
For Carpentry Assidious Construction will employ Triple One Construction Company, 111 NE Killingsworth, Portland, OR. I do not know if Assidious Construction will be employing Triple One on a contract basis or by the hour. Triple One Construction Co. has two foremen with 18 years experience: Calvin Presley and Doug Bryant. For a reference of their work they offer Dave Piekenbrock, Portland State Physical Planning and Ray Kuykendall of the Housing Authority of Portland. Triple One Construction is also listed as a Certified Minority, October-November 1985.

Pg.2

Paint-- Assidious Construction bid not accepted.

Assidious Construction total price on the above work is \$75,457.00. We are also employing Triple One Construction for Resilient Flooring. Total price \$5,315.00 bringing our total minority participation to \$80,772.00 or 21.26% of the total bid price we have submitted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Prinz', is written over the typed name. The signature is stylized and cursive.

Joseph Prinz

Assiduous Construction

(For a Better Life)

2031 N. WATTS No. 5
PORTLAND, OR 97217

289-7025

Joe Prinz: General Contractor
Attention: John Klukkert

SUBCONTRACT PROPOSAL
REQUEST FOR QUOTATION

PLACE: J.K Gill Bldg.
426 S. W. Stark
Portland, Oregon

PROJECT: Clinics & Offices Remodel

Demo & Cleanup, cost:	\$16,848.00
Carpet installed:	\$20,425.00
Resilient Floor, installed:	\$4,835.00
Doors, frames and finish hdwr installed	\$38,184.00
Paint	\$20,140.00

Yours Respectively,

"We Care"



MULTNOMAH COUNTY OREGON

DEPARTMENT OF GENERAL SERVICES
PURCHASING DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-5111

DENNIS BUCHANAN
COUNTY EXECUTIVE

November 15, 1985

Prinz Corporation
1817 NW 27th Avenue
Portland, OR 97210

RE: B61-100-0649, Clinics & Offices Remodel - Phase I

You stated in your response to the above referenced bid your plans to use Assiduous Construction for demolition and carpentry work. Assiduous Construction is listed in the Portland MBE directory as providing pilot service, traffic regulation, painting, cleaning and labor. I am requesting that you provide us a copy of Assiduous Construction's quote with a breakdown of work and the values as well as a qualification statement for Assiduous Construction. Please respond in writing no later than November 22, 1985.

Sincerely,

Don Eichman, Director
Purchasing Division

DE/AH/csj

Certified Mail No. P 315 600 785 return requested

JOE PRINZ
PRINZ CORP.
1817 N.W. 27th
PORTLAND, OR. 97210

POST OFFICE BOX 1000

'85 NOV 14 P1:19

Clinics &
GB 8501

PROJECT NUMBER GB 8501

PROJECT Clinics and Offices Remodel -- Phase I

LOCATION Gill Building

KIND OF WORK Construction/Remodel

SUBMITTED BY Facilities and Property Management Division

BID NUMBER B61-100-0649

BID ADVERTISEMENT DATES October 31, 1985

BID OPENING DATE November 14, 1985

PROJECT MANUAL FOR CONSTRUCTION



**MULTNOMAH
COUNTY**

DEPARTMENT OF GENERAL SERVICES

FACILITIES AND PROPERTY MANAGEMENT DIVISION

2505 S.E. 11TH AVENUE

PORTLAND, OREGON 97202

(503) 248-3322

BIDDER'S NAME FRINZ Corp

ADDRESS 1814 N.W. 27th

Portl. OR 97210

TELEPHONE NUMBER 243-2306

SECTION 00300

BID FORM

1. The undersigned Bidder proposes and agrees if this Bid is accepted, to enter into an Agreement with Multnomah County in the form included in the Contract Documents to complete all Work as specified or indicated in the Contract Documents for the Contract Price, within the Contract Time indicated in this Bid, and in accordance with the Contract Documents.
2. Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid Security. Bidder will sign the Agreement and submit the Performance Bond and other documents required by the Contract Documents within five (5) days after receiving Multnomah County's Notice of Award.
3. In submitting this Bid, Bidder represents as more fully set forth in the Agreement, that:

(a) Bidder has examined copies of all the Bidding Documents and of the following addenda:

Date <u>Oct 23 '85</u>	Number <u>1</u>
Date <u>Nov 8 '85</u>	Number <u>2</u>
Date _____	Number _____
Date _____	Number _____

(receipt of all of which is hereby acknowledged) and also copies of the Advertisement of Invitation to Bid and the Instructions to Bidders.

