

Regular Meeting
Thursday, March 19, 2015 7:00 PM Pacific

OSD - Board Room
195 SW Third Avenue
Ontario, OR 97914

- I. CALL TO ORDER**
- II. WELCOME TO VISITORS**
- III. FLAG SALUTE**
- IV. AGENDA CHANGES**
- V. CONSENT ITEMS:**
 - V.1. Minutes
 - V.2. Personnel
 - V.3. Bills
- VI. REPORTS/RECOGNITION:**
 - VI.1. 4-H Migrant Ed Partnership - Barbara Brody
 - VI.2. OMS Report - Sawyer Elizondo
 - VI.3. OHS Report - Kylie Jones
 - VI.4. Classified Recognition - Doug Iwasa
 - VI.5. Finance Report - Mary Jo Evers
 - VI.6. Superintendent's Report - Nikki Albisu
 - VI.6.A. Legislative Update
 - VI.6.B. Testing
- VII. PUBLIC COMMENTS:**
- VIII. BUSINESS:**
 - VIII.1. Approval of Policy EEA - Student Transportation Services
 - VIII.2. Approval of Policy DJC - Bidding Requirements
 - VIII.3. Approval of Policy EBB - Integrated Pest Management
 - VIII.4. Approval of 2015-16 School Calendar
 - VIII.5. Approval of Contract with CM Company for Tiger Gym
 - VIII.6. Approval of Budget Goals
 - VIII.7. Approval of Aiken Field Trip
 - VIII.8. Approval of Resolution # 14-19 A Resolution Adopting A Supplemental Budget-OHS Bistro
 - VIII.9. Approval of Resolution #14-20-A Resolution Acknowledging Receipt of Northwest Health-Aiken
 - VIII.10. Approval of Resolution #14-21-A Resolution Acknowledging Receipt of Maybelle Clark Funds
- IX. TOPICS FOR FUTURE MEETINGS**
- X. ADJOURNMENT**

BUSINESS ITEM REPORT

February 19, 2015

TO: Board of Directors

FROM: Eric Norton, Director of Personnel and Operations

THROUGH: Nicole Albisu, Superintendent

SUBJECT: Ontario Middle School Tiger Gym Floor Replacement

DATE: February 12, 2015

SUMMARY:

Attached are the following documents:

- Conceptual Estimate from CM Company
- PBS Laboratory Results for Mercury Samples
- OAR 137-048-0200
- Board Policy DJC Bidding Requirements

The Ontario Middle School Tiger Gym flooring is in need of replacement. The rubber flooring dates back to the 1980s and contains mercury. There are several areas of the flooring that are worn and the sub flooring exposed. Upon receiving rain in the area, bubbles in the flooring appear and inhibit the bouncing of balls on those sections of the floor. Recent swipe samples of the environment around the flooring (bleachers, walls, wrestling mats, etc.) show .019 mg/m³ of mercury presence. OSHA permissible exposure limit for construction is 0.1 mg/m³, but NIOSH and ACGIH recommended exposure limits for mercury are both 0.05 mg/m³. Recommendation from PBS Engineering & Environmental is to remove the bleachers and accessible surfaces for cleaning inside the wrestling room and gym and to abate the flooring to eliminate further exposure.

Abatement of the existing rubber flooring will involve full containment of the mercury and disposal of hazardous material. Such abatement project needs to be carefully planned and executed as to not create undue fear or accidental exposure of mercury vapor to our students or citizens. I have asked CM Company to submit a conceptual estimate for managing the abatement, sub-floor repair, flooring, and installation of new bleachers. Oregon Administrative Rule 137-048-0200 1 (b) (C) allows the district to enter into a contract with CM Company by Direct Appointment Procedure as long as the estimated fee for their service is less than \$100,000 and the district used formal selection procedure under OAR 137-048-0200 to select CM Company at the time of original selection of an earlier contract. OAR 137-048-0200 and the Direct Appointment Procedure are part of the Oregon Attorney General's Model Rules adopted by the

District and in harmony with Board Policy DJC Bidding Requirements.

