

District Purchasing

1. Business services will provide regulations and instructions to cost centers that will highlight the procedures for procurements, budget transfers, financial activity reports, staff reimbursements, payroll, business forms, accounts receivable and chart of accounts. Updates will be provided as required to meet the ever-changing school business environment.
2. Business processes are designed to aid cost centers to operate in an efficient and effective manner. Consideration is given to both fiscal responsibility and staff resource needs.
3. Procurements will generally consist of goods and services necessary for district operations and programs.
4. Procurements are authorized only when the following conditions are met:
 - a. Obtain pre-approval by the appropriate person with cost center budget authority;
 - b. Confirm adequate budget is available;
 - c. Comply with all district purchasing policies and regulations;
 - d. Create an encumbrance; and
 - e. Procurement work/delivery does not commence until a purchase order and public contract (if required) is fully executed.
5. The Board shall, at the annual organizational meeting and at other times deemed necessary, authorize the positions designated by the superintendent to sign district checks. The Board authorizes the use of facsimile signatures by those persons authorized to sign district checks.
6. A check request can be used for payment, but is generally discouraged. CFO approval is required for: membership dues, subscriptions, registrations, municipal/legal fees and district charge accounts. A check request may also be appropriate for some emergency situations or when a vendor does not accept purchase orders.
7. Contract Approval:
 - a. All procurement contracts that are reasonably estimated to exceed \$150,000 (including any with the potential for amendments or change orders that may cause the total amount to exceed this amount) shall be presented to the Board for approval:
 - (1) The public contracts school board consent agenda is maintained by business services. Business services shall issue a monthly communication to all administrators seeking information for any contracts to be included on the consent agenda.
 - (2) Contracts for public improvements shall additionally include a "staff report" to be enclosed with the public contracts consent agenda. Facilities shall maintain the staff report content and shall submit staff report(s) along with contract information required in a.(i) above to business services.

- (3) The district may seek an "advanced authorization" for any contract; the cost of the contract shall be an estimated total amount. No further authorization for the contract is required.

8. Superintendent Designated Authority to Obligate the District

- a. The superintendent shall designate the following positions authorized to electronically approve and/or sign contracts that obligate the district that are awarded as a result of any public procurement type. These contracts include, but are not limited to: purchase orders, construction contracts, trade service contracts, and personal services contracts; but not emergency contracts, see paragraph 10. The following table indicates the positions and amounts:

Position Title	Contract Amount
Chief Financial Officer	Unlimited
Deputy Superintendent	Under \$150,000
Accounting Director	Under \$150,000

- b. The superintendent shall designate the following positions authorized to electronically approve and/or sign contract amendments or change orders of any existing contract, except for Intermediate Procurements (OAR 137-047-0270) these positions may only approve up to 25 percent of the original contract price. Amendments or change orders shall be pursuant to paragraph 9. These positions may also sign project work authorizations for the amounts indicated. The amounts are aggregate, per contract, per contract term:

Position Title	Amount
Chief Financial Officer	Unlimited
Deputy Superintendent	Under \$1,000,000
Facilities Director	Under \$150,000
Accounting Director	Under \$150,000
Construction Project Manager	Under \$10,000
Maintenance Supervisor	Under \$10,000

- 9. Contract Amendments and Change Orders. An amendment or change order is a written agreement changing or extending the terms and/or conditions of an existing contract by introducing, canceling or changing details, but leaving the general purpose of the contract intact. The district may amend a contract for goods and services without additional competition or Board authorization. The district shall report to the Board whenever an amendment or change order exceeds 25 percent cumulative over the original contract price of any district formal procurement.

- a. Contract Amendments for ORS 279B procurements – goods and services:

- (1) OAR 137-047-0265 Small Procurement Amendment:
 - (a) The district may amend a contract awarded as a small procurement in accordance with OAR 137-047-0800, but the cumulative amendments shall not increase the total contract price to greater than 25 percent of the original contract amount.
 - (b) Only the superintendent, purchasing manager, or designee, may approve an amendment that exceeds the 25 percent requirement. A cost center shall submit a request in writing explaining the situation.
 - (2) OAR 137-047-0270 Intermediate Procurement Amendment:
 - (a) The district may amend a contract awarded as an intermediate procurement in accordance with OAR 137-047-0800, but the cumulative amendments shall not increase the total contract price to a sum that is greater than twenty-five percent (25%) of the original contract price.
 - (b) Only the superintendent, chief financial officer, or designee, may approve an amendment that exceeds 25 percent of the original contract price.
 - (3) OAR 137-049-0140 Non Public Improvement Amendment:
 - (a) The district may amend a contract for construction services that are not public improvements by following 9.a. above.
- b. Contract Amendment and Change Orders for ORS 279C procurements – public improvements:
- (1) OAR 137-049-0160 Intermediate Procurements. Price increases for intermediate level public improvement contracts may be increased above the original amount of award by district issuance of a change to the work or amendment, pursuant to OAR 137-049-0910, within the following limitations:
 - (a) Up to an aggregate contract price increase of 25 percent over the original contract amount when at least one of the positions in 8.b. determines that a price increase is warranted for additional reasonably related work, and;
 - (b) Up to an aggregate contract price increase of 50 percent over the original contract amount, when at least one of the positions in 8.b. determines that a price increase is warranted for additional reasonably related work.
 - (c) Amendments of intermediate level public improvement contracts that exceed \$100,000 are specifically authorized by the Oregon Public Contracting Code, when made in accordance with OAR 137-049-0160. Accordingly, such amendments are not considered new procurements and do not require an exemption from competitive bidding.
 - (2) OAR 137-049-0910 Changes to the Work and Contract Amendments. Changes to the work and contract amendments for public improvements may be made only in accordance with OAR 137-049-0910.
- c. Contract Amendments for ORS 279C Procurements for Architects, Engineers and related Services:

- (1) The district may amend a contract for the services of architect's, engineers and related services pursuant to OAR Division 48.

10. Emergency Public Contracting

- a. "Emergency" means circumstances that:
 - (1) Could not have been reasonably foreseen;
 - (2) Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
 - (3) Require prompt execution of a contract to remedy the condition.
- b. Emergency Declaration: The superintendent or designee may declare that emergency circumstances exist that requires prompt execution of a public contract.
 - (1) The declaration shall be made in writing in a memorandum to the superintendent describing the circumstances in this paragraph 10.a.
 - (2) A copy shall be issued to the chief financial officer and accounting director.
 - (3) The emergency declaration memorandum, public contract and associated documentation shall be kept on file as a public record.
 - (4) Report to Board all emergency contracts that exceed \$150,000 at the earliest opportunity.
- c. Designees authorized to make an emergency declaration:
 - (1) The chief financial officer;
 - (2) The deputy superintendent;
 - (3) The facilities director; or
 - (4) The accounting director
- d. Contract authority for an emergency declaration:
 - (1) Chief financial officer – No limit;
 - (2) The deputy superintendent, facilities director or accounting director – up to \$150,000.
- e. Emergency Procurement: The procurement of goods and services in response to the emergency declaration shall be in accordance with ORS 279B.080, the Attorney General's model rules OAR 137-047-028 and 137-049-0150.

11. Protest Resolution regarding solicitations.

- a. Except where specifically required by the Attorney General Model Rules, the chief financial officer shall have the authority to resolve protests submitted by persons for:
 - (1) Exemptions and special procurements;
 - (2) Solicitation process and documents; or
 - (3) Notice of intent to award a contract.
- b. An adversely affected or aggrieved person must exhaust all avenues of administrative review and relief before seeking judicial review of the districts protest decision.

12. District Representative Responsibilities as a Contract Manager
 - a. Designate a district representative/contract manager for each public contract.
 - b. Ensure all contract communications between the consultant/contractor/vendor and district channel thru this person.
 - c. Comply with paragraph 4. of this administrative regulation. (Ensure contract quantum is properly encumbered prior to executing contract.)
 - d. All contract actions (awards, amendments, etc.) must be reviewed and approved by at least one position level above the district representative (with appropriate contract authority) regardless of contract value. Objective is not to have a district representative review and approve their own work.
 - e. Prior to award of construction contracts, perform a proactive test to ensure that the offer deemed "most advantageous to the district" meets the responsibility standard in ORS 279C.375
13. Additional procedures, including forms, for goods, services and public improvement are delineated in the *Purchasing Manual* provided by the business office.
14. For purchases with federal funds, the district will comply with federal rules and regulations regarding procurement by micro-purchase, procurement by small purchase procedures, procurement by sealed bids, procurement by competitive proposals, and procurement by noncompetitive (sole-sourced) proposals.