- (b) Bidder has examined the site and locality where the Work is to be performed, the legal requirements (federal, state and local laws, ordinances, rules and regulations) and the conditions affecting cost, progress or performance of the Work and has made such independent investigations as Bidder deems necessary.
- (c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Multnomah County.
- (d) The undersigned certifies conformance with provisions of ORS 279.350 (prevailing wages), Executive Order 11246, and with applicable federal acts, and state regulations concerning affirmative action toward equal employment opportunities, pursuant to Section 00820, Equal Employment Opportunity Provisions.

BIDDER will complete the Work for the following price(s):

BASIC BID:

Three Hundred Eighty Thousand \$ 380,000 =

ALTERNATES:

1. Deduct Six thousand dollars \$ <6,000> =

Deduct Thirty Four Thousand <34,000> ✓
2. Deduct Thirty one thousand \$ <31,000>
 dollars. ✓

3. Add Six thousand Five hundred \$ + 6549
 forty nine dollars.

TOTAL:

_____ \$ _____

This Work must be completed within 120 calendar days from the time the Notice to Proceed is given by the Owner.

BIDDER accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work on time.

Accompanying this proposal is Bidder's Bonds in the amount of 10% ("Bidder's Bond," "Cash," or Certified Check") Dollars (_____), which amount is not less than ten (10) percent of the total amount of the bid.

The party submitting this proposal, and entering into the contract in case the award is made to him, is: a corporation entitled:

("an individual," "a partnership," "a corporation")
PRINZ CORPORATION
Name 1817 N.W. 27th
Mailing Address Port OR 97210
243-2306
Telephone Number
Oregon
State of Incorporation

The names of the president, treasurer and manager of the bidding corporation, or the names and residences of all persons and parties interested in this proposal as partners or principals are as follows:

NAME	ADDRESS
<u>Joseph PRINZ</u>	<u>1817 N.W. 27th Portl.</u>
<u>HUB: CONN</u>	<u>same</u>
_____	_____
_____	_____

Signature of Bidder: [Signature]
Name _____
Pres & Manager
Title _____
11/13/85
Date _____

The name of the surety by which the surety bond covering the contract, if awarded, will be furnished, and the name and address of the surety's local agent are as follows:

Name of Surety UNITED STATES FIDELITY GUARANTY Co.
Name of Agent MANFIELD INSURANCE
Address 1530 S.W. Taylor Portl OR 97208

SECTION 00430

SUBCONTRACTOR LIST

1.1 INSTRUCTIONS:

- A. Bidder shall list only one subcontractor for each of the categories of Work listed below. If item is not proposed to be subcontracted, bidder shall insert "self" opposite that item.
- B. Bidder proposes and agrees to use the following subcontractors in the performance of the work. Any proposed change of subcontractors after Bid Award must be submitted in writing to Multnomah County for approval.

1.2 TYPE OF WORK

PROPOSED SUBCONTRACTOR

- | | |
|-----------------------------------|------------------------|
| A. Custom Casework | LEMMONS Mill WORK |
| B. Doors (Installation) | ASSIDUOUS Construction |
| C. Finish Hardware (Installation) | ASSIDUOUS construction |
| D. Glazing | DIAMOND GLASS |
| E. Drywall | HARLEN'S Drywall |
| F. Carpet (Installation) | TRIPLE-ONE Const. |
| G. Painting | ASSIDUOUS Const. |
| H. Wall Covering | ASSIDUOUS Const |
| I. Plumbing | PENINSULA PLUMB |
| J. HVAC Work | PENINSULA PLUMB |
| K. Electrical | AC & E Etc. |

MINORITY/FEMALE BUSINESS ENTERPRISE UTILIZATION FORM (MBE/FBE)

1. Name of County Project Clinics & Offices Remodel
2. Project or Bid Number B61-100-0649
3. Name of Contractor Prinz Corporation
4. The above named Contractor intends to fulfill its commitment to expend 20 % of its contract for Minority Business Enterprise and/or 5 % of its contract for Female Business Enterprise in the following manner:

