

# Harney Education Service District

Code: **DJC**  
Adopted: 2/12/03  
Readopted: 12/12/12; 5/07/14  
Orig. Code(s): DJC

## Bidding Requirements

The Board declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended. All purchase, lease or sale of personal property, public improvements or services other than agreements for personal service shall be based upon competitive bids or proposals except:

1. Contracts between contracting agencies or between contracting agencies and the federal government;
2. Insurance and services contracts as provided for under state law;
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;
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 by another provision or law.

The Board will serve as the LCRB for the ESD. All ESD purchasing shall be conducted in accordance with the Board's adopted rules.<sup>1</sup>

A copy of the Board's policy or resolution designating the Board as the LCRB for the ESD shall be filed with the county governing body.

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<sup>1</sup>The Board may contract with another public agency to serve as its LCRB. A Board that does not create its own LCRB or contract with another public agency to be its LCRB, is subject to the rules of the county governing body. If the Board establishes its own LCRB, include the bracketed paragraphs, revising as appropriate, and removing all brackets.

The Board acting as its own LCRB, will adopt<sup>2</sup> the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, Division 046 through 49, in effect at the time this policy is adopted. These rules govern purchasing procedures public contracting provisions of law.

The ESD shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under ORS 279A.065(3).

Additionally, the Board may include as part of its rules portions of the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246-249 in effect at the time this policy is adopted.

Where necessary, the Board has made the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the ESD and made available on request.

The ESD shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279.049 (5)(b), to determine whether any modifications need to be made to ESD rules to ensure compliance with statutory changes. 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 279.065 (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 *Oregon Attorney General's Model Public Contract Rules Manual*.

Opportunity will be provided to all responsible suppliers to do business with the ESD. The business manager 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.

Procurement estimated to be in excess of \$250,000 shall go through the cost analysis and feasibility process described in ORS 279B.

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<sup>2</sup>Public contracts shall be governed by ORS Chapter 279, 279A, 279B and 279C. Additionally, the Board may, as provided by ORS 279A.065, adopt the Oregon Attorney General's Public Contracts Manual, OAR Chapter 137 governing purchasing/bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that creates its own LCRB but has not established its own rules of procedure for public contracts is subject to the model rules (OAR Chapter 137) adopted by the Attorney General.

Records of bids, proposals and specifications will be kept in the ESD 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

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**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.

**Cross Reference(s):**

DJ - District Purchasing

FEF/FEFB - Construction Contracts - Bidding and Awards