President’s Message

As we begin 2011, it is time to reflect on the past year and look forward to the new. Over the past several months, the Board has accomplished many things; the implementation of a new logo and business package, creation of a Facebook page, scheduled a Bring-a-Buddy Workshop, identified fundraisers, and held a successful Fall Conference. At the Fall Conference, the Membership approved a solid 2011 budget, revisions to the Bylaws, and a proposal to reorganize and add Directors. The Scholarship Committee began work on revamping their program.

I’m looking forward to the upcoming busy months. January 27th the first 100 OPPA members to register can attend the free Workshop on negotiations. February 1st & 2nd the Board is meeting to complete a five year Strategic Plan. March 9th OPPA and Columbia Chapter will hold the joint Workshop. This will be the 2nd Annual “Bring-a-Buddy” Workshop. The Program Committee is already planning the Spring Conference scheduled for May 11th - 13th at the Riverhouse in Bend.

The 6th Annual Reverse Vendor Trade Show will be held March 15th at the Salem Conference Center. Let’s make this the biggest year ever for agency attendance! It’s free to attend; sign up at www.oppaweb.org. It’s a rewarding experience meeting with your vendors.

Currently the Board is updating the Membership Handbook, gathering Chapter of the Year Mentoring is one person attempting to guide another. Our current membership of over 400 members spans a broad range of experience in public purchasing. We have many “seasoned” purchasers with more than 20 years of public purchasing experience.

We also are finding many new buyers joining our membership with limited experience in the field. “Here he/she comes to save the day; Mentor-Buyer!” I know I am dating myself with that expression from Mighty Mouse. Some of you were probably not even born when I was listening to that. But the truth is that many of the seasoned buyers in our membership have a lot that can be shared with the new buyers being added to our ranks. That is what this article is about: to remind each of us of the opportunity (might I even say obligation) to be a mentor or a mentee.

I have agreed to serve as the Chair of the Mentorship Committee through the end of this current administration, One of the tasks I would like to complete during that time is to update the current list of potential mentors and their areas of expertise.

Congratulations to our newest CPPB’s! Ian Poellet, Kathryn Braeme-Burr, Lisa Emery, Robert Purcell, Timothy Jenks, James Moering, Lori Nordlien, and Debra Velasco successfully completed the 2010 UPPCC certification examinations administered in October. Nationally 125 individuals received their CPPB certification, 8 are from Oregon!

I’m looking forward to all that is ahead of us and wishing you a happy & healthy new year!

Diane Seaton, CPPO, CPPB 2010-2011 OPPA President

As the Mentoring Program in Your Future?...
Public agency members can now sign up on OPPA’s website, www.oppaweb.org, to participate in the 6th Annual Reverse Vendor Trade Show (RVTS) scheduled for March 15, 2011 at the Salem Conference Center. The show will begin at 9:00 and ends at 3:00. There is no cost for public agencies to participate.

The RVTS is jointly sponsored by the Oregon Public Purchasing Association and Columbia Chapter of NIGP. The RVTS is an opportunity to meet with many vendors in one day to talk with them about how to do business with your agency and provide them with helpful information. This reduces the need for many meetings with suppliers, consultants, and contractors. Bring your business cards, brochures, handouts, list of upcoming projects, and anything else you would like to share. Each government agency signs up to have a table or two at the trade show and the vendors stop by to talk with you. There is no cost for agency members to participate and lunch is included.

Profits from last year’s RVTS were split evenly between OPPA and Columbia Chapter. Each Chapter gained approximately $17,000 to be used toward meeting their goals, educational opportunities and scholarships for members. Each year the number of vendor participation has increased. Last year close to 400 vendors participated and we hope to have the same amount or more this year. We expect this to be the biggest trade show yet!

Last year, 47 public agencies participated. We’d like to see this number increased greatly this year! Please help reach the goal of having the most agencies ever to have a table at the RVTS.

To provide more space for vendors to speak to all agency members and have shorter lines, this year the entire Conference Center has been reserved. The trade show will not only be on the first floor but will expand to the second floor of the Salem Conference Center. All agencies will be in one big room on the second floor and will not be divided up. Registration and lunch will be on the first floor.

