

Riddle School District 70

Code: DJC
Adopted: 11/28/01

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 made with other public agencies or the federal government;
2. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals;
3. Contracts exempted by the Local Contract Review Board (LCRB) following approval of findings that such exemption will result in cost savings 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 \$5,000;
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.

The Board will serve as the LCRB for the district. All district purchasing shall be conducted in accordance with the Board's adopted rules.¹

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

The Board acting as its own LCRB, will adopt² the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, Division 030, Public Procurement Rules, Division 035, Architectural and

¹The 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.

²Purchases shall be governed by ORS chapter 279. Additionally, the Board may, as provided by ORS 279.049, 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 137) adopted by the Attorney General.

Engineering Rules and Division 040, Public Improvement Contracts, 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.

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 300-360 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 279.049 (5)(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. Modifications will be made only following review by the district's legal counsel. 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 279.049 (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 district. 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.

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
[OAR Chapter 125](#), Divisions 246-249

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL (2004).