Check One:		Names and Addresses of MBE/FBE Firms Contractor Anticipates Utilizing	Nature of Participation	Dollar Value of Participation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>ASSIDUOUS CONSTRUCTION</u>	<u>Demo & Carpentry</u>	<u>\$ 81,954</u>
		<u>2031 N. WATTS #5 PORTL</u>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>TRIPLE-ONE BUILDING</u>	<u>Finishing</u>	<u>5315⁰⁰</u>
		<u>P.O. BOX 411 BEAVERTON</u>	<u>Plumbing work</u>	<u>21,945⁰⁰</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DMK CONTRACTORS</u>	<u>Paint & Millwork</u>	<u>0</u>
		<u>P.O. BOX 30483 PORTL</u>		
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____
Total				<u>\$ 109,214</u>
Amount of Total Contract				<u>380,000</u>
Minority Enterprise % of Total Contract				<u>23.7</u>
Female Enterprise % of Total Contract				<u>6.2</u>

Joseph Prinz
Authorized Signature

Date: 11/13/88

This form to be completed, signed and submitted at the time of the bid opening.
(Please refer to Section 00800 of the Project Manual for Supplementary Conditions.)

From ROHMERS & GREENE BUILDINGS

RECEIVED
PUB. REL. DIVISION
'85 NOV 14 P1:49

Multnoma
PURCHASING & SUP
2505 S. E. 11th AV
PORTLAND, OR

BID NUMBER 061-100-0649

OPENING DATE 11-14-85 2:00pm

SUBJECT OR
PROJECT NUMBER GB 8501

PROJECT NUMBER GB 8501
PROJECT Clinics and Offices Remodel -- Phase I
LOCATION Gill Building
KIND OF WORK Construction/Remodel
SUBMITTED BY Facilities and Property Management Division
BID NUMBER B61-100-0649
BID ADVERTISEMENT DATES October 31, 1985
BID OPENING DATE November 14, 1985

PROJECT MANUAL FOR CONSTRUCTION



**MULTNOMAH
COUNTY**

DEPARTMENT OF GENERAL SERVICES
FACILITIES AND PROPERTY MANAGEMENT DIVISION
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

BIDDER'S NAME RAMMUS - GREENE, BUILDER
ADDRESS 2111 N.E. MULTNOMAH
PORTLAND, OR
TELEPHONE NUMBER 289-7917

SECTION 00300

BID FORM

1. The undersigned Bidder proposes and agrees if this Bid is accepted, to enter into an Agreement with Multnomah County in the form included in the Contract Documents to complete all Work as specified or indicated in the Contract Documents for the Contract Price, within the Contract Time indicated in this Bid, and in accordance with the Contract Documents.
2. Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid Security. Bidder will sign the Agreement and submit the Performance Bond and other documents required by the Contract Documents within five (5) days after receiving Multnomah County's Notice of Award.
3. In submitting this Bid, Bidder represents as more fully set forth in the Agreement, that:

- (a) Bidder has examined copies of all the Bidding Documents and of the following addenda:

Date <u>OCT 23 1985</u>	Number <u>①</u>
Date <u>NOV 8 1985</u>	Number <u>②</u>
Date _____	Number _____
Date _____	Number _____

(receipt of all of which is hereby acknowledged) and also copies of the Advertisement of Invitation to Bid and the Instructions to Bidders.

- (b) Bidder has examined the site and locality where the Work is to be performed, the legal requirements (federal, state and local laws, ordinances, rules and regulations) and the conditions affecting cost, progress or performance of the Work and has made such independent investigations as Bidder deems necessary.
- (c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Multnomah County.
- (d) The undersigned certifies conformance with provisions of ORS 279.350 (prevailing wages), Executive Order 11246, and with applicable federal acts, and state regulations concerning affirmative action toward equal employment opportunities, pursuant to Section 00820, Equal Employment Opportunity Provisions.

BIDDER will complete the Work for the following price(s):

BASIC BID:

Three hundred eighty-three thousand
eight hundred seventy-four and ²⁰/₁₀₀ \$ 383,874.00

ALTERNATES:

1. deduct - Four thousand
eighty-one and ²⁰/₁₀₀ \$ <4081.00>
deduct

2. deduct - Forty-five thousand
four hundred twelve and ²⁰/₁₀₀ \$ <45,412.00>
(deduct)

3. Six thousand seven hundred
ninety-six and ²⁰/₁₀₀ \$ 6796.00

TOTAL:

Three hundred forty-one thousand
one hundred seventy-seven and ²⁰/₁₀₀ \$ 341,177.00

This Work must be completed within 120 calendar days from the time the Notice to Proceed is given by the Owner.

BIDDER accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work on time.