As bids are secured for each phase of the project, the abatement contract will need to be brought before the Board for approval prior to award as it will exceed \$75,000.

CM Company's conceptual estimate contains rough numbers of each phase of this project. The estimate assumes full management responsibility of the project provided by CM Company. The district anticipates lower costs on the demo and abatement, electrical, general conditions and management fee upon securing bids from contractors and by providing oversight of the project phases upon completion of the abatement portion of the project.

ALTERNATIVES:

Leave the current flooring in place and hope the mercury trace counts in the gym area do not rise above the NIOSH or ACGIH recommended exposure limits.

OR

The district can attempt to manage the project internally and use the formal procurement process to send out Requests for Quotes for the abatement and flooring project. The district would award the phases of the project to the lowest responsible bidders per procurement requirement.

OR

The district can use the formal procurement process to send out a Request for Proposal to construction management companies to manage the abatement and flooring project. The district would award the project to the lowest responsible bidder.

FINANCIAL IMPLICATIONS:

Using facility construction grant funds from the bond, the district currently has budget to complete this project under fund 420-4150-530. Although CM Company's conceptual estimate is in the amount of \$390,166, I anticipate the overall amount for the entire project to come in around \$300,000 due to district oversight and other cost saving measures.

RECOMMENDATION:

I recommend that the OSD Board of Directors approve contracting with CM Company for the OMS Tiger Gym Flooring Project through the use of the Direct Appointment Procedure as outlined in OAR 137-048-0200.

PROPOSED MOTION:

I move the OSD Board of Directors approve contracting with CM Company for the OMS Tiger Gym Flooring Project through the use of the Direct Appointment Procedure as outlined in OAR 137-048-0200.

Ontario Middle School
 Tiger Gym Flooring & Bleacher Abatement and Replacement
 Conceptual Estimate
 Thursday, January 29, 2015

Description	Qty	unit	\$/unit	Amount	
Flooring Abatement & Demo	12,140	sf	13.00	157,820	Verify Price??
Clean Walls and Fixtures	120	hrs	50.00	6,000	
Concrete Slab Patch & Repair	12,140	sf	3.00	36,420	
Concrete Slab Sealer	12,140	sf	2.00	24,280	
New Gym Flooring (VCT)	10,220	sf	2.50	25,550	
Court Stripping	1	lsum	5,000.00	5,000	
Telescoping Bleachers	400	seats	120.00	48,000	
Electrical	1	lsum	3,500.00	3,500	
Subtotal				\$ 306,570	
General Conditions	1	lsum		23,868	Some of this provided by District??
Liability Insurance	0.80%			3,121.33	
Surety Bond	0.70%			2,731.16	
Management Fee	9.00%			30,335	
Estimating Contingency	7.00%			23,540	
Total				\$ 390,166	



August 26, 2014

Ontario School District
Attn: Mr. Eric Norton
195 S 2nd Street
Ontario, Oregon 97914

Re: Laboratory Results for Mercury Samples Collected from Tiger Gym Building on Ontario Middle School Campus
573 SW 2nd Avenue
Ontario, Oregon 97914
PBS Project No. 95012.020

Dear Mr. Norton:

Mercury-containing flooring has been identified in the main gym and adjacent wrestling room inside the Tiger Gym building on the Ontario Middle School Campus. According to District personnel, this mercury-containing flooring is scheduled to be removed during the 2015 summer break.

On July 10, 2014, PBS Engineering and Environmental Inc. (PBS) performed mercury wipe sampling of various surfaces inside the Tiger Gym building, focusing on the main gym and adjacent wrestling room inside which mercury-containing flooring is known to exist. Samples were collected to assist in determining existing mercury concentrations on surfaces inside the main gym and wrestling room. Additionally, a sample of mercury-containing flooring was collected and analyzed for waste characterization and disposal purposes.

