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DIVISION 1

PROCEDURAL RULES

657-001-0000
Procedure for Notice of Intended Rulemaking

So as to provide a reasonable opportunity for interested persons to be notified of the Oregon Ryegrass Growers Seed Commission's proposed administrative rulemaking actions, the Commission shall give notice of its proposed adoption, amendment, or repeal of any administrative rule prior to such adoption, amendment or repeal on any administrative rule in the following manner:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the intended action;

(2) By mailing a copy of the notice to interested persons on the Oregon Ryegrass Grower's Seed Commission's mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date of the intended action; and

(3) By mailing or furnishing a copy of the notice to all current ryegrass seed growers listed on the assessment reporting forms (received from the first handlers) for the past two fiscal years at least 28 days before the effective date of the intended action.

Stat. Auth.: ORS 183.341(4) & 579.100

Stats. Implemented: ORS 183.341(4)

Hist.: RG 6, f. & ef. 1-9-76; RG 1-1995, f. & cert. ef. 6-29-95

657-001-0005
Model Rules of Procedure

The Attorney General's Model Rules of Procedure under the Administrative Procedure Act, effective January 27, 1986, are hereby adopted as the rules of procedure for the Commission in its rulemaking activities, declaratory ruling activities, and contested case considerations.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Ryegrass Growers Seed Commission]

Stat. Auth.: ORS Ch. 183

Stats. Implemented: ORS

Hist.: RG 7, f. & ef. 3-3-76; RG 1-1978, f. & ef. 5-26-78; RG 1-1980, f. & ef. 3-7-80; RG 1-1984, f. & ef. 2-14-84; RG 1-1987, f. & ef. 2-11-87

657-001-0010
Uniform Administrative Procedures for Commodity Commissions

The "Uniform Administrative Procedures for Commodity Commissions" dated October, 1983 are the procedures to be followed by the Commission.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Ryegrass Growers Seed Commission.]

Stat. Auth.: ORS Ch. 183 & 576

Stats. Implemented: ORS

Hist.: RG 1-1979, f. & ef. 11-27-79; RG 2-1983, f. & ef. 10-25-83

DIVISION 5

SCREENING AND SELECTION PROCEDURES FOR PERSONAL SERVICE CONTRACTS ENTERED INTO BY THE OREGON RYEGRASS GROWERS COMMISSION

657-005-0000

Purpose

The Oregon Ryegrass Growers Commission (ORGC) occasionally requires the services of an outside party to accomplish all or part of a project. The purpose of these rules is to specify the screening and selection procedures which will be used for personal service contracts.

Stat. Auth.: ORS 576.325 - 576.365

Hist.: RG 1-1991, f. & cert. ef. 7-9-91

657-005-0010

Basic Policy

(1) The ORGC will contract for services when the specialized skills, knowledge, or resources are not available within the Commission; when the work cannot be done in a reasonable time with the Commission's own work force; when it will be less expensive to contract for the work; when an independent and impartial evaluation of a situation by recognized professional is required; or when the Commission is directed by statute to contract for services. Contracts will be let only after approval of Commission.

(2) Agreements for the services of a contractor who is a member of the Public Employees' Retirement System and who is employed in another public agency usually will be by interagency agreement.

(3) In selecting between two or more equally qualified bidders when awarding contracts, preference may be given to individuals and businesses which have prior successful experience with commodity commissions.

Stat. Auth.: ORS 576.325 - 576.365

Hist.: RG 1-1991, f. & cert. ef. 7-9-91

657-005-0020

Definitions

(1) "Competitive Negotiation" (formal bidding) is a procurement method whereby proposals are requested from a number of sources and the Request for Proposal is publicized.

(2) "Non-Competitive Negotiation" (sole source) is procurement through solicitation of a proposal from only one source.

(3) "Small Purchase Procedures" (informal bidding) are those relatively simple and informal procurement methods whereby price or rate quotations are obtained from a number of sources and selection made on the basis of cost and other applicable criteria.

Stat. Auth.: ORS 576.325 - 576.365

Hist.: RG 1-1991, f. & cert. ef. 7-9-91

657-005-0030

Procurement Method

(1) Small purchase procedures may be used for the procure-

ment of services costing not more than \$15,000. Price or rate quotations shall be obtained from at least three qualified sources. For purchases \$1,000 or less, no quotations are necessary.

(2) Competitive negotiation shall be used for personal service contracts in excess of \$15,000 per agreement per fiscal year and may be used for contracts of less than \$15,000. Exceptions may be granted to accommodate one or more of the conditions described in section (3) of this rule with the approval of the Commission.

(3) Non-competitive negotiation may be used for contracts if:

(a) The item or service is available only from a single source, or the sole source has special skills that are only available based upon his/her expertise or situation;

(b) Public need or emergency advises against a delay incident to competitive solicitation;

(c) After solicitation of a number of sources, competition is determined inadequate;

(d) The contract is a renewal of an existing contract, subject to approval by all required parties.

Stat. Auth.: ORS 576.325 - 576.365

Hist.: RG 1-1991, f. & cert. ef. 7-9-91

657-005-0040

Maintenance of RFP Mailing List

The Commission Office shall maintain a Request for Proposals (RFP) Mailing List consisting of persons, businesses, organizations and other entities which have indicated the desire to be notified of contracting opportunities that are available.

Stat. Auth.: ORS 576.325 - 576.365

Hist.: RG 1-1991, f. & cert. ef. 7-9-91

657-005-0050

Competitive Negotiation Procedures

(1) A Request for Proposals (RFP) shall be prepared for contracts for which competitive negotiation procedures will be used. The RFP shall include, at a minimum, the following information:

(a) Date and hour by which proposals must be received;

(b) Description of work;

(c) Evaluation specific to contract criteria.