Accompanying this proposal is Bidders Bond in the amount of 10⁹⁰ ("Bidder's Bond," "Cash," or Certified Check") Dollars (_____), which amount is not less than ten (10) percent of the total amount of the bid.

The party submitting this proposal, and entering into the contract in case the award is made to him, is: AN INDIVIDUAL entitled:

("an individual," "a partnership," "a corporation")

ROBERTS & GREENAWALD, BILLORENS

Name

2111 N.E. NORMAN

Mailing Address

PORTLAND, OR 97211

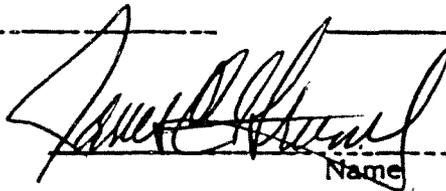
503-289-1917

Telephone Number

State of Incorporation

The names of the president, treasurer and manager of the bidding corporation, or the names and residences of all persons and parties interested in this proposal as partners or principals are as follows:

NAME	ADDRESS
<u>JAMES C GREENAWALD, JR</u>	<u>2111 N.E. NORMAN</u>
_____	_____
_____	_____
_____	_____

Signature of Bidder: 
Name: James C. Greenawald, Jr.
Title: _____
Date: 11/14/85

The name of the surety by which the surety bond covering the contract, if awarded, will be furnished, and the name and address of the surety's local agent are as follows:

Name of Surety FIDELITY & SECURITY
Name of Agent JACK C. BURMAN
Address FRANK S. JAMES CO. 11 SW COMMERCE
PORTLAND, OR.

MINORITY/FEMALE BUSINESS ENTERPRISE UTILIZATION FORM (MBE/FBE)

1. Name of County Project J.K. Gill 4th 5th
2. Project or Bid Number B61-100-0649
3. Name of Contractor ROBBINS - GRANITE, PULLMAN
4. The above named Contractor intends to fulfill its commitment to expend 20 % of its contract for Minority Business Enterprise and/or 5 % of its contract for Female Business Enterprise in the following manner:

Check One:		Names and Addresses of MBE/FBE Firms Contractor Anticipates Utilizing	Nature of Participation	Dollar Value of Participation
<input checked="" type="checkbox"/> MBE	<input type="checkbox"/> FBE	WARRINGTON CIS	MECHANICAL FLOOR COVERINGS	\$36,330
<input checked="" type="checkbox"/> MBE	<input type="checkbox"/> FBE	PENN-NOR	MECHANICAL	\$57,926
<input type="checkbox"/> MBE	<input checked="" type="checkbox"/> FBE	A.C. AND E.	ELECTRICAL	\$68,000
<input type="checkbox"/> MBE	<input type="checkbox"/> FBE			
<input type="checkbox"/> MBE	<input type="checkbox"/> FBE			
Total				\$162,256.00
Amount of Total Contract				\$383,814.00
Minority Enterprise % of Total Contract				20.90% ⁷⁵ _{or more}
Female Enterprise % of Total Contract				5.18% ⁷⁰ _{or more}

James C. Hines
Authorized Signature

Date: 11-14-85

This form to be completed, signed and submitted at the time of the bid opening.
(Please refer to Section 00800 of the Project Manual for Supplementary Conditions.)

SECTION 00430

SUBCONTRACTOR LIST

1.1 INSTRUCTIONS:

- A. Bidder shall list only one subcontractor for each of the categories of Work listed below. If item is not proposed to be subcontracted, bidder shall insert "self" opposite that item.
- B. Bidder proposes and agrees to use the following subcontractors in the performance of the work. Any proposed change of subcontractors after Bid Award must be submitted in writing to Multnomah County for approval.

1.2 TYPE OF WORK

PROPOSED SUBCONTRACTOR

A. Custom Casework	ASHLAND GLASS
B. Doors (Installation)	RIG
C. Finish Hardware (Installation)	RIG
D. Glazing	JEWEL
E. Drywall	HARBOR CO.
F. Carpet (Installation)	FLOOR FACTORS
G. Painting	WILAMETTE
H. Wall Covering	JANE
I. Plumbing	McCoy
J. HVAC Work	SAME
K. Electrical	AC & E.