Sampling

PBS utilized Whatman No. 42 filters, deionized water, and 100cm² templates to collect wipe samples from various surfaces inside the main gym and wrestling room. The filters were placed into single use plastic tubes, labeled with unique identifying numbers, and sent under chain of custody for analysis of mercury by an accredited laboratory. Analysis was performed using OSHA ID 145-PA for wipes.

PBS used hand tools to collect a sample of the mercury-containing flooring for TCLP analysis for disposal purposes.

Results

The table below summarizes the mercury wipe sample laboratory results:

Table 1: Lead and RCRA8 for Determining Potential Worker Exposures

Location	Result (µg/cm ²)
Main gym; metal frame under bleachers	0.00564
Main gym; wood bleacher seat	0.000832

Location	Result ($\mu\text{g}/\text{cm}^2$)
Main gym; wood floorboard on bleachers	0.00207
Main gym; east wall under bleachers	0.00106
Main gym; south wall, approx. 12'	0.00220
Main gym; west wall, approx. 22'	0.00283
Main gym; north wall, approx. 7'	0.00225
Wrestling room; south wall, approx. 7'	0.00130
Wrestling room; north wall, pad	0.00308
Wrestling room; on top of light fixture	0.126

Detectable levels of mercury were detected in each of the wipe samples collected from the main gym and wrestling room.

Waste Characterization Sampling (TCLP)

PBS collected one sample of mercury-containing flooring for TCLP analysis.

Below is a table that summarizes the laboratory data for sampled material for waste characterization:

Table 2: TCLP Sample Results

Material	Analyte	Result (mg/L)	EPA Limit (mg/L)
Mercury-containing rubberized flooring	Mercury	2.62	0.2

Laboratory analysis has determined that sample results are below the EPA limits for disposal of these materials as hazardous materials.

Calculations

Based on laboratory data and the dimensions of the Tiger Gym building where mercury flooring has been identified, the total amount of mercury on interior surfaces in the gym is approximately 153 milligrams.

Assuming all of the mercury on surfaces inside the gym were volatilized, the maximum concentration of mercury vapor in the space would be approximately 0.019 milligrams per cubic meter of air, which is below the OSHA permissible exposure limit for construction – 0.1mg/m³. However the NIOSH and ACGIH recommended exposure limits for mercury are both 0.05 mg/m³.

Conclusions and Recommendations

Mercury is present in wipe samples collected from interior surfaces inside the main gym and wrestling room in the Tiger Gym building. PBS recommends utilizing trained personnel or contractors with appropriate personal protective equipment (PPE) to remove the bleachers and clean accessible surfaces inside the gym and wrestling room.

TCLP analysis for mercury resulted in concentrations above the EPA limits for disposal of hazardous materials. The flooring material will need to be disposed of as a hazardous material at an approved facility.

Please find attached laboratory data sheets following this report.

If you have any questions regarding these results, please contact me at 208.344.3539.

Sincerely,
PBS Engineering and Environmental Inc.



John Price
Project Manager

Attachment: Laboratory Data Sheets



LABORATORY REPORT

PBS Environmental - Portland, OR
3501 West Elder Street, Suite 301
Boise, ID 83705

Attn: John Price (Boise, ID)
Phone: 208-344-3539
Fax: 866-727-0140
Email: john.price@pbsenv.com

RJ Lee Group Job No.: PA110720140017
Samples Received: July 11, 2014
Report Date: July 18, 2014
Client Project: 95013.020 Phase 0001
Purchase Order No.: 95013.020 Phase 0001
Matrix: Wipe
Prep/Analysis: OSHA ID-145 / OSHA ID 145-PA

