

**ADMINISTRATIVE REGULATIONS**

**BEND - LA PINE SCHOOL DISTRICT NO 1  
ADMINISTRATIVE REGULATIONS**

**CODE: DJ-AR  
PUBLIC CONTRACTING RULES AND PROCEDURES**

**DATED: 9/10/2024**

**Pursuant to ORS 279A.065(5) the Bend-La Pine Public School District (“District”) adopts the Attorney General’s Model Public Contract Rules with the exceptions listed below and contained herein is a list of Special Class Exemptions from these rules as allowed by ORS 279B.085 and procedures for the acquisition and disposition of surplus property.**

## **PUBLIC CONTRACTING RULES AND PROCEDURES**

### **A. Delegation.**

(1) Except as otherwise provided in these rules, the powers and duties of the Local Contract Review Board (“LCRB”) under the Public Contracting Code must be exercised and performed by the Board of Directors.

(2) Pursuant to ORS 332.075(3), the Board delegates to the Superintendent the authority to enter into and approve payment on contracts for products, materials, capital outlay, equipment, and services if the contract is within appropriations made by the Board pursuant to ORS 294.456. The Superintendent shall seek Board approval for any items as outlined in Executive Limitations.

(3) References in the Oregon Model Rules to the “Chief Procurement Officer” shall be deemed to refer to the Superintendent. For the purposes of the District’s public contracting rules, “Superintendent” shall mean the District Superintendent of Schools or the Superintendent’s designee.

### **B. Personal Services.**

(1) **Definitions.** “Personal Services” shall be defined to include those services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include, but are not limited to: architects; engineers; photogrammetrists; transportation planners; surveyors; attorneys, accountants, auditors and other licensed professionals; computer programmers; artists; designers; performers; and consultants. The Superintendent shall have the authority to determine whether any additional service not specifically mentioned in this paragraph is a “personal service” under this definition. “Personal Services Contract” shall mean a contract for the provision of Personal Services.

(2) **Contracts for Personal Services.** Except as required by ORS Chap. 279C, Personal Services Contracts shall be awarded in accordance with the source selection procedures set forth in Division 47 of the Model Rules. Notwithstanding the foregoing:

- (a) OAR 137-047-0250 shall not apply to Personal Services Contracts unless otherwise required by applicable law;
- (b) Contracts for architectural, engineering, photogrammetric mapping, transportation planning or land surveying or related services shall be awarded in accordance with the source selection procedures set forth in Division 48 of the Model Rules; and
- (c) Contracts for architectural, engineering, photogrammetric mapping, transportation planning or land surveying or related services, all as defined by ORS 279C.100, may be awarded pursuant to ORS 279C.115 or 279C.120, when applicable.

**C. Special Procurements and Exemptions.**

(1) The LCRB may exempt from competitive bidding certain contracts or classes of contracts for the procurement of goods and services according to the procedures described in ORS 279B.085. In accordance with OAR 137-047-0285(2), the District shall give public notice of the District's approval of a special procurement for goods and services in the same manner as public notice of competitive sealed bids under ORS 279B.055(4) and OAR 137-047-0300. The public notice shall describe the goods or services or class of goods or services to be acquired through the special procurement the District shall give affected persons at least seven (7) days from the date of the notice of approval of the special procurement to protest the special procurement.

(2) The LCRB may exempt certain contracts or classes of contracts for public improvements from competitive bidding according to the procedures described in ORS 279C.335. When exempting a public improvement from competitive bidding, the LCRB may authorize the contract to be awarded using a Request for Proposal process for public improvements, according to the processes described in OAR 137-049-0640 through 137-049-0690.

**D. Small Procurements (under \$25,000).**

(1) Public contracts under \$25,000 are not subject to competitive bidding requirements. The Superintendent shall make a reasonable effort to obtain competitive quotes in order to ensure the best value for the District.

(2) The District may amend a public contract awarded as a small procurement beyond the \$25,000 limit in accordance with OAR 137-047-0800, provided the cumulative amendments do not increase the total contract price to a sum that is greater than one hundred twenty-five percent (125%) of the original contract price.