Please sign up for this popular event today and talk with vendors you currently do business with and meet many new business contacts. Network with your peers and meet new ones! The Steering Committee is working on some exciting opportunities for agency members that attend this year. You won’t want to miss this!!

Register your agency today at www.oppaweb.org and click on the 2011 Reverse Vendor Trade Show link.

Diane Seaton, CPPO, CPPB
2010-11 OPPA President
2011 RVTS Co-Chair
Basic Points about Additionally Insured

1. Just like a primary insurance policy, additional insured coverage provides both a defense and indemnity to the additional insured. For the duty to defend, state agency contracts provide that our state Department of Justice decides who will handle the defense, and the insurance policy pays the defense costs.

2. Being listed as an “additional insured” on a certificate of insurance is not itself an endorsement or amendment to the underlying policy, and good planning is to assume that certificates alone do not establish coverage to additional insureds.

3. A certificate of insurance does not provide the specifics of what is covered and what is excluded. The exclusions may wipe out important points that you want covered. Standard insurance forms have been evolving to exclude more things. The additional insured should request a copy of the actual endorsement or coverage clause.

4. One significant issue, especially for construction contracting, is that additional insured endorsements now often cover only claims arising during construction of the project and do not cover claims that arise later. This change drastically limits protection from most construction defect claims, which usually become apparent only after completion of the project. Courts have come up with differing interpretations and applications of these restrictions.

5. Even if the endorsement does cover completed operations, there is no coverage for completed work after the policy period (it is not a “tail” to the policy period). Completed operations coverage provides coverage after completion of the work, but only during the continued existence of the policy. The differences between “claims made” vs. “occurrence” policies are significant in this regard, too.

6. Additional insured status clearly provides coverage when the additional insured (us) has a claim made against it because of the activities of the named insured (our contractor). This is so-called "vicarious" coverage. It is less clear whether "additional insured" status provides coverage for liability directly caused by us, as the "additional insured." This is typically not a contract requirement public agencies would make, but it may apply due to the documents used and applicable case law, and if so, it obviously operates in favor of the additional insured.

7. When an agency is covered by its own insurance and is an additional insured under another party’s insurance, which insurance applies first when there is a claim? The question of which policy is primary and which is excess sometimes may be determined by the "other insurance" clauses of the policies.

8. It is very important to understand that regardless of the number of contracts (projects) that the named insured enters, regardless of the number of additional insureds which may have rights under the policy, and regardless of the number and size of losses that may be experienced, the insurance company has contracted to provide only one aggregate limit that will be available during the policy period to all potentially covered parties. In some policies, defense costs paid on behalf of an additional insured are included in the policy limit and erode the amount available for any other losses or covered parties.

“**In some policies, defense costs paid on behalf of an additional insured are included in the policy limit and erode the amount available for any other losses or covered parties.**”

Jon Walton, J.D., CPPB, OPBC, Oregon Business Development Department
**Procurement, Purchasing, and Prohibition**

**P ³ Puzzle**

Contributed by Eileen Miller, CPPO, C.P.M.

**ACROSS**

2. Topic of Chapter 244
4. Acronym for guidelines and interpretations of statute
5. Bargaining unit
6. Form of solicitation document, where factors, in addition to price, are considered
7. A/G’s __________________________ (two words)
8. To end
11. Commercial Code
13. Precedes emptor
14. Law of __________________________
17. Acronym for formal request for offers, where price determines award
18. Abbreviation for jurisdiction’s twelve-month period
19. To angrily disagree rather than negotiate

**DOWN**

1. Form submitted to Purchasing to convey a need for goods/services
3. Offer and Acceptance
4. Oregon Revised
9. UPPCC Certification for Procurement Managers
12. Determines when title passes
13. Antitrust act of 1914 prohibiting exclusive sales contracts
15. Acronym for type of alternate contracting method
16. To modify
18. Acronym for regulations governing federal acquisitions
19. Mister
20. __________property (i.e., land and buildings—not personal)

Answers on Page 6
Oregon’s Magnificent “7”

“Perhaps there is something deep and profound behind all these sevens, something just calling out for us to discover it.” George A. Miller, 1956, The Psychological Review

Here’s an NIGP “Did you know fact”; Oregon’s 7 NIGP Instructors are the largest number found in any US State or Canadian Province. Given Oregon’s population, and the fact that we still travel in covered wagons, you have to admit this is pretty amazing; maybe even a miracle! Hmm, now I’m wondering; is there more to this?