Client Sample ID RJ Lee Group ID	Sampling Date	Analyte	Wipe Area (cm ²)	Sample Concentration		Minimum Reporting Limit		Analysis Date	Q
				Total µg	µg/cm ²	Total µg	µg/cm ²		
95013.020-Hg01 PA110720140017-001	07/10/2014	Mercury	100	0.564	0.00564	0.0200	0.000200	07/15/2014	
95013.020-Hg02 PA110720140017-002	07/10/2014	Mercury	100	0.0832	0.000832	0.0200	0.000200	07/15/2014	
95013.020-Hg03 PA110720140017-003	07/10/2014	Mercury	100	0.207	0.00207	0.0200	0.000200	07/15/2014	
95013.020-Hg04 PA110720140017-004	07/10/2014	Mercury	100	0.106	0.00106	0.0200	0.000200	07/15/2014	
95013.020-Hg05 PA110720140017-005	07/10/2014	Mercury	100	0.220	0.00220	0.0200	0.000200	07/15/2014	
95013.020-Hg06 PA110720140017-006	07/10/2014	Mercury	100	0.283	0.00283	0.0200	0.000200	07/15/2014	
95013.020-Hg07 PA110720140017-007	07/10/2014	Mercury	100	0.225	0.00225	0.0200	0.000200	07/15/2014	
95013.020-Hg08 PA110720140017-008	07/10/2014	Mercury	100	0.130	0.00130	0.0200	0.000200	07/15/2014	
95013.020-Hg09 PA110720140017-009	07/10/2014	Mercury	100	0.308	0.00308	0.0200	0.000200	07/15/2014	
95013.020-Hg10 PA110720140017-010	07/10/2014	Mercury	100	12.6	0.126	0.400	0.00400	07/15/2014	

Philip Grindle
Laboratory Supervisor



LABORATORY REPORT

PBS Environmental - Portland, OR
3501 West Elder Street, Suite 301
Boise, ID 83705

Attn: John Price (Boise, ID)
Phone: 208-344-3539
Fax: 866-727-0140
Email: john.price@pbsenv.com

RJ Lee Group Job No.: PA110720140017
Samples Received: July 11, 2014
Report Date: July 18, 2014
Client Project: 95013.020 Phase 0001
Purchase Order No.: 95013.020 Phase 0001
Matrix: Wipe
Prep/Analysis: OSHA ID-145 / OSHA ID 145-PA

Table with 10 columns: Client Sample ID, RJ Lee Group ID, Sampling Date, Analyte, Wipe Area (cm²), Sample Concentration (Total µg, µg/cm²), Minimum Reporting Limit (Total µg, µg/cm²), Analysis Date, Q.

Comments:

Report Qualifiers (Q):

H = Holding times for preparation or analysis exceeded

E = Value above highest calibration standard

J = Value below lowest calibration standard but above MDL (Method Detection Limit)

L = LCS (Laboratory Control Standard)/SRM (Standard Reference Material) recovery outside accepted recovery limits

B = Analyte detected in the associated Method Blank

S = Spike Recovery outside accepted limits

R = RPD (relative percent difference) outside accepted limits

D = RL (reporting limit verification) outside accepted limits

These results are submitted pursuant to RJ Lee Group's current terms and conditions of sale, including the company's standard warranty and limitation of liability provisions. No responsibility or liability is assumed for the manner in which the results are used or interpreted.

Unless notified in writing to return the samples covered by this report, RJ Lee Group will store the samples for a period of thirty (30) days before discarding. A shipping and handling fee will be assessed for the return of any samples. This laboratory operates in accord with ISO 17025:2005 guidelines, and holds a limited scope of accreditation under AIHA Lab ID 100364, NY ELAP Lab Code 10884, EPA Lab Code PA00162, CA ELAP Certificate 1970, PA DEP Lab ID 02-00396, VA DCLS Lab ID 00297, and LA DEQ Agency Interest 94775. This report may not be used to claim product endorsement by any laboratory accrediting agency. The results contained in this report relate only to the items tested or to the sample(s) as received by the laboratory. Any reproduction of this document must be in full for the report to be valid.