**E. Intermediate Procurements (between \$25,000 and \$150,000).**

(1) A contract for procurement of goods and services estimated to cost between \$25,000 and \$150,000, or a contract for a public improvement that is estimated to cost between \$25,000 and \$100,000, may be awarded according to the processes for intermediate procurements described in ORS 279B.070.

(2) The District may amend a public contract awarded as an intermediate procurement beyond the stated limitations in accordance with OAR 137-047-0800, provided the cumulative amendments shall not increase the total contract price to a sum that is greater than one-hundred twenty-five percent (125%) of the original contract price.

(3) The District requires documentation demonstrating the effort to obtain three quotes for Intermediate Procurements between the dollar value of \$25,000 and \$100,000 that may be reviewed by the Procurement Manager or designee. Procurements over \$100,000 up to \$150,000 must be approved by the Superintendent.

**F. Methods for Awarding Contracts Using Request for Proposal Process.**

In making an award using the request for proposal process in ORS 279B.060, the District may use any evaluation method determined to be most appropriate for the selection process, including, but not limited to, the processes described in ORS 279B.060(6)(b). The evaluation process(es) to be used shall be stated in the Request for Proposals. OAR 137-047-02640 through 137-047-02631 shall apply to evaluation of proposals.

## **G. Emergency Contracts.**

(1) “Emergency” shall be defined as follows: “Circumstances that (a) could not have reasonably been foreseen; (b) create a substantial risk of loss, damage, or interruption of services or a substantial threat to property, public health, welfare or safety; and (c) require prompt execution of a contract to remedy the condition.”

(2) The Board Chair or the Superintendent shall have authority to determine when emergency conditions exist sufficient to warrant an emergency contract. The nature of the emergency and the method used for the selection of the contractor shall be documented.

(3) Emergency contracts may be awarded as follows:

- (a) Goods and Services. Emergency contracts for procurement of goods and services may be awarded pursuant to ORS 279B.080 and section B, “Delegation,” of these Rules.
- (b) Public Improvements. The District hereby adopts OAR 137-049-0150 as its contracting rules for awarding a public improvement contract under emergency conditions, pursuant to ORS 279B.080.

## **H. Appeals of Prequalification Decisions and Debarment Decisions.**

(1) Review of the District’s prequalification and debarment decisions shall be as set forth in ORS 279B.425. The following additional procedures shall apply to hearings on such decisions by the LCRB:

- (a) Notices shall be submitted in writing to the Superintendent. Appeals filed after the filing period stated in ORS 279B.425 shall not be heard.
- (b) Upon opening of the hearing, District staff shall explain the District’s decision being appealed and the justification therefor. The appellant shall then be heard. Time for the appellant’s testimony shall be established by the Board Chair. The appellant may submit any testimony or evidence relevant to the decision or the appeal. Any party requesting time to testify in support of the appeal shall then be heard, subject to time limits established by the Board Chair.
- (c) Once all testimony and evidence in support of the appeal is heard, any party requesting time to testify in support of the District’s decision shall be provided time to be heard, subject to time limits established by the Board Chair. Any party testifying in opposition to the appeal may submit any testimony or evidence relevant to the decision or the appeal. Once all testimony in opposition to the appeal has been heard, the appellant may request time to provide rebuttal testimony. At the conclusion of the rebuttal testimony, if any, the Board Chair shall close the hearing.
- (d) When issued in writing according to the requirements of ORS 279B.425, the LCRB’s decision and order shall be final.

**I. Electronic Advertising.**

Pursuant to ORS 279B.055 and 279C.360, electronic advertisement of public contracts in lieu of publication in a newspaper of general circulation in the area where the contract is to be performed, is authorized when it is likely to be cost-effective to do so. The Superintendent shall have the authority to determine when electronic publication is appropriate, and consistent with the District's public contracting policies. Notwithstanding the foregoing, publication of public improvement contracts, with an estimated cost in excess of \$125,000, shall also be made in at least one trade newspaper of general statewide circulation.

