

**WE EXPECT EXCELLENCE****WE INNOVATE****WE EMBRACE EQUITY****WE COLLABORATE**

BRAND NAME APPROVALS FOR FACILITIES PROJECTS

POLICY ISSUE/SITUATION:

Oregon procurement rules state that specifications for public improvement contracts may not expressly or implicitly require any product by a brand name. However, ORS 279C.345 allows a local contract review board to exempt certain products from this restriction. A year-long effort to update the District's technical design specifications for the 2014 Bond construction program has also developed a list of products staff recommend be approved by the Board as exemptions from the brand name restriction. This is a supplemental list to approvals in Board Resolution 14-409 and 14-494.

BACKGROUND INFORMATION:

On a limited basis, it is the District's best interests to utilize proprietary, brand name parts and materials. Generally, these materials are used in situations where new items should match existing District building components to ensure efficient maintenance operations, or where the use of a single product is necessary to get the quality, durability, and function required by the long required economic life of the District's assets.

ORS 279C.345 states that a local contract review board may allow brand name requirements upon making any of the following findings:

- a) It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts;
- b) The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings to the contracting agency;
- c) There is only one manufacturer or seller of the product of the quality required; or;
- d) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies.

Attachment (A) identifies the applicable finding for each of the products listed.

RECOMMENDATION:

It is recommended that the Board approve the products listed on Attachment (A) as required brand name items in contract specifications.

(15-577) BE IT RESOLVED that the Beaverton School District Board of Directors approves an exemption to ORS 279C.345 and authorizes use of brand names in public improvement contract specifications for the items listed in Attachment (A) based upon the findings listed.

District Goal: All students will show continuous progress toward their personal learning goals, developed in collaboration with teachers and parents, and will be prepared for post-secondary education and career 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.

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Approved by Beaverton School Board Resolution 15-577

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BSD Technical Standard	Product	ORS 279C.345 Finding
Division 11	World Dryer, Push Button Hand Dryer, Model A Series/Stock # DA5-974 (or current)/ Recessed Mounted	d
Division 32	Performance Sports Systems Overhead Basketball Hoops	d
Divisions 11, 26	ETC Theatrical Systems	d
Divisions 27, 28	Atlas Paging Systems	d