18
J/52

January 9, 1986

Commissioner Pauline Anderson
1021 SW Fourth
Portland, OR

Dear Commissioner Anderson:

Be it remembered, that at a meeting of the Board of County Commissioners held January 9, 1986, the following action was taken:

Resolution Concerning replacing a portion of lost)
Federal Revenue Sharing with an increase in the)
General Fund Contingency for 1986-7 by \$2 million) R-7

Commissioner Anderson indicated there were concerns that still needed to be addressed on this matter, and she moved, duly seconded by Commissioner Shadburne, and it is unanimously

ORDERED that the above-entitled matter be tabled.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

Jane McGarvin
Clerk of the Board

jm

DATE SUBMITTED 12-31-85

(For Clerk's Use)
Meeting Date 1-9-86
Agenda No. R-7

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Increasing 1986-87 General Fund Contingency by \$2 million

Informal Only* _____
(Date)

Formal Only 1-9-86
(Date)

DEPARTMENT Non-Departmental

DIVISION B.C.C. (Anderson)

CONTACT Bill Farver

TELEPHONE 3740

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Pauline Anderson

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Resolution concerning replacing a portion of lost Federal revenue-sharing with an increase in the General Fund Contingency for 1986-87 by \$2 million.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 15 minutes.

IMPACT:

PERSONNEL
 FISCAL/BUDGETARY
 General Fund
 Other _____

1986 Jan 2
1985 DEC 33 AM 10:48
COUNTY COMMISSIONER
MULLEN COUNTY
ANDERSON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Pauline Anderson

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY

Concerning replacing a portion)
of lost Federal Revenue Sharing)
with an increase in the General)RESOLUTION
Fund Contingency for 1986-87)
by \$2 million.

WHEREAS, Multnomah County has reduced its General Fund spending by \$20.7 million since 1980; and

WHEREAS, expiration of Federal General Revenue Sharing requires the county to face a further \$4 million reduction in revenue in 1986-7; and

WHEREAS, the County provides a wide variety of essential services; and

WHEREAS, it will be more difficult to reduce these services if all reductions are postponed until 1987-8 fiscal year.

NOW THEREFORE BE IT RESOLVED that the County Executive design a budget which will reserve in General Fund Contingency \$2 million over the current anticipated amount for the 1986-7 fiscal year. This increase in contingency will be applied to the 1987-8 budget to offset the amount of budget reductions that will be necessary during that fiscal year.

Be it further resolved that this increase in contingency come from cuts in all departments and from the budgets of all elected officials. In preparing their budgets to reflect this increase in contingency, departments and elected officials should consider the principles adopted in our accompanying resolution.

ADOPTED _____, 1986

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

By _____
Gretchen Kafoury, Presiding Officer

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY

Concerning replacing a portion)
of lost Federal Revenue Sharing) RESOLUTION
with an increase in the)
General Fund Contingency for 1986-7)
by \$2 million)

WHEREAS, Multnomah County has reduced its General Fund spending by \$20.7 million since 1980; and

WHEREAS, expiration of Federal General Revenue Sharing requires the county to face a further \$4 million reduction in revenue in 1986-7; and

WHEREAS, the County provides a wide variety of essential services; and

WHEREAS, it will be more difficult to reduce these services if all reductions are postponed until 1987-8 fiscal year.

NOW THEREFORE BE IT RESOLVED that the County Executive design a budget which will reserve in General Fund Contingency \$2 million over the current anticipated amount for the 1986-7 fiscal year. This increase in contingency will be applied to the 1987-8 budget to offset the amount of budget reductions that will be necessary during that fiscal year.

Be it further resolved that this increase in contingency come from cuts in all departments and from the budgets of all elected officials. In preparing their budgets to reflect this increase in contingency, departments and elected officials should consider the principles adopted in our accompanying resolution.

ADOPTED _____, 1985

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By _____
Earl Blumenauer, Presiding Officer

18
J152

January 9, 1986

Commissioner Gordon Shadburne
1021 SW Fourth
Portland, OR

Dear Commissioner Shadburne:

Be it remembered, that at a meeting of the Board of County Commissioners held January 9, 1986, the following action was taken:

Resolution in the matter of providing adequate)
local jail space)

Upon motion of Commissioner Miller, duly seconded by Commissioner Shadburne, it is unanimously

ORDERED that the above-entitled matter be referred to the County Executive and Sheriff to work on.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By _____
Jane McGarvin
Clerk of the Board

jm
cc: County Executive
Sheriff Pearce

12-12-85 R-22
~~12-19-86~~ R-8

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of providing }
adequate local jail space }