Results have not been blank corrected unless otherwise noted. Samples were received in good condition unless otherwise noted. All QC samples are within acceptable established limits unless otherwise noted in the comments section of the report and/or with the appropriate flags under the report qualifiers (Q) column. Quality Control data is available upon request.

Philip Grindle (signature)

Philip Grindle
Laboratory Supervisor

LABORATORY REPORT

 PBS Environmental - Portland, OR
 3501 West Elder Street, Suite 301
 Boise, ID 83705

 Attn: John Price (Boise, ID)
 Phone: 208-344-3539
 Fax: 866-727-0140
 Email: john.price@pbsenv.com

 RJ Lee Group Job No.: PA110720140017
 Samples Received: July 11, 2014
 Report Date: July 18, 2014
 Client Project: 95013.020 Phase 0001
 Purchase Order No.: 95013.020 Phase 0001
 Prep/Analysis: EPA 1311 (TCLP) / EPA 6010C (Liquids)-PA
 EPA 1311 (TCLP) / EPA 7470A-PA

Client Sample ID	RJ Lee Group ID	Sampling Date	Preparation/ Analysis	Analyte	Matrix	Sample Concentration Total mg/L (PPM)	Minimum Reporting Limit mg/L (PPM)	Maximum Concentration of Contaminants (40CFR261.24)	Analysis Date	Q
95013.020-4001	PA110720140017-011	07/10/2014	EPA 1311 (TCLP) / EPA 6010C	Arsenic	Solid	< 0.0500	0.0500	5.0 mg/L	07/16/2014	PNC
95013.020-4001	PA110720140017-011	07/10/2014	EPA 1311 (TCLP) / EPA 6010C	Barium	Solid	0.172	0.0200	100.0 mg/L	07/16/2014	PNC
95013.020-4001	PA110720140017-011	07/10/2014	EPA 1311 (TCLP) / EPA 6010C	Cadmium	Solid	< 0.0100	0.0100	1.0 mg/L	07/16/2014	PNC
95013.020-4001	PA110720140017-011	07/10/2014	EPA 1311 (TCLP) / EPA 6010C	Chromium	Solid	0.0250	0.0200	5.0 mg/L	07/16/2014	PNC
95013.020-4001	PA110720140017-011	07/10/2014	EPA 1311 (TCLP) / EPA 6010C	Lead	Solid	0.0972	0.0500	5.0 mg/L	07/16/2014	PNC
95013.020-4001	PA110720140017-011	07/10/2014	EPA 1311 (TCLP) / EPA 6010C	Selenium	Solid	0.0634	0.0500	1.0 mg/L	07/16/2014	PNC
95013.020-4001	PA110720140017-011	07/10/2014	EPA 1311 (TCLP) / EPA 6010C	Silver	Solid	< 0.0200	0.0200	5.0 mg/L	07/16/2014	PNC
95013.020-4001	PA110720140017-011	07/10/2014	EPA 1311 (TCLP) / EPA 7470A	Mercury	Solid	2.62	0.400	0.2 mg/L	07/17/2014	—

Analyst Comments:

Report Qualifiers (Q):

T = Extraction temperature exceeds method requirements

E : Value above highest calibration standard

H : Holding times for preparation or analysis exceeded

J : Value below lowest calibration standard but above MDL (Method Detection Limit)

B : Analyte detected in the associated Method Blank

P : PA-DEP Accredited (PA DEP Lab ID 02-00396, NELAP)

L : LCS (Laboratory Control Standard)/SRM (Standard Reference Material) recovery

S : Spike Recovery outside accepted limits

N : NY ELAP Accredited (NY ELAP Lab Code 10884)

outside accepted recovery limits

R : RPD (relative percent difference) outside accepted limits

C : CA ELAP Accredited (CA ELAP Certificate 1970)

NP : Not Provided


D : RL (reporting limit verification) outside accepted limits

— : Test (analyte-matrix-preparation-analysis) is performed under RJLG's General Quality System requirements and is not part to any of the scopes of accreditations listed above

These results are submitted pursuant to RJ Lee Group's current terms and conditions of sale, including the company's standard warranty and limitation of liability provisions. No responsibility or liability is assumed for the manner in which the results are used or interpreted. Unless notified in writing to return the samples covered by this report, RJ Lee Group will store the samples for a period of thirty (30) days before discarding. A shipping and handling fee will be assessed for the return of any samples.

