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**SPECIAL PROCUREMENT AUTHORIZATION**  
**COMMERCIAL FOOD PRODUCTS**

**POLICY ISSUE / SITUATION:**

The Beaverton School District provides nutritional meals and snacks to over 39,000 students as part of the National School Lunch and Breakfast Programs (NSLP), per Federal Regulation 7CFR210, Oregon Administrative Regulation 581-051, and Board Policy EFA-AR.

A joint Request for Proposal (RFP 06-1003) with Portland Public Schools, Beaverton School District, and Hillsboro School District was competitively solicited for Commercial Food Products in 2006 with four (4) one year extensions. The RFP was awarded to Food Services of America, and the final renewal period ended on June 30, 2011. To ensure continuation of the lunch and breakfast programs, approval for a special procurement method of continuing services by the current supplier for 2011-12 is requested. Board Policy DJC states the Board shall approve special procurements pursuant to ORS 279B.085.

**BACKGROUND INFORMATION:**

The Oregon Department of Education acting as the awarding agency pursuant to Federal Regulation 7CFR 3016.36(d) has authorized the special procurement method of noncompetitive proposals for the School Districts involved in this joint RFP in relation to the Federal requirements of the NSLP.

Currently Portland Public Schools, Beaverton School District, and Hillsboro School District are working jointly under advisement of the Oregon Department of Education School Nutrition Program to competitively solicit a contract for Commercial Food Products on a Requirements Basis for 2012-13 with four one year extensions. Once awarded, the new contract, will allow for contract coverage for up to five years.

**Findings of Fact:** The following address the requirements of ORS 279B.085:

1. While the solicitation documents are prepared in cooperation with Oregon Department of Education, Portland Public Schools, and Hillsboro School District, the continuation of services by the current supplier is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts.
2. It is reasonably expected to result in substantial cost savings to Beaverton School District if the new contract will not require solicitation in two consecutive school years.
3. The delivery of Commercial Food Products to support the National School Lunch Program is essential and substantially promotes the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder.

**RECOMMENDATION:**

**(11-91)** Pursuant to ORS 279B.085 It is requested that the School Board, acting as the Local Contract Review Board for the District, grant approval to proceed with a Special procurement for Commercial Food Products on a Requirements Basis to Food Services of America through July 31, 2012.

*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.*