



**ACCEPTING THE SUPERINTENDENT'S EMERGENCY DECLARATION
AND APPROVING AN EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENTS
IN RESPONSE TO THE GOVERNOR'S EXECUTIVE ORDERS
REGARDING THE COVID-19 PUBLIC HEALTH EMERGENCY**

POLICY ISSUE / SITUATION:

OAR 137-49-0620 and ORS 279C.010 (1)(f) and ORS 279B.080 permits the Beaverton School District Board of Directors to exempt specific contracts or class of contracts from the competitive bidding requirements of ORS 279. Per ORS 279C.010 (1)(f), 279B.080, and 279C.335 this Board of Directors acting as the Local Contract Review Board can exempt the contracts anticipated to be required for the District to effectively mitigate the emergency caused by COVID-19. The District personnel, to the greatest extent practicable, will engage in competitive bidding processes in an effort to obtain the most effective cost in dealing with the emergency at hand.

BACKGROUND INFORMATION:

On March 16, 2020 Governor Brown issued Executive Order 20-08 closing K-12 schools through April 28, 2020 and requires school districts to take certain actions as a condition for continued provision of State School Funds. On March 30, 2020 the Oregon Department of Education issued guidance in implementing Distance Learning for All beginning April 13, 2020. The following are a synopsis of requirements:

- Continue delivering supplemental education and learning support to students to the extent practical through independent study and other appropriate options.
- Each District should have their Distance Learning for All Plan in place by April 13, 2020. Distance learning is not just online instruction. It provides for blended learning strategies and access to appropriate educational materials through multiple modes of communication. As Schools transition to distance learning, successful approaches will be centered on care, community and continuity of learning.
- Provide school meals in non-congregate settings through the guidance of the Oregon Department of Education and the U.S. Department of Agriculture.
- Provide for supplemental services and emergency management services, including the provision of childcare for first responders, emergency workers, health care professionals, and other individuals, consistent with any guidance and requirements provided by the Oregon Department of Education.
- Develop plans for the operation of essential, non-educational services, including food services, to students and families.
- Transportation services to meet any of the requirements of the Executive Order and operations of the District as determined by the Superintendent.
- Continue to regularly pay all employees of public schools. A public school subject to this Executive Order may require school employees to report to work to assist with the provision of supplemental services and emergency management activities,
- Public school employees in at risk-categories, or public school employees who have an at-risk member of their household are not required to take action that is inconsistent with public health recommendations or the advice of the employee's physician.

District Goal: WE empower all students to achieve post-high school success.

The Beaverton School District recognizes the diversity and worth of all individuals and groups. It is the policy of the Beaverton School District that there will be no discrimination or harassment of individuals or groups based on race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, marital status, age, veterans' status, genetic information or disability in any educational programs, activities or employment.

RECOMMENDATION:

The School Board, acting as the Local Contract Review Board, must approve the particular findings delineated in the accompanying Resolution supporting the use of Emergency Purchasing Exemption pursuant to ORS 279B.080 and ORS 279C.335(2)(4)(b)(c).

It is recommended that the School Board accept the Superintendent's Declaration of an Emergency and acting as the Local Contract Review Board approve the exemption from the competitive bidding requirements of the contracts anticipated to be required in responding to the Emergency.

Respectfully submitted by:

Michael Schofield

Associate Superintendent

**BOARD RESOLUTION NO. 20-0406:
ACCEPTING THE SUPERINTENDENT'S EMERGENCY DECLARATION
AND APPROVING AN EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENTS IN RESPONSE TO
THE GOVERNOR'S EXECUTIVE ORDERS
REGARDING THE COVID-19 PUBLIC HEALTH EMERGENCY**

The Superintendent of Beaverton School District 48-J, under authority delegated by the School Board which acts as the District's Local Contract Review Board, finds that an emergency exists and thereby requests that the District's Board authorize the District's administration to waive competitive bidding procedures within the parameters established by this Resolution.

THE BOARD FINDS:

1. Introduction: Oregon Revised Statutes (ORS 279.010(1)(f) and ORS 279B.080 and the District Administrative Policy DJ-AR allow the District to enter into public contracts without competitive bidding if an emergency exists. District policy DJ-AR provides that the District Board, as the Local Contract Review Board, has delegated its authority under the Public Contracting Law to the District Superintendent, who is required to make all public purchasing processes comply with applicable state public contracting law. The Superintendent seeks to extend the District's ability to use emergency public contracting provisions.

2. Governor Brown's Executive Orders: On March 8, 2020 Governor Brown declared an emergency under ORS 401.165 due to the public health threat posed by the novel infectious coronavirus (COVID-19). On March 12, 2020 Governor Brown announced the closure of Oregon K-12 schools from March 16, 2020 through March 31, 2020. On March 16, 2020 Governor Brown extended school closures through April 28, 2020.