If you knew me very well you’d know it’s somewhere between midnight and 4 am. This is when my mind wants to solve riddles. Why fight it, we all know REM sleep is overrated. A short nap will suffice; it’s still 4 hours before I have to be at work. At this point you wish I was working for you, right? Oops, I’m off track, back to the conundrum. Is there more to this?

I’m sorry, but “amazing” is hard to define and “miracles” are difficult to prove. No one on the wrong side of the USA is going to accept that explanation. That’s why I’m going to identify concrete evidence and present logical rational for this anomaly. Follow closely; and remember, I’m up very late.

Does anyone really believe it’s a coincidence that there are now “7” books in the NIGP Body of Knowledge? I think not! Did you know Kevin Yin just became the “7th” NIGP Instructor from Oregon? You do now! There’s “7” days in a week and I’ll bet they spend part of everyday thinking about buying something, who doesn’t? Guess how many months are 31 days long? Uh huh, you got it; “7”. That’s “7” bonus days per year that they can teach NIGP courses.

You should know I’m presently drinking a “7”-UP; caffeine this late might ruin my nap. And since I need carbohydrates to keep my brain functioning “normally”, I’m enjoying a Hostess Fruit Pie I picked up at “7”-11. It must be lemon because it’s yellow and it glows in the dark; I love these things. Hang with me a little longer; we’re in the “7th” inning stretch.

A “7”-sided shape is a heptagon in which all sides and all angles are equal; can anyone say Diversity? There are “7” Continents; aren’t we taught to address Procurement globally? Isaac Newton identified “7” colors in a rainbow. That sounds like Standard Specifications to me! All music is derived from the “7” original notes on the musical scale. Therefore, any musical composition is nothing more than a series of Change Orders.

I think it’s time we identify these “7” “Highly Effective People”:

Aside from the obvious I’ve stated above; having this many NIGP Instructors from Oregon is a testament to the successful training and mentoring OPPA and the Columbia Chapter have been offering for decades. These individuals continue to keep Oregon a national frontrunner in the Procurement profession. They’ve worked extremely hard to achieve their certifications. Their contributions to the profession, their employers, and their communities, define the essence of professionalism. I applaud them for sharing their skills, talents, and gifts with our colleagues.

I’m going to sleep now, I have to be to work by, yep, you guessed it, “7”.

Jeffrey Baer, CPPB, CPPB, C.P.M., Director, City of Portland
Don Hicks, CPPB, CPPB, ARM, Contracts & Risk Manager, Multnomah ESD
Aaron Howell, CPPB, C.P.M., Associate Director of Business Services, OSU
Darin Matthews, CPPB, C.P.M., Associate Director of Business Services, OSU
Edward Pabor, CPPB, C.P.M., Chief Procurement Officer, OR Secretary of State
Kevin Yin, CPPB, Chief Procurement Officer, OR Secretary of State

Top 5 State or Province
NIGP Instructor Populations
#1 Oregon..................7
#2 Virginia................5
#3 Florida...................5
#4 Georgia..................5
#5 South Carolina..........5

*There are 6 Instructors listed as retired
**There are 5 Instructors from Canada

Source: nigp.org

NIGP course information can be found at nigp.org
Membership Approves New Director Proposal

Change is inevitable; this was the final conclusion at the OPPA Fall Conference. With a nearly unanimous vote, the membership approved the addition of 2 new Director positions to the Board.

In February of 2010, Camber Schlag presented a proposal to the Board. The proposal contained provisions for the addition of the 2 new Directors. After reviewing the proposal and discussing it at the March meeting, the Board assigned a task force to explore the option of adding Directors. Additionally, the task force delved into the possible impact this could have on the current Committee structure. Any change concerning the addition of Directors also necessitates the revision of Section 10 of the OPPA HANDBOOK FOR OFFICERS, BOARD MEMBERS AND COMMITTEE CHAIRPERSONS.

