



**Special Board Meeting OF THE BOARD OF DIRECTORS**

Tuesday, February 25, 2025 - 9:30 AM

This meeting will be held virtually.

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**AGENDA**

*This meeting will take place virtually. The public can view the meeting at this link: <https://medfordsd.zoom.us/j/97288598513>*

1. **Call to Order / Roll Call**
2. **Emergency Exemption from Public Procurement Rules Approval** **2**
3. **Adjournment**

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the Superintendent's office at (541) 842-3621 or [superintendent.office@medford.k12.or.us](mailto:superintendent.office@medford.k12.or.us).*



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	February 25, 2025
<b>Agenda Item:</b>	Emergency Exemption from Public Procurement Rules
<b>Item Type:</b>	Action
<b>Administrator:</b>	Bret Champion, Brad Earl, Ron Havniar
<b>Objective:</b>	Approve a resolution exempting the NMHS gymnasium demolition and stabilization phase from bidding requirements in order to expedite it.

**Background:** The District is seeking a resolution by the Board, acting as the Local Contract Review Board, to allow exemptions to the bid requirements for the North Medford High School gym demolition and stabilization. The resolution will designate Bret Champion and/or Brad Earl as staff members authorized to approve bids and purchases during the emergency phase.

District management provided a full report on the collapse of the North Medford High School gym due to extraordinary snow load at the Board meeting on February 20, 2025.

Within board policy DJC, Bidding Requirements, “In situations of emergency, the LCRB or designee may authorize an emergency procurement. In an emergency procurement, the district is not required to follow general procurement requirements. The district must ensure competition for the contract that is reasonable and appropriate under the circumstances. The district must document the nature of the emergency and the method used for the selection of the contractor.”

The gym collapse satisfies the definition of “emergency.” The District plans to operate under emergency conditions until the gym is stabilized and it is fully safe to return to normal bid timelines and requirements. We expect it to be stabilized once the demolition phase has been completed and the remaining external walls (if any) are shored. In some cases we may continue to seek bids during the emergency phase, however we plan to shorten the timeline for advertising and selection in order to speed up the stabilizing phase.

**Additional Materials:** Resolution #2025-1

**Recommendation:** N/A

**Suggested Motion:** *“I move to approve Resolution #2025-1 as presented.”*

**BEFORE THE BOARD OF DIRECTORS OF  
MEDFORD SCHOOL DISTRICT 549C**

**Resolution No. 2025-1**

**A RESOLUTION OF THE BOARD DECLARING EMERGENCY  
AND DESIGNATING PERSONS TO ACT ON BEHALF OF DISTRICT IN CONNECTION  
WITH EMERGENCY PROCUREMENTS**

**On motion by:  
Duly seconded:**

**WHEREAS;**

1. The Board of Directors of Medford School District 549C acts as the local contract review board for Medford School District 549C; and
2. ORS 27B.050 provides that, with certain exceptions, contracting agencies such as the District shall award public contracts for goods or services by competitive sealed bidding or by competitive sealed proposals; and
3. One of the exceptions to awarding a public contract by competitive sealed bidding or by competitive sealed proposals is provided in ORS 279B.080, which states that a contracting agency may make, or authorize others to make, emergency procurements of goods or services in an emergency; and
4. ORS 279A.010(1)(f) defines “emergency” as circumstances that: (A) could not have been reasonably foreseen; (B) create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and (C) require prompt execution of a contract to remedy the condition; and
5. Board Policy DJC also provides that in situations of emergency, the Board or its designee may authorize an emergency procurement and that with respect to an emergency procurement, the District is not required to follow general procurement requirements but it must still ensure competition for the contract that is reasonable and appropriate under the circumstances.

NOW, THEREFORE,

**The Board finds as follows:**

1. The recent collapse of the North Medford High School gym roof constitutes an emergency as defined in ORS 279A.010(1)(f) because:
  - (A) the collapse of the gym roof was not and could not have been reasonably foreseen;
  - (B) the collapse of the gym roof has created a substantial risk of additional loss, damage or interruption of services and/or a substantial threat to property, public health, welfare or safety if prompt action is not taken by the District to stabilize and, potentially, demolish some or all of the remainder of the building; and
  - (C) the emergency circumstances require the prompt execution of one or more contracts to remedy the condition and to prevent further damage. In particular, and without limitation, it is imperative that the District be able to quickly procure services in connection with the stabilization of the remaining portions of the North Medford High School gym and potentially the demolition of some or all of the remaining portions of the North Medford High School gym. Procuring the necessary services using the standard procurement process of competitive sealed bidding or competitive sealed proposals would significantly delay the procurement

of the services, putting District property and operations at risk, further limiting school programs, and adversely impacting students, staff and public safety.

2. In light of the emergency circumstances created by the collapse of the North Medford High School gym roof, it is in the best interests of the District for the District to operate under emergency conditions with respect to the procurement of public contracts relating to the stabilization and potential demolition of the gym.
3. In light of the emergency circumstances created by the collapse of the North Medford High School gym roof, it is also in the best interests of the District for the Board to designate certain persons to authorize emergency procurements that are or may be necessary to mitigate additional loss and damage so that such designees can act promptly, and within the requirements of ORS 279B.080 and Board Policy DJC, to address the emergency circumstances and procure the emergency services.

**THEREFORE**, the Board of Directors of Medford School District 549C hereby resolves the following:

1. RESOLVED, that Superintendent Bret Champion and Assistant Superintendent of Operations Brad Earl (hereinafter referred to jointly as “Designees”) are hereby designated by the Board as authorized to enter emergency procurements under ORS 279B.080 and Board Policy DJC on behalf of the District with respect to the stabilization and potential demolition of the North Medford High School gym.
2. RESOLVED FURTHER, that in connection with such emergency procurements, Designees are authorized to enter into contracts on behalf of the District using such procurement methods as may be permitted under ORS 279B.080 and Board Policy DJC, including but not limited to: (A) written or oral requests for offers; (B) issuing invitations to bid with expedited timelines for advertising, submission of bids, and contractor selection; and (C) making direct appointments without competition in cases of extreme necessity.
3. RESOLVED FURTHER, that in entering into any such emergency procurements authorized under this Resolution, Designees must ensure such competition for the contract that is reasonable and appropriate under the emergency circumstances. Without limiting the foregoing, Designees shall set a solicitation time period that Designees determine to be reasonable under the emergency circumstances.
4. In awarding any contract under this Resolution, Designees will document in the solicitation file for such contract the nature of the emergency and the method used for the selection of the contractor.
5. RESOLVED FURTHER, that the District shall continue to operate under emergency circumstances with respect to the North Medford High School gym until such time as the gym has been stabilized and/or the demolition phase has been completed and the remaining walls, if any, are safely shored, whichever occurs later.

**ADOPTED** by the Board of Directors of Medford School District 549C this 25<sup>th</sup> day of February, 2025.

Ayes:  
Noes:  
Absent:  
Abstain:

By: \_\_\_\_\_  
4Cynthia Wright, Board Chair