

BEFORE THE LOCAL CONTRACT REVIEW BOARD OF YAMHILL COUNTY
SITTING FOR THE TRANSACTION OF LCRB BUSINESS

In the Matter of Approval of an LCRB Order)
Authorizing an Exemption from Competitive)
Bidding for a Limited Duration Contract for) LCRB-
Jail Medical Services with Correct Care)
Solutions, LLC)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON, SITTING AS THE LOCAL CONTRACT REVIEW BOARD FOR YAMHILL COUNTY (“the Board”), sat for the transaction of Local Contract Review Board business on December 15, 2016, Board members Stan Primozych and Allen Springer being present. Commissioner Mary Starrett being excused.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. Recently, the Yamhill County Sheriff’s Office (YCSO) experienced an unexpected vacancy in one of its two jail nurse position. Since that time day-to-day responsibilities for jail nursing services have been handled by the single remaining full time jail nurse and a part time nurse, while a recruitment for a full time replacement nurse proceeds. However, given the high demand in the current marketplace for skilled nurses, this recruitment has been unsuccessful to date. Additionally, the YCSO attempted to procure nursing services from a temporary contracting agency, but this effort has also proven unsuccessful. The YCSO has determined that the ongoing nurse staffing shortfall is creating immediate challenges to its ability to provide jail medical services, including nursing services.

B. In response to these challenges, the YCSO is currently developing a Request for Proposals (RFP) to solicit competitive proposals from providers of jail medical services, including nursing services; however, it is anticipated that the development and solicitation of this RFP s will take several months. In the interim, in order to provide adequate jail medical services, including nursing services, the YCSO is recommending that the county enter into a limited duration contract with Correct Care Solutions, LLC a foreign limited liability company (CCS), with significant experience in providing jail medical services.

B. The YCSO has recommended to the LCRB that this contract be exempt from competitive bidding given, (i) CCS’s expertise with jail medical services, including nursing, (ii) that in emergencies, the county is often required to take action in less time than it would take to complete a formal competitive process, (iii) that the public interest would not be served by requiring a formal competitive process to respond to this emergency, (iv) that entering into this contract with CCS would promote the public interest by allowing the county to respond quickly to an emergency situation that threatens loss, damage or interruption of services, and (v) that it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts because it is of a limited duration and the YCSO will go out for a competitive RFP for jail medical services in the near future.

D. Section 5 of the LCRB rules adopted by Ordinance 761 allows the Board to exempt a contract from competitive bidding, “...if the Board by a majority vote of members present, determines that emergency conditions require prompt execution of the contract. A determination of such an emergency shall be entered into the record of the meeting at which the determination is made as well as the method used for

the selection of the particular contractor. The determination shall be made before any contract exempted hereunder is executed.”

E. Section 6 of the LCRB rules adopted by Ordinance 761 allows the Board to exempt a contract from competitive bidding when it makes the following findings:

- a. In emergencies the County is often required to take action in less time that it would take to complete a formal competitive process.
- b. The exemption promotes competition and discourages favoritism by requiring the County to use an informal competitive process and by limiting the exemption to those contracts needed to avoid a substantial risk of loss, damage or interruption of services.
- c. The exemption promotes the public interest by allowing the County to respond quickly to emergencies that threaten loss, damage or interruption of services. The public interest would not be served by requiring a formal competitive process to respond to an emergency

F. The Board finds that an emergency exists and that an exemption from competitive bidding for a limited duration contract with CCS for jail medical services is appropriate because (i) the acquisition of these services from CCS is of a limited duration, (ii) this acquisition constitutes an unusual event that is a departure from the typical procurement process used to obtain goods and services by the County and is necessary to avoid a substantial risk of loss, damage or interruption of services, (iii) that the County promoted competition and discouraged favoritism by engaging in an informal competitive process by talking to several other providers of jail medical services, none of whom formally responded except CCS, and (iv) it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts due to its limited duration and the YCSO will go out for a competitive RFP for jail medical services in the near future.

IT IS HEREBY ORDERED BY THE LCRB that a limited duration contract not to exceed 12 months between the County and CCS for jail medical services is exempted from competitive bidding under the following sections of the LCRB rules adopted by Ordinance 761.

- 1. Section 5; and
- 2. Section 6

DONE at McMinnville, Oregon on December 15, 2016

ATTEST

YAMHILL COUNTY CONTRACT REVIEW BOARD

BRIAN VAN BERGEN

County Clerk

Chair

STAN PRIMOZICH

By: _____

Deputy LUCY FLORES MENDEZ

Member

ALLEN SPRINGER

FORM APPROVED BY:

CHRISTIAN BOENISCH

County Counsel

Member

MARY STARRETT