RESOLUTION

WHEREAS, Multnomah County is now the only provider of jail space and
WHEREAS, Portland city officials are demanding more jail space and
WHEREAS, the Oregon State Legislature has mandated a 48 hour jail penalty
for a drunk driving conviction and

WHEREAS, Multnomah County is therefore forced to provide approximately
10,000 jail bed days for these convictions and

WHEREAS, the state retains 56% of the revenues from the sale of alcoholic
beverages and passes through to local jurisdictions 50% of that money
for treatment programs for alcoholism, drug dependency and mental health
services,

NOW, THEREFORE BE IT RESOLVED that Multnomah County will direct its
representatives in the Oregon Legislature to work toward returning the
remaining 50%, of the 56% of the monies which the state collects from
the sale of alcoholic beverages, for the purpose of providing adequate
jail space within the community for those sentenced for alcohol related
crimes and

FURTHER BE IT RESOLVED that the Board will request from the E-Board
some immediate assistance in providing jail space to meet the needs
brought about by the mandatory jail sentencing of drunk drivers and the
current crisis in crime in the Portland-Multnomah County community.

Dated this _____ day of _____, 1985.

(SEAL)

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

By _____
Presiding Officer

DATE SUBMITTED Dec. 5, 1985

(For Clerk's Use)

Meeting Date 12/12/85

Agenda No. R-22

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Resolution asking for equitable funding to provide jail space for alcohol-related sentences Formal Only Dec. 12, 1985

Informal Only* _____
(Date)

(Date)

DEPARTMENT BCC DIVISION Shadburne

CONTACT Richard Levy TELEPHONE 248-5213

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD _____

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Requests assistance in providing adequate jail space for those convicted of alcohol-related crimes.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT:

PERSONNEL
 FISCAL/BUDGETARY
 General Fund
 Other _____

BOARD OF COUNTY COMMISSIONERS
1985 DEC - 5 AM 11:53
MULTNOMAH COUNTY OREGON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Gordon E. Shadburne

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of providing }
adequate local jail space }

RESOLUTION

WHEREAS, Multnomah County is now the only provider of jail space and

WHEREAS, Portland city officials are demanding more jail space and

WHEREAS, the Oregon State Legislature has mandated a 48 hour jail penalty
for a drunk driving conviction and

WHEREAS, Multnomah County is therefore forced to provide approximately
10,000 jail bed days for these convictions and

WHEREAS, the state retains 56% of the revenues from the sale of alcoholic
beverages and passes through to local jurisdictions 50% of that money
for treatment programs for alcoholism, drug dependency and mental health
services,

NOW, THEREFORE BE IT RESOLVED that Multnomah County will direct its
representatives in the Oregon Legislature to work toward returning the
remaining 50%, of the 56% of the monies which the state collects from
the sale of alcoholic beverages, for the purpose of providing adequate
jail space within the community for those sentenced for alcohol related
crimes and

FURTHER BE IT RESOLVED that the Board will request from the E-Board
some immediate assistance in providing jail space to meet the needs
brought about by the mandatory jail sentencing of drunk drivers and the
current crisis in crime in the Portland-Multnomah County community.

Dated this _____ day of _____, 1985.

(SEAL)

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

By _____

Presiding Officer

18
J/52

January 9, 1986

Commissioner Gordon Shadburne
1021 SW Fourth
Portland, OR

Dear Commissioner Shadburne:

Be it remembered, that at a meeting of the Board of County Commissioners held January 9, 1986, the following action was taken:

Resolution in the matter of cooperatively funding)
alcohol, detox and mental health facilities with)
the City of Portland R-9)

Commissioner Shadburne reviewed the concerns he has on alcohol, drug and mental health concerns he has, which is not now being met.

Commissioner Kafoury indicated she felt this was a matter for the next legislative session.

The Board concurred that it was appropriate to have this concern addressed by the next legislative session.