This laboratory operates in accord with ISO 17025:2005 guidelines, and holds a limited scope of accreditations under different accrediting agencies; refer to <http://www.rjlg.com/about-us/accreditations/> for more information and current status. This report may not be used to claim product endorsement by any laboratory accrediting agency. The results contained in this report relate only to the items tested or to the sample(s) as received by the laboratory. Any reproduction of this document must be in full for the report to be valid.

Unless otherwise noted (either in the comments section of the report and/or with the appropriate qualifiers under the report qualifiers (Q) column) the following apply: (a) Samples were received in good condition, (b) All QC samples are within acceptable established limits, (c) All samples designated as NELAP meet the requirements of the NELAC standard; if not applicable qualifiers will be used to designate the non-compliance and (d) Results have not been blank corrected. Quality Control data is available upon request.



 Philip Grindle
 Laboratory Supervisor

Selection Procedures

137-048-0200

Direct Appointment Procedure

(1) Contracting Agencies may enter into a Contract directly with a Consultant without following the selection procedures set forth elsewhere in these rules if:

(a) Emergency. Contracting Agency finds that an Emergency exists; or

(b) Small Estimated Fee. The Estimated Fee to be paid under the Contract does not exceed \$100,000; or

(c) Continuation of Project With Intermediate Estimated Fee. For Contracting Agencies where a Project is being continued, as more particularly described below, and where the Estimated Fee will not exceed \$250,000, the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services to be performed under the Contract must meet the following requirements:

(A) The services consist of or are related to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services that have been substantially described, planned or otherwise previously studied in an earlier Contract with the same Consultant and are rendered for the same Project as the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services rendered under the earlier Contract;

(B) The Estimated Fee to be made under the Contract does not exceed \$250,000; and

(C) The Contracting Agency used either the formal selection procedure under OAR 137-048-0220 (Formal Selection Procedure) or the formal selection procedure applicable to selection of the Consultant at the time of original selection to select the Consultant for the earlier Contract; or

(d) Continuation of Project With Extensive Estimated Fee. For Contracting Agencies where a Project is being continued, as more particularly described below, and where the Estimated Fee is expected to exceed \$250,000, the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services to be performed under the Contract must meet the following requirements:

(A) The services consist of or are related to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services that have been substantially described, planned or otherwise previously studied under an earlier Contract with the same Consultant and are rendered for the same Project as the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services rendered under the earlier Contract;

(B) The Contracting Agency used either the formal selection procedure under OAR 137-048-0220 (Formal Selection Procedure) or the formal selection procedure applicable to selection of

the Consultant at the time of original selection to select the Consultant for the earlier Contract;
and

(C) The Contracting Agency makes written findings that entering into a Contract with the Consultant, whether in the form of an amendment to an existing Contract or a separate Contract for the additional scope of services, will:

(i) Promote efficient use of public funds and resources and result in substantial cost savings to the Contracting Agency; and,

(ii) Protect the integrity of the Public Contracting process and the competitive nature of the Procurement by not encouraging favoritism or substantially diminishing competition in the award of the Contract.

(2) Contracting Agencies may select a Consultant for a Contract under this rule from the following sources:

(a) The Contracting Agency's list of Consultants that is created under OAR 137-048-0120 (List of Interested Consultants; Performance Record);

(b) Another Contracting Agency's list of Consultants that the Contracting Agency has created under OAR 137-048-0120 (List of Interested Consultants; Performance Record), with written consent of that Contracting Agency; or

(c) All Consultants offering the required Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services that the Contracting Agency reasonably can identify under the circumstances.