## CLASS SPECIAL PROCUREMENTS AND EXEMPTIONS

### I. Class Special Procurements:

- A. The District may award a public contract under a Class Special Procurement pursuant to the requirements of ORS 279B.085. Such procurements allow the District to enter into one or more contracts over time without following the requirements of competitive sealed bidding, competitive sealed proposals, or small or intermediate procurements. The Superintendent may request a resolution from the LCRB exempting a particular contract or class of contracts from competitive bidding if the contract or contracts are not otherwise exempted under these rules.
- B. The LCRB declares the following as class special procurements. Unless otherwise specified in a particular special procurement rule, such contracts may be awarded in any manner that the Chief Procurement Officer deems appropriate for the District's needs, including by direct appointment or otherwise. Except as otherwise provided, the Chief Procurement Officer shall make a record of the method of award.
1. **Advertising Contracts, Purchase of.** The Chief Procurement Officer, acting on behalf of the District, may purchase media advertising, regardless of dollar value, without competitive bidding.
  2. **Advertising Contracts, Sale of.** The Chief Procurement Officer, acting on behalf of the District, may authorize the sale of advertising in district publications and for district activities, regardless of dollar value, without competitive bidding.
  3. **Equipment Repair and Overhaul.** The Chief Procurement Officer, acting on behalf of the District, may enter into a Public Contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:
    - (a) **Conditions.**
      - (A) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
      - (B) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
      - (C) The District purchases within the limits and pursuant to the methods in (3)(b) of this Rule.
    - (b) **Process and Criteria.** The Chief Procurement Officer will use competitive methods wherever possible to achieve best value and must document in the Procurement File the reasons why a competitive process was deemed to be impractical. If the anticipated purchase is \$10,000 or more but less than \$150,000 competitive quotes must be obtained and retained in the Procurement File pursuant to the rules governing Intermediate Procurements. See also Public Contracting Rules and Procedures, E. Intermediate Procurements, (3).
  4. **Purchase of Used Personal Property.** The District may directly purchase used personal property and equipment if such property is suitable for the District's needs and can be purchased for a lower cost than substantially similar new property. For the purpose of this

rule, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the District. "Used personal property or equipment" means the property or equipment which has been placed in its intended use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as "used," at the time of purchase. "Used personal property or equipment" generally does not include property or equipment if the District was the previous user, whether under a lease, as part of a demonstration, trial or pilot project, or similar arrangement.

- 5. Software and Hardware Maintenance, Licenses, Subscriptions, and Upgrades.** The Superintendent may directly enter into a Contract or renew existing Contracts for information technology and telecommunications hardware or software maintenance, licenses, subscriptions, and upgrades without competitive solicitation where the maintenance, upgrades, subscriptions, and licenses are either available from only one source or, if available from more than one provider, are obtained from the District's current provider in order to utilize the pre-existing knowledge of the vendor regarding the specifics of the District's hardware or software system. The Superintendent shall document in the Procurement File the facts that justify either that maintenance, licenses, subscriptions, and upgrades were available from only one source or, if from more than one source, from the current vendor.
- 6. Copyrighted and Creative Works.** The District may purchase without competitive bidding and regardless of dollar amount, copyrighted materials or creative works where there is only one known supplier available for such goods, or one or more supplier(s) to provide all materials consistently and efficiently to the District without a competitive process. This includes, but is not limited to, new books, periodicals, curriculum materials, reference materials, instructional software applications and related digital resources, assessment, assessment materials and reports, audio and visual media, and non-mass marketed software from a particular publisher or its designated distributor. Examples of creative works include, but are not limited to: artwork, music, uncopyrighted writings and similar works. Authorized staff may purchase Copyrighted and Creative works directly or indirectly from the best supplier to meet the needs of the District without a competitive process.
- 7. Requirements Contracts. (Blanket Purchase Orders, Price Agreements).** The Chief Procurement Officer, acting on behalf of the District, may establish requirements contracts for the purposes of minimizing paper work, achieving continuity of products, securing a source of supply, reducing inventory, combining District requirements for volume discounts, standardization among District departments and reducing lead time for ordering. Requirements contracts may be utilized in accordance with the following:

  - (A)** The contract must have originally been let by competitive procurement procedures;
  - (B)** District departments may purchase the goods or services from the awarded contractor without first undertaking additional competitive procurement procedures; and
  - (C)** The term of any District requirements contract, including renewals, will not exceed the term stated in the Solicitation.
  - (D)** Under the authority of ORS 279A.025 and 279B.085, the district may use the requirements contracts entered into by another Oregon public agency when:

    - (1)** The original contract met the requirements of public contracting code; and
    - (2)** The original contract allows other public agency usage of the contract; and

(3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency

**8. Brand Names or Products, “or Equal,” Single Seller and Sole Source.** The District may enter into a public contract for the procurement of Brand Name “or Equal” Products subject to the requirements of this rule.

