

Grants Pass School District 7

Code: **DJC**
Adopted: 10/23/01; 6/14/88;
Readopted: 11/14/89, 2/24/04,
8/08/06
Orig. Code(s): DJC; DJF; DJF-AR

Bidding Requirements

The Board declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended. All public contracts for goods or services, personal or consulting services, or construction services shall be based upon competitive bids or proposals except:

1. Contracts between contracting agencies or between contracting agencies and the federal government;
2. Contracts for the procurement or distributing of textbooks;
3. Contracts for the procurement or distribution of textbooks;
4. Energy savings performance contracts;
5. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals pursuant to ORS 279.835 to 279.855;
6. Public improvement contracts exempted by the LCRB upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings to the contracting agency;
7. Emergency contracts;
8. Any other public contract specifically exempted from the code under ORS 279A.025, ORS 279C.335 or any other applicable provision or law.

The Board will serve as the LCRB for the district. All district purchasing shall be conducted in accordance with the Board's adopted rules.

The Board, acting as its own LCRB, adopts the *Oregon Attorney General's Model Public Contract Rules*, OAR Chapter 137, Division 46, General Provisions Related to Public Contracting Division 47, Public Procurements for Goods or Services, Division 48, Consultant Selection of Architects, Engineers and Land Surveyors and Related Services, and Division 49, Public Contracts for Construction Services, in effect at the time this policy is adopted. These rules govern purchasing procedures, advertisements, awarding of contracts, retainage, claims, liens, bid security, payment, performance bonds and other matters subject to competitive procurement provisions of law. References to "Contracting Agency" or "Agencies" in these adopted rules means the district. Except as otherwise provided in these rules, all powers and duties given or assigned to contracting agencies by the public contracting code or the model public contract rules incorporated by reference in these rules shall be exercised by the superintendent. the superintendent may

designate any district employee or employees to exercise all or a portion of the superintendent's powers and duties under these rules and the other district contracting rules.

Small procurements, defined by ORS 279B.065 as any procurement of goods and services not exceeding \$5,000, may be awarded in any manner deemed appropriate by the superintendent or designee. The board also authorizes a contract for small procurements to be amended up to 5 percent if deemed appropriate and still fall within the parameters of a small procurement

Under ORS 279B.085 and 279C.335(2) the Board, acting as its own LCRB, may approve special procurements or exemptions for a particular contract or class of contracts.

In such cases, the Board shall make the written findings required by the law for such special procurements or exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

The district shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065 (5)(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. Modification will be made only following review by the district's legal counsel. New rules, as necessary, will be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required. The Board recognizes that a public contracting agency that has not established its own rules of procedure as required by ORS 279A.065 (5) is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.

Public contracts, if awarded, will be awarded to the lowest, responsive and responsible bidder or the best, responsive and responsible proposer consistent with solicitation document provisions. The Board may reject in whole or in part, any bid or proposal not in compliance with all prescribed procedures and requirements and may reject for good cause any bid or proposal upon a written finding that it is in the public interest to do so. Such findings shall conform with criteria as specified by the *Attorney General's Model Public Contract Rules Manual*.

Opportunity will be provided to all responsible suppliers to do business with the district. The director of business services will develop and maintain lists of potential vendors for various types of materials, equipment and supplies. Such lists may be used to develop a mailing list for distribution of specifications and solicitations for bids or proposals. Any supplier may be included in the list upon request.

Records of bids, proposals and specifications will be kept in the district administration office and will conform with Oregon Revised Statutes and applicable records retention provisions of the *Oregon Attorney General's Model Public Contract Rules Manual*.

END OF POLICY

Legal Reference(s):

[ORS Chapters 279A](#), 279B and 279C
[OAR Chapter 125](#), Divisions 246-249

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL (2004).

Cross Reference(s):

DJ - District Purchasing