

# Multnomah Education Service District

Code: **DJ/DJC**  
Adopted: 11/16/10  
Revised/Readopted: 4/15/14

## **MESD Purchasing and Bidding Requirements**

The function of MESD purchasing and procurement is to serve MESD programs by providing the necessary supplies, equipment, services and trade-related projects<sup>1</sup>. The Board declares its intention to purchase competitively without prejudice and to seek maximum value for every dollar expended.

The MESD Board is the Local Contract Review Board (LCRB) for MESD. 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, adopts<sup>2</sup>, the Oregon Attorney General's Public Contracts Rules, OAR Chapter 137, Divisions 046 through 049 with a few modifications of the model rules when the LCRB deems necessary.

The MESD shall procure 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 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 MESD and made available on request.

MESD 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 MESD rules to ensure compliance with statutory changes. Modifications will be made only following review by the MESD'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 shall reflect that the review process was completed as required.

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<sup>1</sup>Trade-related projects = alteration, maintenance, repair, or similar labor and materials projects.

<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 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.

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.

The Superintendent or designee(s) are authorized to make purchases for and pay obligations of MESD. Purchasing authority is limited to actual delegated authority, job description specification(s), MESD and Local Contract Review Board policies and administrative regulations and the appropriations approved in the budget.

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

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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.

**MESD Policy Cross Reference(s):**

DJG - Vendor Relations

GBC - Staff Member Ethics and Conflicts of Interest

BBFA - Board Member Ethics and Conflict of Interest