

ATTACHMENT A

History:

On July 22, 2003 House Bill 2341 was enacted replacing chapter 279 of Oregon revised Statues with 279A, 279B and 279C, collectively referred to as the “Public Contracting Code”. This law revision became effective on March 1, 2005.

Under this new law, the governing body of each local government became the “local contract review board”. (CCC’s Board of Education)

This law gave local governments the authority to adopt procurement rule that differs from the Attorney General’s rules for the state of Oregon. However, should a local government not adopt their own rules then they must follow Oregon Administrative Rule. The College is bound by OAR chapter 137 divisions 45 – Review of Public Contract, 46 – Model Rules General Provisions Related to Public Contracting, 47 – Model Rules Public Procurements for Goods or Services, 48 – Model rules Consultant Selection; Architectural, Engineering and Land Surveying Services and Related Services Contracts and 49 – Model Rules General Provisions Related to public Contracts for Construction Services.

In response to this new law the Participating Oregon Community Colleges (POCC) was formed to work collaboratively, research law and decide on changes to rule that could be beneficial for the educational environment. The Community College Rules of Procurement (CCRP) was developed by the POCC and adopted by individual College Boards in 2005. The POCC works with the Oregon Community College Association (OCCA) to review legislative changes and to incorporate into the CCRP as necessary.

CCC due diligence requirements (current policy, as adopted in 2015):

- 3 quotes required for purchases/contracts of \$10,000 or more.
- Board of Education approval is required for all purchases and contracts \$100,000 or more.
- Formal Solicitation process is required for all purchases or contracts \$100,000.

Recommended changes to reflect revised standards in Oregon:

- 3 quotes required for purchases/contracts of \$25,000 or more.
 - This is now the ORS requirements effective 1/1/24.
- Formal solicitation requirement and Board approvals for all contracts and purchases of \$250,000 or more.
 - This was increased under ORS effective 1/1/24.

The CCRP is structured as follows:

Community College Rule (CCR) 100 – Definitions, CCR 200 – Exceptions to the OAR for benefit of all POCC members (allows flexibility or appropriate restrictions for the educational environment and cannot be changed by individual colleges except through CCR 300) and CCR 300 – Exceptions to CCR 200 and OAR specifically set aside to address the unique philosophies, cultures, and/or concerns of the individual community colleges, voting districts and Local Contract Review Boards.

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ORS/OAR rule that is not included in the CCRP is to be followed as written in Oregon Revised Statute 279 A, B, C and Oregon Administrative Rule Chapter 137 divisions 45,46,47,48 and 49.

Detailed Summary of Changes to Current CCRP:

The CCRP was reviewed by members of the POCC and the Portland Community College's Attorney to ensure that legislative changes were captured. Changes to the CCRP include legislative and minor changes to assist in accurate understanding as well as adjustments to the CCR 300 rules to adjust thresholds to be consistent with State of Oregon rule. Changes are listed as follows:

Footer

Added version 1.9, effective date and page numbers.

Table of Contents

Moved from Table of Contents page Section 300 to beginning of Table of Contents to assist with context,

Added CCR.203 Publication of Public Notice,

Removed language under Appendix A that was redundant and added simplified language

Under Division 46 General Provisions Related to Public Contracting, removed 137-046-0200 as it does not apply to community colleges,

Under Division 47 General Provisions, 137-047-0250, title changed to Source Selection by Department of Justice.

Section 100 Definitions:

CCR.102 - removed language that was redundant and confusing.

CCR.104 - removed language that is covered in statute and not required in this section.

COBID - Added definition and office title change as added by Department of Justice.

Local Contract Review Board - adjusted definition which no longer requires a resolution to designate.

ORPIN - Replaced with the state of Oregon's new procurement system, OregonBuys.

PCC – removed as Public Contracting code is already defined.

Public Contract - Removed as it is also defined under Contract.

Request for Qualifications – Added construction services.

Solicitation Document – Added Request for Qualifications.

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Section 200

**Corrected title for clarity

CCR.203 – Added section to clearly establish the requirements for Public Notices.

CCR.204 – Corrected the statutory threshold for public works bond as required from \$75k to \$100k. Added correct COBID language.

CCR.205 – Deleted language calling out cooperative groups as there are too many to list. Statutory requirements for how to use a purchasing cooperative did not change.

CCR.206 – Added specific language regarding the need to follow all requirements for competitive solicitation.

CCR.212 – Added language to include additional forms of intellectual property.

CCR.226 – Removed the term “Price Agreements” because Requirements Contracts are Price Agreements by definition.

CCR.280 – Corrected the statutory requirement for exceptions to Alternative Contracting Methods to reflect that hearings are no-longer mandatory unless a vendor requests one. Language was added to indicate what factors may be considered for an exception.

CCR.281 – Added language to ensure competitive solicitation requirements are met for donated public improvements.

Section 300

CCR.301 – Clarifying definition on A&E services, only applicable for work legally required provided or performed by architects, engineers, photogrammetrists, transportation planners or land surveyors.

CCR.302 – Removed language that stipulates 50% more than the original contract price. Added “personal services, or construction-related personal services to the 33% change.

CCR.304 – adjust threshold information and add COBID information.

CCR.306 – removed entirely, cooperative purchasing was moved to another section.

CCR.310 - adjust language to include all exemptions

CCR.312 – Adjust threshold information as listed below under consideration.

CCR.314 - Adjust threshold information as listed below under consideration and adjust language for clarity of process.

CCR.319 – Removed, redundant.

No other changes were made to the CCRP.