(3) The Contracting Agency shall direct negotiations with a Consultant selected under this rule toward obtaining written agreement on:

(a) The Consultant's performance obligations and performance schedule;

(b) Payment methodology and a maximum amount payable to the Consultant for the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services required under the Contract that is fair and reasonable to the Contracting Agency as determined solely by the Contracting Agency, taking into account the value, scope, complexity and nature of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services; and

(c) Any other provisions the Contracting Agency believes to be in the Contracting Agency's best interest to negotiate.

Stat. Auth.: ORS 279A.065, OL 2011, ch 458

Stats. Implemented: ORS 279C110 & 279C.115, OL 2011, ch 458

Hist.: DOJ 11-2004, f. 9-1-04, cert. ef. 3-1-05; DOJ 20-2005, f. 12-27-05, cert. ef. 1-1-06; DOJ 19-2007, f. 12-28-07, cert. ef. 1-1-08; DOJ 15-2009, f. 12-1-09, cert. ef. 1-1-10; DOJ 10-2011, f. 11-29-11, cert. ef. 1-1-12

Ontario School District 8

Code: **DJC**
Adopted: 8/18/10

Bidding Requirements

The Board declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended. All public contracts for goods or services shall be based upon applicable competitive procurement provisions of Oregon Revised Statutes and adopted public contracting rules except:

1. Contracts between contracting agencies or between contracting agencies and the federal government;
2. Insurance and services contracts as provided for under state law;
3. Contracts for the procurement or distribution of textbooks;
4. Energy savings performance contracts;
5. Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals;
6. Public improvement contracts exempted by the LCRB upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings to the contracting agency;
7. Special procurements exempted by the LCRB upon findings that the award would not encourage favoritism or substantially diminish competition and would result in substantial cost savings to the contracting agency;
8. Emergency contracts;
9. Any other public contract specifically exempted from the code by another provision or law.

The Board will serve as the LCRB for the district. All district purchasing shall be conducted in accordance with the Board's adopted rules¹.

¹The Board may contract with another public agency to serve as its LCRB.

The Board acting as its own LCRB adopts² the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, Divisions 046 through 049, in effect at the time this policy is adopted. These rules govern purchasing procedures, and other matters subject to public contracting provisions of law.

Additionally, the Board may include as part of its rules portions of the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125, Divisions 246-249 in effect at the time this policy is adopted.

Where necessary, the Board has made the written findings required by law for exemptions from competitive bidding. Such findings shall be maintained by the district and made available on request.

The district shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065 (5)(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. Modifications will be made only following review by the district's legal counsel. New rules, as necessary, will be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required. The Board recognizes that a public contracting agency that has not established its own rules of procedure as required by ORS 279A.065 (5) is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.

Opportunity will be provided to all responsible suppliers to do business with the district. The director of finance will develop and maintain lists of potential vendors for various types of materials, equipment and supplies. Such lists may be used to develop a mailing list for distribution of specifications and solicitations for bids or proposals. Any supplier may be included in the list upon request.

Records of bids, proposals and specifications will be kept in the district administration office and will conform with Oregon Revised Statutes and applicable records retention provisions of the *Oregon Attorney General's Model Public Contract Rules*.

END OF POLICY

Legal Reference(s):

ORS Chapters 279A, 279B and 279C
OAR Chapter 125, Divisions 246-249

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S MODEL PUBLIC CONTRACT RULES MANUAL (2004).

²Purchases shall be governed by ORS Chapter 279, 279A, 279B, and 279C. Additionally, the Board may, as provided by ORS 279, 279A. 065, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing purchasing/bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that creates its own LCRB but has not established its own rules of procedure for public contracts is subject to the model rules (OAR 137) adopted by the Attorney General.