**(A) Specifications.** Solicitation specifications for public contracts must not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in Subsections (i) and (ii) of this Rule.

**(i) “Or Equal” Specification.** The District may specify a particular brand name, make or product suffixed by “or equal”, “or approved equal”, “or equivalent”, “or approved equivalent”, or similar language if there is no other practical method of specification.

**(ii) Specifying a Particular Make or Product.** The District may specify a brand name, make, or product without an “or equal” or equivalent suffix if there is no other practical method of specification, after documenting the procurement file with the following information:

**(I)** A brief description of the solicitation(s) to be covered including volume of contemplated future purchases;

**(II)** The brand name, mark, or product to be specified; and

**(III)** The reasons for seeking this procurement method, which must include at least one of the following findings in the procurement file:

**(aa)** It is unlikely that Specification of the brand name, mark or product will encourage favoritism in the award of the public contracts or substantially diminish competition; or

**(bb)** Specification of the brand name, mark or product would result in substantial cost savings to the District; or

**(cc)** Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies.

**(B) Public Notice.** The District will make reasonable effort to notify all known suppliers of the specified product and invite such suppliers to submit competitive bids or proposals; or document the procurement file with findings of current market research to support the determination that the product is available from only one seller. This Requirement is satisfied by electronically posting a notice as provided in Rule 47-0330 for a reasonable period of time or by documenting direct contact with such suppliers in the Procurement file.

**(C) Purchasing From Sole Source, Single Seller.** The District may purchase a particular product or service available from only one source if the District meets the Requirements a Sole-Source Procurement pursuant to ORS 279B.275. Prior to purchase, the District must document its findings of current market research to support the determination that the product or service is available from only one seller or source and place this information in the procurement file. The District’s findings must also include:

**(i)** A brief description of the contract or contracts to be covered including volume of contemplated future purchases;

**(ii)** Description of the product or service to be purchased; and

**(iii)** The reasons the District is seeking this procurement method, which must include at least the following:

**(I)** Efficient utilization of existing Goods or Services requires the acquisition of compatible Goods or Services; or



- (II) The Goods or Services required for the exchange of software or data with other public or private agencies are available from only one source ; or
- (III) The particular product is for use in a pilot or an experimental project.
- (IV) Other Findings that support the conclusion that the Goods or Services are available from only one source.

**(D) Single Manufacturer, Multiple Sellers.** The District may specify a product or service available from only one manufacturer, but available through multiple sellers, if the Requirements of the following are met:

- (i) If the total purchase is \$10,000 or more but does not exceed \$150,000 competitive quotes must be obtained and retained in the Procurement File pursuant to the rules governing Intermediate Procurements;
- (ii) If the purchase exceeds \$100,000, the procurement shall be approved by the Chief Procurement Officer.
- (ii) (iii) If the purchase exceeds \$150,000, the acquisition shall be made through competitive procurement unless a contract-specific special procurement is authorized by the LCRB.

**(E) Single Manufacturer, Multiple Purchases.** If the District intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed ten (10) years, the District must so state in the Solicitation file and the Solicitation Document, if any. Such documentation and public notice constitute sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed \$150,000, this must be stated in the advertisement for Bids or Proposals.

**(F) Competitive Solicitations.** If the District competitively solicits, it must comply with the Rules for that method of Solicitation pursuant to ORS 279B.055 through 279B.075.

