

Contract for Vehicle Towing and Storage- October 1, 2013-September 30, 2018

AMENDMENT 2

To Contracts Nos. 30003497, 30003504-30003508, and 30003511- 30003521

This Second Amendment to Contract for Vehicle Towing and Storage October 1, 2013-September 30, 2018 (“Tow Contract”) between City of Portland, Oregon, the Port of Portland, Oregon Department of Transportation, Multnomah County, City of Fairview, Portland Streetcar, Inc., Tri-County Metropolitan Transportation District of Oregon (as a group “Agencies”) and **[Towing Company Name] ([Contract Number])** (“Tow Contractor”) is made effective as of the 18th day of November, 2015 (the “Effective Date”). The Agencies and Tow Contractor may be referred to jointly in this Amendment as the “Parties” or individually as a “Party”.

RECITALS

- A. The Agencies and Tow Contractor entered into the Tow Contract with the Tow Contractor on October 1, 2013 to provide towing services as requested by the Agencies. The Tow Contract defines procedures for providing these towing services.
- B. The Towing Board of Review approved this amendment to the Tow Contract on November 18, 2015.
- C. The Tow Contractors and Agencies have an interest in maintaining Tow Contractor employee criminal and driving requirements that protect the public and allow as many qualified individuals the opportunity to work on the Contract as possible.
- D. Unless expressly modified in the Amendment, all terms and conditions in the Tow Contract remain in full force and effect.
- E. Parties agree to terms of Contract Section as amended by this agreement and as shown in the attached document “Amendment to Qualified Driver Section of Contract”

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| <p>TOW CONTRACTOR</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Date: _____</p> | <p>CITY OF PORTLAND (for all named Agencies)</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Date: _____</p> |
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APPROVED AS TO FORM:

Glenn Fullilove
Deputy City Attorney

Amendment to Towing and Vehicle Storage Contract: Section 1.23-1.23.10

- 1.23 Qualified Driver: A person registered with the City as a tow truck driver, and employed by a Tow Contractor. This includes anyone driving on a part time or occasional basis for work on the contact. A Qualified Driver must possess all qualifications of a Qualified Employee and the following:
 - 1.23.1 Successful completion of approved tow training. Tow Contractor may choose any commercial training program pre-approved by the Towing Coordinator and the Industry Representatives to the Board. Proof of completion must be submitted to the Towing coordinator within 6 months of becoming a Qualified Driver; and
 - 1.23.2 Contract certification; and
 - 1.23.3 Current valid operator's license for the class(es) of vehicle they will be driving; and
 - 1.23.4 An active Department of Motor Vehicles (DMV) record for the five year period immediately preceding the date of application with not more than:
 - 1.23.4.1 Three (3) traffic infractions as defined in ORS 801.557;
 - 1.23.4.2 Three (3) serious traffic violations as defined in ORS 801.477; or
 - 1.23.4.3 Three (3) motor vehicle accidents which are required to be reported to DMV under ORS 811.720; or
 - 1.23.4.4 Greater than three (3) of any combination of infractions, suspensions, serious traffic violations or motor vehicle accidents, as defined above.
 - 1.23.5 DMV records will be reviewed by the Towing Coordinator or designee on behalf of the Tow Board. If a person's DMV record does not meet the minimum Contract standard, an "intent to deny" notice will be sent describing the reason for the denial and providing an opportunity for the applicant to provide additional information.
 - 1.23.6 If a driver applicant has at least three, but less than five years of driving record within the five years immediately previous to the application the Towing Coordinator may grant probationary approval for a period sufficient to make up the missing time. During the probationary interval, periodic DMV rechecks will be performed by City staff. Any additional violations found will be reported to the Board and the driver may be removed from eligibility. Such approval by the Towing Coordinator is subject to review by the Tow Board at the next regular meeting.
 - 1.23.7 Qualified Employee: A person registered with the City, employed by a tow contractor, who will not drive in relation to work on the contact but will

perform other duties related to the contract. To be a Qualified Employee they must also meet the following criteria:

- 1.23.7.1 Current State Issued or Government Issued ID. State ID Must be issued by the state of residence.
- 1.23.7.2 Completion of Contract Certification within 6 months of being hired.
- 1.23.7.3 Signed Confidentiality Agreement (Attachment 3) and Criminal and Driving Record Consent Form (Attachment 12)
- 1.23.7.4 Criminal history containing no felony convictions for criminal offenses including, but not limited to, crimes involving vehicles or vehicle parts, sex crimes, robbery, burglary, assault, drugs, prostitution, weapons, fraud, trafficking in stolen goods or any traffic crime, including but not limited to, driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, leaving the scene of an injury accident or hit and run.
- 1.23.8 Criminal history records will be reviewed by the Towing Coordinator or designee on behalf of the Tow Board. If a person's criminal history does not meet the minimum Contract standard, an "intent to deny" notice will be sent describing the reason for the denial and providing an opportunity for the applicant to provide additional information.
- 1.23.9 A person whose criminal history does not meet the standard may, with the Board's approval, be granted a provisional approval for one year. During this time, periodic criminal history rechecks will be performed to monitor that no further violations have taken place. Any additional violations found in random re-checks will be reported to the Board and may result in removal from eligibility.
- 1.23.10 The Towing Coordinator or designee may periodically review a Qualified Driver or Qualified Employee's driving or criminal records on behalf of the Board. If at any time the Qualified Driver or Qualified Employee (Employee) no longer meet this Contract's minimum standards as listed in this Section, the employee may be removed from eligibility at the discretion of the Tow Coordinator in the interest of public safety. Failure to meet this standard will result in notice to the Tow Contractor and the subject driver with details of any disqualifying items found in the review. Remedies provided by Section 7.3 will be applied.