3. COVID-19 Is a Public Health Emergency: The Superintendent finds that the Governor Brown's Executive Orders referenced in paragraph 2 above qualify as an emergency for the purposes of ORS 299B.080.

4. Services required by Governor Brown for School Districts to receive State School Funds: On March 16, 2020 Governor Brown issued Executive Order 20-08 closing K-12 schools through April 28, 2020 and requires school districts to take certain actions as a condition for continued provision of State School Funds. The following are a synopsis of requirements:

- a. Continue delivering supplemental education and learning supports to students to the extent practical through independent study and other appropriate options.
- b. Provide school meals in non-congregate settings through the guidance of the Oregon Department of Education and the U.S. Department of Agriculture.
- c. Provide for supplemental services and emergency management services, including the provision of childcare for first responders, emergency workers, health care professionals, and other individuals, consistent with any guidance and requirements provided by the Oregon Department of Education.
- d. Develop plans for the operation of essential, non-educational services, including food services, to students and families.

- e. Transportation services to meet any of the requirements of the Executive Order and operations of the District as determined by the Superintendent.
- f. Continue to regularly pay all employees of public schools. A public school subject to this Executive Order may require school employees to report to work to assist with the provision of supplemental services and emergency management activities,
- g. Public school employees in at risk-categories, or public school employees who have an at-risk member of their household are not required to take action that is inconsistent with public health recommendations or the advice of the employee's physician.

5. Addressing the Executive Orders requires the prompt execution of contracts: Use of standard public contracting procedures for services, goods and materials to assist the District to respond to Executive Order 20-08 is not feasible, as it would result in unacceptable delays. Any delay would have an immediate detrimental impact on students and their families, staff, first responders and public health professionals.

6. Authority to Enter into Emergency Contracts: Based on the above, the Superintendent of the Beaverton School District 48-J, declares an emergency, pursuant to ORS 279B.080 and requests the School Board, acting as the District's Local Contract Review Board, waive Competitive Bidding and Public Contracting requirements. This declaration of emergency authorizes the Superintendent, and their designees as determined in District Policy DJ-AR 9 (a) (b) the authority for immediate negotiation and execution of contracts with one or more qualified contractors, service providers and providers of goods and materials for the following purposes:

- a. To assist the District in its response to the COVID-19 public health emergency and the Governor's Executive Order 20-08 and any subsequent Executive Order related to K-12 education.
- b. To take all necessary action to deliver supplemental education and learning support to students during the school closure. This is to include the ODE guidance issued March 30, 2020 concerning Distance Learning for All.
- c. To take all necessary action to provide meals in non-congregate areas.
- d. To take all necessary action to provide supplemental services and emergency management services.
- e. To take all necessary action to provide childcare for first responders, emergency workers and health care professionals.
- f. To develop plans for the operation of non-educational services, including food services, to students and families.
- g. To take all necessary action to maintain operational stability within the District including but not limited to sanitizing and maintaining facilities.

7. Notification to Board: The Superintendent or designee shall provide written notification to the Board of any expenditure under this Resolution in any amount greater than \$150,000.

8. Emergency Declaration: An emergency declaration adopted by the District's Local Contract Review Board is consistent with the emergency needs of the District. The circumstances presently existing meet those contemplated in ORS 279B.080 as an emergency.

1. Inclusion and Adoption of existing Declarations: This Declaration is intended to incorporate, include, and expand other Emergency Declarations made and approved as a more limited response to the circumstances at that time.

2. Adoption of most recent ODE guidance: Each District should have their Distance Learning for All Plan in place by April 13, 2020. Distance learning is not just online instruction. It provides for blended learning strategies and access to appropriate educational materials through multiple modes of communication. As Schools transition to distance learning, successful approaches will be centered on care, community and continuity of learning.

THEREFORE, BE IT RESOLVED that the School Board for the Beaverton School District 48-J, acting as the District's Local Contract Review Board, and based on the above findings, hereby approves the Superintendent's Declaration of an Emergency and approves the temporary revisions in the District's Purchasing Policies for all contracts required for the District's comprehensive response to the COVID-19 public health emergency and the District's response to Executive Order 20-08 dated March 16, 2020 and any subsequent Executive Order or Oregon Department of Education guidance related to K-12 education in Oregon.

Adopted by the Beaverton School Board acting as the Local Contracting Review Board this 6th day of April 2020.

ATTEST:



Becky Tymchuk
Beaverton School Board Chair,
Beaverton School District 48-J