**(G) Public Notice.** If the Sole Source Contract amount is greater than \$150,000, the District shall give public notice of the Superintendent's determination that the Goods or Services or class of Goods or Services are available from only one source. The District shall publish such notice in a manner similar to public notice of Competitive Sealed Bids under ORS 279B.055(4). The public notice shall describe the Goods or Services to be acquired by a sole-source Procurement, identify the prospective Contractor, and include the date, time, and place that protests are due. The District shall give affected Persons at least seven Days from the date of the notice of the determination that the Goods or Services are available from only one source to protest the sole-source determination.

**9. Purchases under Federal Contracts.** When the price of goods and services has been established by a contract of the federal government pursuant to a federal contract award, the District may purchase the goods and services in accordance with the federal contract without subsequent competitive bidding. In exercising its authority under this exemption, the District shall document its authority to purchase under the federal contract and document the cost savings to be gained for the District from the anticipated purchases under the federal contract. The District shall not contract pursuant to this rule in the absence of a cost savings to the District by using this method.

**10. Hazardous Material Removal and Cleanup.** The District may directly acquire services to remove or clean up hazardous material or oil from any vendor when ordered to do so by the

Oregon Department of Environmental Quality pursuant to its authority under ORS Chapter 466. In doing so, the following conditions apply:

(A) To the extent reasonable under the circumstances, the District will encourage competition by attempting to obtain informal price quotations or proposals from potential suppliers of goods and services.

(B) The District department responsible for managing or coordinating the clean-up shall submit to the Chief Procurement Officer:

(i) A written description of the circumstances that require the clean-up;

(ii) A copy of the DEQ order for the clean-up; and

(iii) A request for contract authorization;

(C) The District department responsible for managing or coordinating the clean-up shall record whether there was time for competition, and, if so, the measures taken to encourage competition, the amount of the price quotations obtained, if any, and the reason for selecting the contractor to whom award is made; and

(D) The timeline for cleanup does not permit use of intermediate procurement procedures.

**11. Purchases Under Contracts Solicited by Procurement Organizations of Which the District Is a Member.** The District may purchase Goods and/or Services under a Contract or Procurement solicited by a Procurement Organization of which it is a member. Such Procurement must otherwise comply with the requirements for permissive, joint, or interstate Cooperative Procurements, as applicable, pursuant to ORS 279A.200-225.

**12. Insurance and Employee Benefit.** The District may purchase liability, property damage, workers' compensation, and other insurance and insurance services Contracts, and employee benefits, without Competitive Procurement and regardless of dollar amount, by selecting either a vendor directly or by appointing an agent of record. "Employee benefits" includes, but is not limited to, "employee benefit plans" as defined in ORS 243.105(1), flexible benefit plans as defined in ORS 243.221, insurance or other benefit based on life, supplemental medical, supplemental dental, optical, accidental death or disability insurance plans, long-term care insurance, health care coverage to retired officers, employees, spouses, and children, employee assistance plans, and expense reimbursement plans.

**13. Disposal of Abandoned, Seized or Non-owned Property.** Contracts or arrangements for the sale or other disposal of abandoned, seized or other personal property not owned by the District at the time the District obtains possession are not subject to competitive procurement procedures. The Chief Procurement Officer may select any method of disposal including, but not limited to, donation to a charitable organization.

**14. Disposal of Surplus Property.** Surplus property shall be disposed of in accordance with the procedures outlined below.

**15. Temporary Extensions or Renewals.** The District may enter into contracts for a single period of one year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract, other than a contract for public improvements, without competitive bidding.

