



Code: **DJC**
Adopted: 1/04/07
Revised/Readopted: 7/15/10; 1/08/14; 4/08/15
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 of personal property, materials and supplies shall be guided by the following criteria:

1. Suitability to the requirements of the educational program;
2. Conformity to developed specifications when available;
3. Price;
4. Consideration shall be given as to whether maintenance service is available and whether record of service is critical for the continued operation of the item. If so, the request for proposal shall be prepared accordingly;
5. Delivery terms.

All purchase, lease or sale of personal property, public improvements or services, other than agreements for personal service in excess of \$10,000, shall be based upon competitive bids, quotes or proposals except:

1. Contracts made with other public agencies or the federal government;
2. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals;
3. Public improvement contracts exempted by the Local Contract Review Board (LCRB) following approval of findings that such exemption will result in a cost savings and other substantial benefits, and it is unlikely that the exemption will encourage favoritism or substantially diminish competition;
4. A contract for products, services or supplies if the value is less than \$10,000;
5. Insurance and service contracts as provided by law;
6. Contracts between public agencies utilizing an existing solicitation or current requirement contract of one of the public agencies that is a party to the contract as provided by law;
7. Contracts for procurement of textbooks;
8. Energy savings performance contracts;

9. Special procurements 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;
10. Emergency contracts;
11. Any other public contract specifically exempted from the code by another 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 rules¹.

The board acting as its own LCRB², will adopt the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, 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.

The district 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 will adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, 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 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. 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 required by ORS 279 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

¹The Board may contract with another public agency to serve as its LCRB.

²Purchases shall be governed by ORS Chapter 279, 279A, 279B and 279C. Additionally, the Board may, as provided by ORS 279, 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 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.

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 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.

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

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.

Cross Reference(s):

DJ - District Purchasing
DJCA - Personal Services Contracts
DJG - Vendor Relations
FEF/FEFB - Construction Contracts - Bidding and Awards