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## Bidding Requirements

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The board is the Local Contract Review Board (LCRB) for the district. The LCRB has not adopted its own rules of procurement. Consequently, the *Oregon Attorney General's Model Public Contracting Rules* shall apply to the district except as modified by adopted policy, resolution, rule or order.

Additionally, the superintendent or designee may include as part of the district's procedures and administrative regulations portions of the Oregon Department of Administrative Services administrative rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246 - 249.

The LCRB may make the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

1. **Emergency Procurements.** In situations of emergency<sup>1</sup>, the LCRB authorizes the superintendent or designee to authorize an emergency procurement. Emergency contracts for construction services are not considered public improvement contracts and will be procured in accordance with OAR 137-049-0140 and OAR 137-049-0150.
2. **Sole-Source Procurements.** The LCRB authorizes the superintendent or designee to determine whether goods or services are available from only one source. If such a determination is made, the district may award a contract without competition. To the extent reasonably practicable, the district shall negotiate with the sole source to obtain contract terms that are advantageous to the district. The determination of sole source must be based on written findings and may include:
  - a. That the efficient utilization of existing goods requires acquiring compatible goods or services;
  - b. That the goods or services required to exchange software or data with other public or private agencies are available from only one source;
  - c. That the goods or services are for use in a pilot or experimental project; or
  - d. Other findings that support the conclusion that the goods or services are available from only one source.<sup>2</sup>
3. **Special Procurements.** "Special procurement" means a contract or class of contracts that use a contracting procedure other than competitive sealed proposals, competitive sealed bidding, small procurement or intermediate procurement. Special procurements require LCRB approval and will be conducted in accordance with this policy and administrative regulation DJC-AR.

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<sup>1</sup> "Emergency" means circumstances that:

1. Could not have been foreseen;
2. Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
3. Require prompt execution of a contract to remedy the condition.

<sup>2</sup> If the contract does not exceed \$250,000, using intermediate procurement is likely less burdensome than sole source.

4. Pursuant to OAR 137-047-0300(2)(b), the district may publish the advertisement for offers on the district's electronic procurement system (as selected by district staff) instead of publishing notice in a newspaper of general circulation as required by ORS 279B.055(4)(b).
5. The superintendent is authorized to develop administrative regulations and/or procedures to assist with the implementation of this policy and applicable procurement rules. Purchasing procedures are additionally specified in the district's purchasing manual, which may be updated as needed by the superintendent or designee.

## END OF POLICY

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### **Legal Reference(s):**

[ORS Chapter 279](#)

[ORS Chapter 279A](#)

[ORS Chapter 279B](#)

[ORS Chapter 279C](#)

[ORS 670.600](#)

[OAR Chapter 125, Divisions 246 - 249](#)

[OAR Chapter 137, Divisions 045 - 049](#)

[OAR 459-005-0020](#)

[OREGON PROCUREMENT MANUAL, Oregon Department of Administrative Services.](#)