- 16. Temporary Use of District Property.** The District may negotiate and enter into a license, permit or other contract for the temporary use of District-owned property without using a competitive selection process if:
- (A) The contract results from an unsolicited proposal to the District based on the unique attributes of the property or the unique needs of the proposer;
  - (B) The proposed use of the property is consistent with the District's use of the property and the public interest; and
  - (C) The District reserves the right to terminate the contract without penalty, in the event that the District determines that the contract is no longer consistent with the District's present or planned use of the property or the public interest.
- 17. Sponsorship Agreements.** Sponsorship agreements, under which the District receives a gift, donation or consideration in exchange for official recognition of the person making the donation or payment may be awarded by any method deemed appropriate by the District, including without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.
- 18. Concession Agreements.** The District may enter into contracts which grant a franchise or concession to a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from District property and under which the concessionaire or promoter makes payments to the District based, at least in part, on the concessionaire's revenues from sales or the value of such promotion to the sponsor's business, whether on or off the District property. A concession agreement does not include an agreement which represents a rental, lease, license, permit or other arrangement for the use of public property. Concession agreements may be awarded by any method deemed appropriate by the Chief Procurement Officer including without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.
- 19. Fuel.** The District may purchase fuel including propane, gasoline or diesel, lubricants, and asphalt as needed, without competitive bidding.
- 20. Transportation.** The District may use 3<sup>rd</sup> party transportation services such as for bussing students to and from sports activities or other approved events without competitive bidding.
- 21. Banking.** The District will allow use of one or more banking institutions to support the District's banking needs. Selection is based on local and/or regional established branches that can support the multiple needs of the District. The District shall select those banking institutions to meet the needs of the District without a competitive process.
- 22. Audit.** The District may directly appoint an Audit firm to support the needs of the District audit requirements. Where multiple firms have the capability to perform District audit services, the District shall seek 3 quotes and determine which firm best meets the needs of the District.
- 23. Purchase of Products for Resale to Students, Staff and the Public.** The District may purchase personal property for resale to students, staff and the public without Competitive Procurement and regardless of dollar amount.

- 24. Donated Materials or Services.** The District may directly negotiate a Contract with a Person to perform Services or provide Goods or Services regardless of dollar amount, if:
- (a) The Person has agreed to donate all or a significant portion of the materials or Services necessary to perform the Work; and
  - (b) The Person enters into a license or agreement with the District whereby the Person agrees to comply with the Public Contract requirements applicable to the particular Project and any requirements that the District deems necessary or beneficial to protect the District.
- 25. Contracts for Price-Regulated Items.** The Superintendent may contract for the direct purchase of Goods or Services where the rate or price for the Goods or Services being purchased is established by federal, state, or local regulatory authority without competitive solicitation.
- 26. Service Monopoly.** The Superintendent may enter into Contracts for Work by a utility or other entity that has been granted a monopoly for Services for a specific geographic area or provision of a type of Service and by agreement the utility or entity is either entitled to or is required to perform the required Work.
- 27. Investment Contracts.** The Superintendent may contract for the investment of District funds or the borrowing of funds by the District when such investment or borrowing is contracted pursuant to statute, rule, or constitution. The Superintendent shall use competitive methods where possible to achieve the best value for the District.
- 28. Rating Agency Contracts.** The District may purchase the Services of Moody's I Investors Service, Standard & Poor's, or similar rating agencies.
- 29. Hotel, Catering, and Space Rental Contracts.**
- (a) The Superintendent may rent a room or meeting facility in a hotel, event space, or other venue for District purposes without competitive procurement.
  - (b) The Superintendent may hire a caterer without competitive procurement where use of a particular caterer or catering service is a condition of rental of a facility.
- 30. Specialized Assistive Equipment for Students.** The superintendent may directly procure specialized assistive equipment for students, including without limitation positioning equipment for orthopedically impaired students and assistive technology for blind/vision impaired, deaf/hard of hearing, and deaf/blind students, and augmentative and alternative communication equipment for students who require such assistance.
- 31. Service, Repair, or Maintenance Services for Products under Warranty.** The superintendent may directly procure service, repair, or maintenance services from a manufacturer, dealer, or authorized service provider for a product or a system subject to a warranty when the terms of the warranty require use of a particular maintenance service provider or providers, or when the manufacturer or approved provider must diagnose a problem because the system or part is proprietary.

