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DIVISION 1**PROCEDURAL RULES****642-001-0000****Procedure for Notice of Intended Rulemaking**

So as to provide a reasonable opportunity for interested persons to be notified of the Oregon Mint 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 of 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 persons on the Oregon Mint Commission's mailing list 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 mint oil producers 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) & ORS 579.100

Stats. Implemented: ORS 183.341(4)

Hist.: OMC 2-1984, f. & ef. 7-26-84; MC 1-1995, f. & cert. ef. 6-29-95

642-001-0005**Model Rules of Procedure**

Pursuant to ORS 183.341, the Oregon Mint Commission adopts the Attorney General's Model Rules of Procedure under the Administrative Procedures Act as amended and effective January 27, 1986.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedures is available from the Office of the Attorney General or the Mint Commission.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: OMC 3-1984, f. & ef. 8-3-84; MC 1-1987, f. & ef. 2-11-87

DIVISION 5

**SCREENING AND SELECTION PROCEDURES
FOR PERSONAL SERVICE CONTRACTS ENTERED
INTO BY THE OREGON MINT COMMISSION**

642-005-0000**Purpose**

The Oregon Mint Commission (OMC) 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 - ORS 576.365

Stats. Implemented: ORS 576.325 - ORS 576.365

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

642-005-0010**Basic Policy**

(1) The OMC 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 - ORS 576.365

Stats. Implemented: ORS 576.325 - ORS 576.365

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

642-005-0020**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 - ORS 576.365

Stats. Implemented: ORS 576.325 - ORS 576.365

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

642-005-0030**Procurement Method**

(1) Small purchase procedures may be used for the procurement of services costing not more than \$10,000. Price or rate quotations shall be obtained from at least three qualified sources. For purchases \$500 or less, no quotations are necessary.

(2) Competitive negotiation shall be used for personal service contracts in excess of \$10,000 per agreement per fiscal year and may be used for contracts of less than \$10,000. 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 - ORS 576.365

Stats. Implemented: ORS 576.325 - ORS 576.365

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

642-005-0040

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 - ORS 576.365

Stats. Implemented: ORS 576.325 - ORS 576.365

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

642-005-0050**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 OMC 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) referenced in this rule is available from the agency.]

Stat. Auth.: ORS 576.325 - ORS 576.365

Stats. Implemented: ORS 576.325 - ORS 576.365

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

DIVISION 10**REPORTING AND PAYMENT OF ASSESSMENT**

[ED. NOTE: Pursuant to authority vested in the Oregon Mint Commission by ORS 576.051 through 576.585, the following order and regulations relating to reporting and payment of assessments due the Commission are hereby promulgated.]

642-010-0005**Definitions**

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

(2) "Commission" means the Oregon Mint Commission.

(3) "First Purchaser" means any person who buys mint oil from the producer in the first instance, or handler who receives the mint oil in the first instance from the producer for resale or processing.

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

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

(6) Mint oil consists of the oil of mint produced from but not limited to, *M. piperita*, (peppermint), *M. cardica* and *M. spicata* (spearmint). All peppermint and spearmint cultivars sold commercially are to be included.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576.325 - ORS 576.365

Hist.: OMC 1-1984, f. & ef. 6-18-84

642-010-0010**Assessments**

Any first purchaser shall deduct and withhold an assessment of six cents (\$.06) per pound for all oil purchased after June 30, 1993. All mint oil produced in the State of Oregon is to be included.

Stat. Auth.: ORS 576.325 - ORS 576.365

Stats. Implemented: ORS 576.325 - ORS 576.365

Hist.: OMC 1-1984, f. & ef. 6-18-84; MC 1-1989, f. 4-19-89, cert. ef. 7-1-89; MC 1-1993, f. 6-10-93, cert. ef. 7-1-93

642-010-0015**Reports and Payments of Assessment Moneys**

(1) Except as otherwise exempt or provided by regulation, a first purchaser or handler (anyone, grower or otherwise performing the duties of a first handler) shall forward to the Commission on or before the end of the month following purchase completed and signed Commission approved forms covering all purchases of mint oil made by him.

(2) When a first purchaser or handler has completed, signed and forwarded a report covering his final purchase of mint oil for the crop season, he may mark such report in large letters "**Final Report for This Crop Season**". No further reports are necessary by such first purchaser unless or until additional purchases are made.

(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 (1) of this rule and shall pay the assessment directly to the Commission, unless such first purchaser voluntarily makes the proper deduction and remits the proceeds to this Commission.

(4) At the time that reports are due the Commission from the first purchaser or first handler, as required in section (1) of this rule, the first purchaser or first handler shall attach or forward payment to the Commission for the assessment due as set forth in each such report. The forms shall be signed by the first purchaser or first handler and complete mailing address of each producer, variety of mint, pounds of oil purchased and assessment collected.

(5) Any producer who performs the handling or processing functions on all or part of his production of the commodity, which normally would be performed by another person as the first purchaser thereof, shall report his sales of such commodity of his own production on forms provided by, and pay the assessment moneys directly to the Commission, unless the first purchaser from such producer voluntarily makes proper deduction and remits the proceeds to the Commission. An example would be the sales by a producer direct to an end user.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576

Hist.: OMC 1-1984, f. & ef. 6-18-84

642-010-0020**Penalties**

Penalty for delaying transmittal of assessment moneys (ORS 576.355) "**In addition to the penalties prescribed in ORS 576.991, 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 576

Stats. Implemented: ORS 576

Hist.: OMC 1-1984, f. & ef. 6-18-84

642-010-0025**Effective Dates of Assessment**

(1) The assessment to be withheld and paid by a first purchaser or handler, as required by ORS Chapter 576 and OAR 642-010-0010, or the reports required under OAR 642-010-0015, applies to and covers any purchase by him or delivery on or after July 1, 1984, of mint oil grown in Oregon.

(2) This order shall be effective July 1, 1984, as postponement would result in serious prejudice to the public interest and particularly to the mint industry of this state. The Commission was only approved by referendum after a substantial number of the producers and all other segments of such industry agreed that cooperative programs were and are necessary to identify its needs with respect to research, education, and market development; studying legislation and regulation, state and federal, that affect the mint industry. It was a part of such opinion, and recently affirmed by a majority thinking of those in attendance at the public hearing, that such programs and