

Malheur Education Service District

Code: **DJC**
Adopted: 8/16/05
Readopted: 7/15/14
Orig. Code(s): DJC

Bidding Requirements

The Board is the Local Contract Review Board (LCRB) for the ESD. All public contracts shall be invited in accordance with applicable competitive procurement provisions of Oregon Revised Statutes and adopted public contracting rules.

The Board, acting as its own LCRB, adopts¹ the *Oregon Attorney General's Model Public Contract Rules*, OAR Chapter 137, Divisions 046 through 049 in effect at the time this policy is adopted.

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.

The ESD shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under OAR 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 through 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 279A.065 (5)(b), to determine whether any modifications need to be made to ESD rules to ensure compliance with statutory changes. Modifications will be made only following review by the ESD's legal counsel. New rules, as necessary, shall 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 permitted under 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.

¹Public Contracts shall be governed by ORS Chapter 279, 279A, 279B or 279C. Additionally, the Board may, as provided by ORS 279A.065, adopt the *Oregon Attorney General's Model Public Contract Rules*, 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 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.

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

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.

Cross Reference(s):

DJ - ESD Purchasing

DJCA - Personal Services Contracts

FEF/FEFB - Construction Contracts - Bidding and Awards