## **II. Exemptions:**

- A. The District may award a public improvement contract under an exemption to competitive procurement pursuant to the requirements of ORS 279C.335. Such procurements allow the District to enter into one or more contracts over time without following the requirements of competitive sealed bidding, competitive sealed proposals, or small or intermediate procurements.
- B. The LCRB declares the following public improvement contracts to be exempt from competitive bidding. Unless otherwise specified in a particular exemption rule, such contracts may be awarded in any manner that the Chief Procurement Officer deems appropriate for the District's needs, including by direct appointment or otherwise. Except as otherwise provided, the Chief Procurement Officer shall make a record of the method of award.
  - 1. Use of Existing Contractors.** When a public improvement is in need of minor alteration, repair or maintenance at or near the site of work being performed by another District contractor, the District may hire that contractor to perform the work, provided:
    - (A) The contractor was hired through a selection process permitted by the District's public contracting rules;
    - (B) The Chief Procurement Officer first obtains a price quotation for the additional work from the contractor that is competitive and reasonable; and
    - (C) The original contract is amended to reflect the new work and is approved by the Chief Procurement Officer before work begins.

### **C. Waiver of Bid Security Requirements.**

#### **Public Improvement Contracts Under \$100,000**

- (1) **Authorization.** The Local Contract Review Board hereby grants approval of this rule pursuant to ORS 279C.375 and 279C.390. The Chief Procurement Officer, acting on behalf of the District, may, at his discretion, waive bid security requirements if the amount of the public improvement contract is less than \$100,000. Although bid security may be waived for contracts under \$100,000, the District may impose a bid or quote security requirement for projects under \$100,000 when deemed to be in the best interest of the District.
- (2) **Findings of Fact/Conclusion of Compliance with the Law.** This rule allows the superintendent to waive bid security requirements for certain public improvement contracts pursuant to ORS 279C. Since this waiver is provided for in statute, findings are not required.

### **D. Waiver of Performance Bond and Payment Security Requirements.**

#### **Public Improvement Contracts Under \$100,000**

- (1) **Authorization.** The Local Contract Review Board hereby grants approval of this rule pursuant to ORS 279C.375 and 279C.390. The Chief Procurement Officer, acting on behalf of the District, may, at his discretion, waive performance and/or payment security requirements if the amount of the public improvement contract is less than \$100,000. Although bid security may be waived for contracts under \$100,000, the District may impose a performance and/or payment security requirement for projects under \$100,000 when deemed to be in the best interest of the District.

- (2) **Findings of Fact/Conclusion of Compliance with the Law.** This rule allows the superintendent, acting on behalf of the District, to waive performance and/or payment security requirements for certain public improvement contracts pursuant to ORS 279C. Since this waiver is provided for in statute, finds are not required.

## **SURPLUS PROPERTY**

### **Sale of Used Personal Property.**

1. The Superintendent may sell used personal property without obtaining Competitive Bids or Quotes if a liquidation sale would bring in greater revenue to the District than would be gained through Bids. As used in this section, "surplus personal property" is property or equipment that has been determined to no longer be useful to the District. It may be property or equipment that the District has used for some time and that is fully used up or obsolete. It may be property or equipment that is the natural excess or leftover from a Project, such as cable, wire, carpet, etc., that has been cut or partially used in some manner so that it cannot be returned to the supplier for a refund.
2. For sales of surplus property valued at more than \$25,000 per item or lot, the Superintendent must attempt to obtain at least three Competitive Quotes. The Superintendent will keep a Written record of the source and number of Quotes received. If three Quotes are not available, a Written record must be made of the attempt to obtain three Quotes.
3. The Superintendent may sell used personal property regardless of price via an electronic auction or sales service including, without limitation, eBay, Craigslist, or other similar Internet-based auctions or marketplaces. If the service does not otherwise provide for a competitive sales process, the Superintendent will establish a minimum Bid, a time period for acceptance of Bids, and will not sell the property unless the Superintendent receives a minimum of three Bids. The sale will be Awarded to the highest Responsible Bidder submitting a Responsive Bid, except that the Superintendent may accept a lower Bid if transportation or other costs associated with collection or delivery of the property would offset the higher Bid amount.
4. The Superintendent may sell, sell at a discount, or donate used personal property to another school district, to another Public Body, or to a nonprofit corporation that provides educational, social, or other important services to the District, District students, or families of District students.
5. If the Superintendent determines that the used personal property has no market value, or that the market value is so low that the staff time or cost involved in selling the property is likely to exceed the value of the used personal property, the Superintendent may dispose of the property as the Superintendent determines is in the best interest of the District