The task force researched the structure of similar sized NIGP Chapters. The pros and cons of the administrative impact were considered.

Ultimately it was decided that adding Directors would offer additional professional development opportunities and create smaller, more manageable volunteer opportunities for our members.

Now the Board is challenged with implementing the new structure. Nomination ballots were released last week and there are 3 Director positions open. This will also be a topic at this week’s Strategic Planning Session.

Excellent progress has been made. It will take the continued support of the entire membership to transition successfully. We hope you’ll choose to be an active participant in the process.

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Fall Conference Combines Global Views with Local Politics

Paul led a lively discussion about the merits of a local preference programs in public procurement. After providing the audience with examples from across the country, identifying various laws, and bringing ethics into the picture, the group participated in a lively discussion.

Very few entities have actual local preference laws, but most had been asked about the practice within the past year.

Generally it was agreed upon that it’s a good idea to document where and who your business goes to because most of the time more than 75% of your procurements will be within the boundaries of your entity.

Darin Matthews, CPPO, C.P.M. shared the experience he had at an international procurement conference in Seoul, Korea. A portion of his trip was supported by the Scholarship Fund. Darin was impressed with the kindness and generosity of the Koreans.

The conference highlighted the similarities and the differences from a global perspective. He shared some of the procurement trends and methodologies from countries around the globe.

Would it surprise you to know many of the same issues we face every day are the same challenges our international colleagues struggle with?

Darin gave a presentation at the conference revolving around the special circumstances Metro deals with. It was well received by our international friends.

Stan Boyle from the Educational & Instructional Cooperative Purchasing (E&I) provided information on the background of Cooperative Purchasing and the benefits of using the E&I Contracts in our daily procurement practices.

These contracts are only for use by educational entities. It’s worth your time to check into these!

Think big and act politically; this was the message Dr. Morgan brought to our membership. He challenged us to be more involved with our commissioners and board members at a grass roots level. This enables the elected officials to obtain the background and knowledge they’ll need to make informed decisions when voting.

Additionally we were encouraged to be active in our communities and stay “wired in” to the needs of our citizens. Globalization makes it difficult to build your community as people become more dependent on the various Boards and Special Districts to meet their needs. This is called Social Botiquing. With over 1000 of these specialized entities available to Oregonians it’s difficult to get people to build their communities.

There was a panel discussion on outsourcing. This was a thought provoking subject that many members confront daily. What’s a sound ethical approach to the issue entail?

Are you ready to play politics?

What’s Wrong with Playing Politics?

It’s About Best Value, RFP Evaluations

If you’re looking for a different way to evaluate RFP’s I hope you were attending. Steve walked the group through an RFP evaluation using hair stylists as an example. It sounds silly, but it was a perfect pick for the exercise.

This innovative scoring methodology was a hit with our members. We all know how difficult it is to assign points in an RFP. Steve’s system took away the mystery and simplified the process.

Best of all; the outcomes are defensible and consistent. If you weren’t in attendance you can obtain a copy of the worksheet at this link: http://www.ga.wa.gov/PCA/SL/ExternalForms/

“Take away policy decisions from lawyers. Ask them how to do it, not if it’s ok.”

It’s OK to have fun when participating on a panel.

Caught checking in with the office.

I count 4 smiles, OPPA must be doing something right.

Breakout sessions encourage building relationships.

Sometimes paperwork is unavoidable.

Relevant topics with useful information hold your interest.

Obviously OPPA Members are friendly.

