

Personal Services Contracts and Special Procurements

The district may enter into personal services contracts with qualified professionals as provided by Oregon Revised Statute (ORS) 279A.055. Personal services contracts, as used in this policy, means contracts for specialized skills, knowledge and resources in the application of highly technical or scientific expertise or the exercise of professional, artistic or management discretion or judgment. The district may enter into a personal services contract with a current district employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and creativity and the ability to exercise sound professional judgment.

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

The district has identified a continuous need for certain highly specialized categories of personal services because these services:

1. Require one or more licenses for the individual's profession and skill set;
2. Are necessary for the district to deliver uninterrupted direct services to the students it serves and/or;
3. Are necessary because the district has insufficient staff capacity to deliver the quantity of required services; and
4. Are provided by a limited and frequently changing number of vendors.

Categories of services covered by this rule are:

Speech and Language Pathologist
School Psychologist
Certified Occupational Therapy Assistant
Licensed Physical Therapy Assistant
Qualified Mental Health Professional

Speech and Language Pathology Assistant
Occupational Therapist
Physical Therapist
Licensed Practical Nurse

The superintendent, deputy superintendent, or director of administrative services are authorized to enter into and approve payment on contracts obligating district funds not to exceed \$150,000 for products, materials, supplies, capital outlay, construction, and services that are within current budget appropriations. The Board shall approve all contracts that are collective bargaining agreements or service contracts that

include the provision of labor performed by district employees, such as custodial, food service and transportation services.

Contracts for personal services in excess of \$150,000 shall require prior Board approval.

The superintendent, deputy superintendent, and director of administrative services will develop administrative procedures as necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS Chapters 279](#)

[ORS Chapters 279A, 279B and 279C](#)

[ORS 332.107](#)

[ORS 670.600](#)

[OAR 459-010-0030](#)

INTERNAL REVENUE SERVICE, PUBLICATION 1779: INDEPENDENT CONTRACTOR OR EMPLOYEE (Rev. 3-2012).

Cross Reference(s):

DJC - Bidding Requirements