

## Personal Services Contracts

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As authorized by ORS 279A.070 the superintendent or designee is authorized to screen and select persons/firms for personal services contracts using the procedures outlined below. In procuring contracts for personal services, the district shall endeavor to obtain persons or firms that can best meet the needs of the district, with cost being only one of many considerations.

1. Contracts under \$50,000 may be procured by direct appointment.
2. Contracts exceeding \$50,000 but not exceeding \$100,000 may be procured by direct appointment upon a written finding by the district that states the reasons that it is in the district's best interest to make the procurement by direct appointment.
3. Contracts exceeding \$100,000 but not exceeding \$250,000 shall be procured by an informal competitive process in which the district solicits proposals from, or in some manner considers, at least three firms or individuals, provided that there are at least three firms or individuals that are deemed (by the district) to be capable of performing the work. The competitive process may assess a number of factors, including, but not limited to: expertise, experience, availability, cost, prior experience with the district, references. A committee of at least two district staff shall participate in the review, screening and recommendation of proposers for personal service contracts.
4. Contracts exceeding \$250,000 shall be procured by formal competition, including public advertisement. Assessment factors may include those listed in the informal competitive process. A committee of at least two district staff shall participate in the review, screening and recommendation of applicants for personal service contracts.
5. Competition may occur in a number of ways, including use of a request for proposals.
6. The district may waive any of the above procurement requirements upon a written finding that such a waiver is in the public's best interest, and the granting of the waiver will result in substantial cost savings or other significant value to the district.
7. The district may waive any of the above requirements upon a written finding that it is in the public's best interest because of an emergency or compelling urgent situation.
8. Contracts normally shall be written for no more than three years; with the ability to renew the contract for another three-year period upon a finding that it is in the public's best interest to do so, with a written statement addressing one or more of the following factors: financial implications, complexity of scope of the contract and the services provided, unique or technical nature of expertise

that is delivered, value of on-going relationships, and any other applicable factor. The contract for Personal Services may be further extended for subsequent three-year periods, provided that before each such extension there is a written finding meeting the above criteria.

9. Personal services contracts in existence prior to the adoption of this policy may be renewed for three year periods, upon a written finding prior to each three-year period, addressing the criteria listed in #8 above.

### **Classes of Contracts Considered to be Personal Services Contracts**

Pursuant to ORS 279A.055(2), the district finds the following classes of contracts to be personal services contracts: (1) contracts for engineering, architecture, landscape architecture, and related services, the procurement of such contracts which are subject to the procurement provisions of ORS 279C and OAR 137 Division 048 and not these personal services contract procurement rules; (2) contracts for accounting, auditing, insurance/risk consulting, legal, real estate consulting, information technology consulting and support for hardware or software, educational program and curriculum consulting, educational support services (including, but not limited to, alternative education provider services), kitchen and food management services, and management consulting; (3) and any other contracts, as determined by the Superintendent, whose primary purpose is to acquire specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment. The procurement of the services listed in categories (2) and (3) are subject to these personal services rules. Where a contract may incorporate services in category (1) and either category (2) or (3), the category that represents the likely majority of the work shall determine the method of procurement for the entire contract.

END OF POLICY

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#### **Legal Reference(s):**

[ORS Chapters 279](#)

[ORS Chapters 279A, 279B](#) and [279C](#)

[ORS 332.107](#)

[ORS 670.600](#)

[OAR 459-010-0030](#)

INTERNAL REVENUE SERVICE, PUBLICATION 1779: INDEPENDENT CONTRACTOR OR EMPLOYEE.

#### **Cross Reference(s):**

DJC - Bidding Requirements