OPPA Benefit, getting the chance to share outside the cubicle.
Congratulations to Oregon’s Newest
Certified Professional Public Buyer (CPPB) Designees!
Mr. Ian F. Poellet, CPPB Mt. Hood Community College
Ms. Kathryn M. Braeme-Burr, CPPB Multnomah County
Ms. Lisa A. Emery, CPPB Multnomah County
Mr. Robert Purcell, CPPB Portland State University
Mr. Timothy J. Jenks, OPBC, OCAC, OPAC, CPPB, OR Dept of Admin. Services.
Mr. James C. Moering, CPPB, OR Dept of Admin. Services
Ms. Lori Nordlien, CPPB, OR Dept of Admin. Services
Ms. Debra F. Velasco, CPPB, OR Dept of Admin. Services

OPPA Welcomes Our Newest Members!
Balaje Sanjeev, Multnomah County
Elizabeth Berton-Reilly, OR Judicial Department
David Brown, OR Liquor Control Commission
Norene Collins, Oregon State University
Paul Depalma, OR Dept of Transportation
Donna Ferry, OR Dept of Transportation
Jodie Fulton, Rogue Community College
Stephen Hirai, Portland Public Schools
Cathy Huey, Portland Community College
Jayne McMahan, City of Springfield
Kimberly Murrell, OR Dept of Transportation
Layla Otey, Portland Community College
Jose Perfecto, City of Portland
Jodi Pitzer, Oregon State University

2010 Fall Conference
Group Breakout Sessions

OPPA
PMB #430
1118 Lancaster Drive NE
Salem, OR 97301
oppachapter@gmail.com

We’re on the Web
oppaweb.org

Visit Us On
facebook

Watch for Us on Wikipedia

Training & Professional Development Opportunities

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<tr>
<th>2011 Schedule</th>
<th>Course/Event</th>
<th>Location</th>
<th>Instructor</th>
<th>Sponsor</th>
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</thead>
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<tr>
<td>February 1st &amp; 2nd</td>
<td>OPPA Strategic Planning Session</td>
<td>Chemeketa CC Salem, OR</td>
<td>OPPA Board/Committee Chairs Only</td>
<td>OPPA</td>
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<td>March 9th</td>
<td>Joint Workshop – Sustainability Theme</td>
<td>Wilsonville, OR–Clackamas CC Training Center</td>
<td>Various</td>
<td>Columbia Chapter/OPPA</td>
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<tr>
<td>March 15th, 2011</td>
<td>Reverse Vendor Trade Show</td>
<td>Salem Conference Center</td>
<td>N/A</td>
<td>Columbia Chapter/OPPA</td>
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<td>April</td>
<td>Performance Based RFP</td>
<td>TBD</td>
<td>TBD</td>
<td>Columbia Chapter/OPPA</td>
</tr>
<tr>
<td>May 11th</td>
<td>Managing End Users &amp; Suppliers</td>
<td>Bend, OR</td>
<td>TBD</td>
<td>OPPA</td>
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<tr>
<td>May 11th —13th</td>
<td>OPPA Spring Conference</td>
<td>The Riverhouse, Bend, OR</td>
<td>Various</td>
<td>OPPA</td>
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<tr>
<td>May 12th</td>
<td>OPPA Exhibitor Showcase</td>
<td>The Riverhouse, Bend, OR</td>
<td>N/A</td>
<td>OPPA</td>
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<td>June 2nd &amp; 3rd</td>
<td>Contracting for Public Sector Services</td>
<td>Wilsonville, OR–Clackamas CC Training Center</td>
<td>D. Michael Clawson, CPPO, Procurement Manager, City of Sierra Vista</td>
<td>Columbia Chapter</td>
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<td>July TBD</td>
<td>Sourcing in the Public Sector</td>
<td>TBD</td>
<td>TBD</td>
<td>OPPA</td>
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<td>August TBD</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
<td>OPPA</td>
</tr>
<tr>
<td>September 19th</td>
<td>Contract Administration</td>
<td>501 SE Hawthorne Blvd, Portland, OR</td>
<td>Don A. Hicks, CPPO, CPPB, Contract &amp; Risk Manager, Multnomah Education Service District</td>
<td>Columbia Chapter</td>
</tr>
</tbody>
</table>

None of the opinions expressed by OPPA’s board or its members should be considered as legal advice or counsel. OPPA disclaims all warranties with regard to information published in the newsletter, whether submitted by OPPA or any third party. Boilerplate Editor: P. Kevin Walther, CPPB, kevin.walther@chemeketa.edu