Upon motion of Commissioner Shadburne, duly seconded by Commissioner Anderson, it is unanimously

ORDERED that the above-entitled matter be tabled, with the understanding that the above-entitled matter will be considered for inclusion in the County's legislative package for the coming session.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By _____
Jane McGarvin
Clerk of the Board

jm
cc: Dept. of Human Services
Dept. of General Services
County Executive

~~12-12-85 R-23~~
1-9-86 R-9

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

IN THE MATTER OF COOPERATIVELY FUNDING)
ALCOHOL, DETOX AND MENTAL HEALTH) RESOLUTION
FACILITIES WITH THE CITY OF PORTLAND)

WHEREAS, the formula for distributing funds from the sale of alcoholic beverages provides cities with 34 percent of the total dollars after expenses; and

WHEREAS, the formula provides only 10 percent of the funds directly to counties; and

WHEREAS, Multnomah County provides all of the funding for alcohol treatment, detoxification and mental health within the County to all of its citizens; and

WHEREAS, the City of Portland has requested assistance in dealing with major problems relating to its indigenous alcoholic and mental health community located for the most part in the inter northwest section of the City; and

WHEREAS, the City of Portland has requested an enlargement of the "person down" program; and

WHEREAS, Multnomah County desires to deliver the best services available to those residents as well as to all others in need of alcohol treatment and mental health services;

NOW, THEREFORE BE IT RESOLVED that Multnomah County will enlarge its programs to assist in providing the widest variety of services required to meet the needs of this special population provided that the City of Portland fund these additional services from its' lion's share receipts of state liquor revenues; and

BE IT FURTHER RESOLVED, that Multnomah County will work with state legislators to redistribute the funds from the sale of alcoholic beverages to provide for a fairer system of revenue distribution based upon the increased need for treatment services by the County for those with alcohol related problems.

Dated this _____ day of _____, 1985.

(SEAL)

BOARD OF COUNTY COMMISSIONERS FOR
MULTINOMAH COUNTY, OREGON

By _____
Presiding Officer

DATE SUBMITTED Dec. 5, 1985

(For Clerk's Use)
Meeting Date 12/12/85
Agenda No. R-23

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Resolution on Fair Funding for Alcohol Related Programs

Informal Only* _____ (Date) Formal Only Dec. 12, 1985 (Date)

DEPARTMENT BCC DIVISION Shadburne

CONTACT Richard Levy TELEPHONE 248-5213

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD _____

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Resolution outlining the desire for creating a fairer funding formula for Multnomah County to enlarge its alcohol, detox and mental health programs to meet the needs of the community.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT:

PERSONNEL
 FISCAL/BUDGETARY
 General Fund
 Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Gordon E. Shadburne JRC

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

MULTNOMAH COUNTY OREGON
BOARD OF COUNTY COMMISSIONERS
1985 DEC - 5 AM 11:53

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

IN THE MATTER OF COOPERATIVELY FUNDING)
ALCOHOL, DETOX AND MENTAL HEALTH) RESOLUTION
FACILITIES WITH THE CITY OF PORTLAND)

WHEREAS, the formula for distributing funds from the sale of alcoholic beverages provides cities with 34 percent of the total dollars after expenses; and

WHEREAS, the formula provides only 10 percent of the funds directly to counties; and

WHEREAS, Multnomah County provides all of the funding for alcohol treatment, detoxification and mental health within the County to all of its citizens; and

WHEREAS, the City of Portland has requested assistance in dealing with major problems relating to its indigenous alcoholic and mental health community located for the most part in the inter northwest section of the City; and

WHEREAS, the City of Portland has requested an enlargement of the "person down" program; and

WHEREAS, Multnomah County desires to deliver the best services available to those residents as well as to all others in need of alcohol treatment and mental health services;

NOW, THEREFORE BE IT RESOLVED that Multnomah County will enlarge its programs to assist in providing the widest variety of services required to meet the needs of this special population provided that the City of Portland fund these additional services from its' lion's share receipts of state liquor revenues; and

BE IT FURTHER RESOLVED, that Multnomah County will work with state legislators to redistribute the funds from the sale of alcoholic beverages to provide for a fairer system of revenue distribution based upon the increased need for treatment services by the County for those with alcohol related problems.

Dated this _____ day of _____, 1985.

(SEAL)

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

By _____
Presiding Officer

19
J152

January 9, 1986

Mr. Jim Wilcox, Director
Department of General Services
1120 SW Fifth
Portland, OR

Dear Mr. Wilcox:

Be it remembered, that at a meeting of the Board of County Commissioners held January 9, 1986, the following action was taken:

Request of the Director of General Services for)
approval of Budget Modification DGS #13 making)
an appropriation transfer in the amount of)
\$123,000 from General Fund Contingency to County)
Counsel, to pay County share (1/2) of attorney)
fees arising out of first round of billboard)
litigation with Ackerley Communications R-9)