(2) Notification of the availability of the RFP shall be mailed to entities on the ORGC RFP Mailing List that have indicated expertise in the subject area.

(3) Notification of the availability of the RFP shall be advertised in the **Oregon Daily Journal of Commerce**. It may also be advertised in other appropriate periodicals.

(4) Proposals shall be evaluated in a manner consistent with the evaluation criteria included in the RFP by the Commission or committee thereof. A written document stating why the selection was made will be on file at the Commission office. These are public records and may be reviewed upon request.

(5) Exceptions to procedures in sections (2) and (3) of this rule may be granted by the Commission if warranted by time or cost considerations.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the Ryegrass Growers Seed Commission.]

Stat. Auth.: ORS 576.325 - 576.365

Hist.: RG 1-1991, f. & cert. ef. 7-9-91

DIVISION 10

REPORTING AND PAYMENT OF ASSESSMENT

657-010-0005

Rules of Procedure in Contested Cases

[RG 1, f. & ef. 6-4-64; Repealed by RG 7, f. & ef. 3-3-76]

657-010-0010

Definitions

(1) "Person" means any individual, corporation, association, partnership, or joint stock company.

(2) "Commission" means the Oregon Ryegrass Growers Seed Commission.

(3) "Casual Sale" means any sale or sales of rye-grass seed made by the producer direct to the consumer where the total accumulated sales during a calendar year is not more than 100 pounds.

(4) "First Purchaser" means any person who buys ryegrass seed from the producer in the first instance, or handler who received the ryegrass seed in the first instance from the producer for resale or processing.

(5) "Producer" means a person or other legal entity producing ryegrass seed in Oregon for market, whether as landowner, landlord, tenant, sharecropper, or otherwise.

(6) "Handler" means any producer, processor, or distributor or other person engaged in handling or marketing of or dealing in ryegrass seed, whether as owner, agent, employee, broker, or otherwise.

(7) Ryegrass Seed includes seed of all common or named varieties of annual and perennial ryegrass seed (bot.-*Lolium multiflorum* L., *Lolium preenne* L., plus all interspecific hybrids).

Stat. Auth.: ORS Ch.

Stats. Implemented: ORS

Hist.: RG 3, f. 7-8-65, ef. 7-15-65

657-010-0015

Assessments

(1) Any first purchaser shall deduct and withhold an assessment of 9 cents (\$.09) per cwt, clean seed basis from the price paid to the producer thereof, for ryegrass seed grown in Oregon.

(2) All casual sales of ryegrass seed shall be exempt from the assessment.

(3) The assessment shall be levied only against any commodity or mixture which contains more than 50 percent ryegrass seed.

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Stat. Auth.: ORS 576.325 - 576.365

Stats. Implemented: ORS

Hist.: RG 3, f. 7-8-65, ef. 7-15-65; RG 4(Temp), f. 6-5-75, ef. 7-1-75 RG 5, f. 7-7-75, ef. 7-25-75 ; RG 1-1988, f. 6-17-88, cert. ef. 7-1-88; RG 2-1988, f. 10-19-88, cert. ef. 1-1-89; RG 1-1989, f. 6-21-89, cert. ef. 7-1-89; RG 2-1991, f. & cert. ef. 7-9-91; RG 1-1992, f. 6-22-92, cert. ef. 7-1-92; RG 2-1995, f. 9-14-95, cert. ef. 10-1-95

657-010-0020

Reports and Payment of Assessment Moneys

(1) The assessment deducted and withheld by a first purchaser, as required by OAR 657-010-0015 shall be paid to this Commission on a quarterly calendar year basis, and shall be due and payable within 30 days after the end of each such quarter.

(2) Within 30 days after the end of each quarter, the first purchaser shall forward to the Commission forms furnished by the Commission. The forms shall be signed by the first purchaser and completely filled out, and shall include in addition to all other required information and figures, the name and mailing address of each producer, the pounds and type of cleaned seed, and amount of assessment deducted and withheld.

(3) When a first purchaser lives or has his office in another state, or is a federal or governmental agency, the producer shall report to this Commission all sales made to such purchaser as required by section (2) of this rule and shall pay the assessment directly to the Commission as required in section (1) of this rule, unless such first purchaser voluntarily makes the proper deduction and remits the proceeds to this Commission.

(4) Penalty for delaying transmittal of assessment moneys (ORS 576.355) "...therefore, any first purchaser or other person who delays transmittal of funds beyond the time set by the Commission shall pay five percent of the amount due for the first month of delay and one percent of the amount due for each month of delay thereafter".

Stat. Auth.: ORS Ch. 576

Stats. Implemented: ORS

Hist.: RG 3, f. 7-8-65, ef. 7-15-65; RG 1-1983, f. 2-1-83, ef. 2-15-83

657-010-0025

First Effective Date of Assessment

(1) The assessment to be withheld and paid by a first purchaser, as required by ORS Chapter 576 and OAR 657-010-0015(1), applies to and covers any sale made on and after July 15, 1965, by a producer to such first purchaser of ryegrass seed grown in Oregon, regardless of the time it was or is grown.

(2) "Sale" for the purpose of such law or regulation means the date that title to the ryegrass seed passes from the seller to the purchaser.

Stat. Auth.: ORS Ch.

Stats. Implemented: ORS

Hist.: RG 3, f. 7-8-65, ef. 7-15-65