

Silver Falls School District 4J

Code: **DJC**
Adopted: 5/13/96-U
Readopted: 9/8/97; 10/12/98; 7/10/00;
2/14/05; 5/9/05; 8/10/09;
4/12/10

Bidding Requirements

The Board is the Local Contract Review Board (LCRB) for the district. 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 LCRB¹, adopts the *Oregon Attorney General's Public Contracts Manual*, 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.

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 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.

Bidding Thresholds

Any procurement of goods or services totaling \$5,000, or any single item or service for \$1,000 or more, may be awarded in any manner deemed practical or convenient, including by direct selection or award. The obtaining of a minimum of three competitive quotes is strongly encouraged, and may be required, depending on the goods or services, by the business manager. A procurement may not be artificially divided or fragmented so as to not exceed \$5,000.

¹Public Contracts shall be governed by ORS Chapter 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 137) adopted by the Attorney General.

Any procurement exceeding \$5,000 but not exceeding \$150,000 will require at least three informally solicited competitive price quotes or competitive proposals from prospective contractors (except for Personal Services contracts as per Board Policy DJCA and public improvement contracts exceeding \$100,000). The procurer shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the procurer shall make a written record of the effort made to obtain the quotes or proposals and received documented permission from the business manager or designee. Contracts will be awarded to the offeror whose quote or proposal will best serve the interest of the district, taking into account price as well as considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility under ORS 249B.110. A procurement may not be artificially divided or fragmented so as to not exceed \$150,000.

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

Conflict of Interest

It is recognized that district staff members and their families may own or operate private businesses that offer goods and services that the district may require. In order to avoid violations of conflict of interest, appearances of favoritism, or unethical procedures, the following policy applies to these purchases:

1. A purchase of any amount from a district employee or a private business owned or operated by a relative of an employee must be approved in advance by the business manager or designee. Purchases from a staff member or a business owned or operated by a relative of a staff member must be made based upon a minimum of three competitive quotes received before the purchase is made and attached to the purchase order forwarded to the business office. If three quotes are not available, a written explanation and request to make the purchase must be submitted to and approved by the business manager or designee.
2. Employees shall not conduct any private business activity while on duty or otherwise use district property for personal gain.
3. No employee shall solicit competitive quotes from a business owned or operated by the employee or a relative. In addition, an employee will not be involved in soliciting or rating competitive quotes or awarding a contract for services or products, if a business owned or operated by the employee or the relative of the employee could possibly submit a quote.

Records

Records of bids, proposals, and specifications will be kept 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 (2004).

Cross Reference(s):

DJ - District Purchasing

DJC-AR – Special Procurements and Exemptions from Competitive Bidding

DJCA - Personal Services Contracts

DJG - Vendor Relations

EH - Data Management

FEF/FEFB - Construction Contracts – Bidding and Awards