Peter Kasting, Deputy County Counsel, advised the Board that at the Executive Session on Tuesday, the Board felt it would not settle the claim at this time, but try to negotiate with Ackerley Communications, and so that no action would be taken at this time.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By _____
Jane McGarvin
Clerk of the Board

jm
cc: Budget
County Counsel

Request Unanimous Consent to consider the following matter:

R-11 Request of the Director of General Services for approval of Budget Modification DGS #13 making an appropriation transfer in the amount of \$123,000 from General Fund Contingency to County Counsel, to pay County share (1/2) of attorney fees arising out of first round of billboard litigation with Ackerley Communications

0053C.13

BUDGET MODIFICATION NO. DGS #13

(For Clerk's Use) Meeting Date _____
Agenda No. _____

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____ (Date)

DEPARTMENT General Services DIVISION County Counsel
CONTACT Peter Kasting TELEPHONE 248-3138
*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Peter Kasting

SUGGESTED

AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification transferring \$123,000 from General Fund Contingency to County Counsel to pay County share (1/2) of attorney fees arising out of first round of billboard litigation with Ackerly Communications.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

General Fund Contingency before this modification (as of 1/3/86) \$ 2,876,173
(Specify Fund) (Date)
After this modification \$ 2,753,173

Originated By <i>Peter Kasting</i>	Date <u>1/6/86</u>	Department Director <i>[Signature]</i>	Date <u>1/6/86</u>
Finance/Budget <i>[Signature]</i>	Date	Employee Relations <i>[Signature]</i>	Date
Board Approval <i>[Signature]</i>			Date

BUDGET MODIFICATION NO. DGS #13

(For Clerk's Use) Meeting Date _____
Agenda No. _____

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____ (Date)

DEPARTMENT General Services DIVISION County Counsel
CONTACT Peter Kasting TELEPHONE 248-3138
*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Peter Kasting

SUGGESTED

AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification transferring \$123,000 from General Fund Contingency to County Counsel to pay County share (½) of attorney fees arising out of first round of billboard litigation with Ackerly Communications.
(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

<u>General Fund</u> (Specify Fund)	Contingency before this modification (as of <u>1/3/86</u>)	\$ <u>2,876,173</u>
	(Date)	
	After this modification	\$ <u>2,753,173</u>

Originated By <u>Peter Kasting</u>	Date <u>11/6/86</u>	Department Director <u>[Signature]</u>	Date <u>1/6/87</u>
Finance/Budget <u>[Signature]</u>	Date	Employee Relations <u>[Signature]</u>	Date
Board Approval <u>[Signature]</u>			Date

BUDGET MODIFICATION NO. DGS #13

(For Clerk's Use) Meeting Date _____
Agenda No. _____

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____ (Date) _____

DEPARTMENT General Services DIVISION County Counsel
 CONTACT Peter Kasting TELEPHONE 248-3138
 *NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Peter Kasting

SUGGESTED AGENDA TITLE (to assist in preparing a description for the printed agenda)
 Budget Modification transferring \$123,000 from General Fund Contingency to County Counsel to pay County share (1/2) of attorney fees arising out of first round of billboard litigation with Ackerly Communications.
 (Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)
 PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

<u>General Fund</u> (Specify Fund)	Contingency before this modification (as of <u>1/3/86</u>) (Date)	\$ <u>2,876,173</u>
	After this modification	\$ <u>2,753,173</u>

Originated By <u>Peter Kasting</u>	Date <u>1/6/86</u>	Department Director <u>[Signature]</u>	Date <u>1/6/86</u>
Finance/Budget <u>[Signature]</u>	Date	Employee Relations <u>[Signature]</u>	Date
Board Approval <u>[Signature]</u>			Date

EXPENDITURE
TRANSACTION EB []

GM [] TRANSACTION DATE _____

ACCOUNTING PERIOD _____

BUDGET FY _____

Document Number	Action	Fund	Agency	Organi- zation	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Sub- Total	Description
		100	040	7560	--	--	6050			123,000		County Supplements
		100	050	9120			7700			(123,000)		G.F. Contingency
TOTAL EXPENDITURE CHANGE										0	TOTAL EXPENDITURE CHANGE	

REVENUE
TRANSACTION RB []

GM [] TRANSACTION DATE _____

ACCOUNTING PERIOD _____

BUDGET FY _____

Document Number	Action	Fund	Agency	Organi- zation	Activity	Reporting Category	Revenue Source	Current Amount	Revised Amount	Change Increase (Decrease)	Sub- Total	Description
TOTAL REVENUE CHANGE											TOTAL REVENUE CHANGE	