

Regular Meeting
Wednesday, December 17, 2025 6:30 PM
Pacific

District Office Board Room
11 N. Royal Ave
Eagle Point, Oregon 97524

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Agenda Adoption**
5. **Student and Staff Recognition - Table Rock Elementary School**
6. **Acknowledgments**

2025-26 Board Acknowledgements 12/17/25

December				
Submitted By	Employee	Building	Job Title	Achievements
Mike Shunk	Ethan Kennelly	District Maintenance	Custodial Supervisor	It is incredibly evident that Ethan takes great pride in his work, and in keeping our facilities healthy, clean, safe places for learning. He is a great communicator, will do any task that is needed, and is professional at all times. Ethan is a huge asset to our district and we are all lucky to have him supporting our schools.
Heather Marinucci	Yuliza "Yuli" Rangel-Cabezas	Eagle Point High School	Eagle Center Admin Asst.	<p>Yuli has stepped into the Eagle Center Assistant position with grace and a determined willingness to learn. This is no easy feat, as there are many responsibilities tied to this role. We are fortunate to have her leading the Eagle Center, learning the ropes, and expanding her knowledge every day.</p> <p>Yuli has also brought incredible color and positivity to the Eagle Center through her creative decorations, helping to make the space vibrant and welcoming. Most importantly, she has built strong connections with our students, creating an environment where everyone feels valued and at home.</p>
Chris Angle-Hobson	Katie Mook	Eagle Point Middle School	6th grade science teacher	Katie Mook is a cornerstone of our educational community, having dedicated 21 years to inspiring sixth-grade scientists at Eagle Point Middle School. She is now at that point in her career where some of her students are children of her former students! Her kindness and patience create a classroom environment where students feel supported, valued, and they show they are excited to learn. Katie's engaging labs spark curiosity and help students see themselves as true investigators. Just show up to one of her labs, and you will find yourself engaged in learning as well. Beyond her work with students, Katie is a respected school leader whose steady presence, professionalism, and commitment to excellence elevate our entire community. She is a leader with our PLCs and respected member of our building leadership team. We are grateful for her enduring impact and the countless lives she continues to shape.
Sara Hamilton	Stacy Ulrey	Table Rock Elementary	Maps 3-5 Teacher	Stacy was nominated because of the incredible dedication she has shown for her students, instructional assistants, and staff here at Table Rock. Stacy runs our Maps 3-5 site based classroom. Throughout the day, Stacy balances the needs of her students in such a caring and kind way. As a staff member said "Stacy always puts the needs of students first. She's very caring and is a great leader." We are extremely proud to call Stacy family at TRE.

7. Reports and Public Forum

7.A. Student Representative Report

7.B. Public Forum

7.C. Employee's Association Representative Report

7.D. Superintendent Report



**Superintendent Report: Eagle Point School District
December 17, 2025**

Find the EPSD9 Community Newsletter [HERE!](#)

Thank you EPSD9 Staff:

I want to express my sincere thanks to our dedicated educators, staff, and volunteers who work tirelessly to create a positive learning environment for our students. Our employee's commitment to excellence and the well-being of our students is hard work. I hope every staff member has an opportunity to recharge over the break.

OSAA Classification and Redistricting:

The OSAA Executive Board made [last-minute changes](#) to the Classification and Redistricting Committee's work and [final recommendation](#). These changes impacted EPSD9.

The working committee's recommendation has Eagle Point playing in a four-team 5A/4A hybrid league along with Crater, Ashland, and Henley. The Executive Board chose to overturn the committee's recommendation and instead create a 5A/6A hybrid with Eagle Point joining S. Medford, N. Medford, Grants Pass, Roseburg, Crater, and Ashland.

FFA Dinner & Auction:

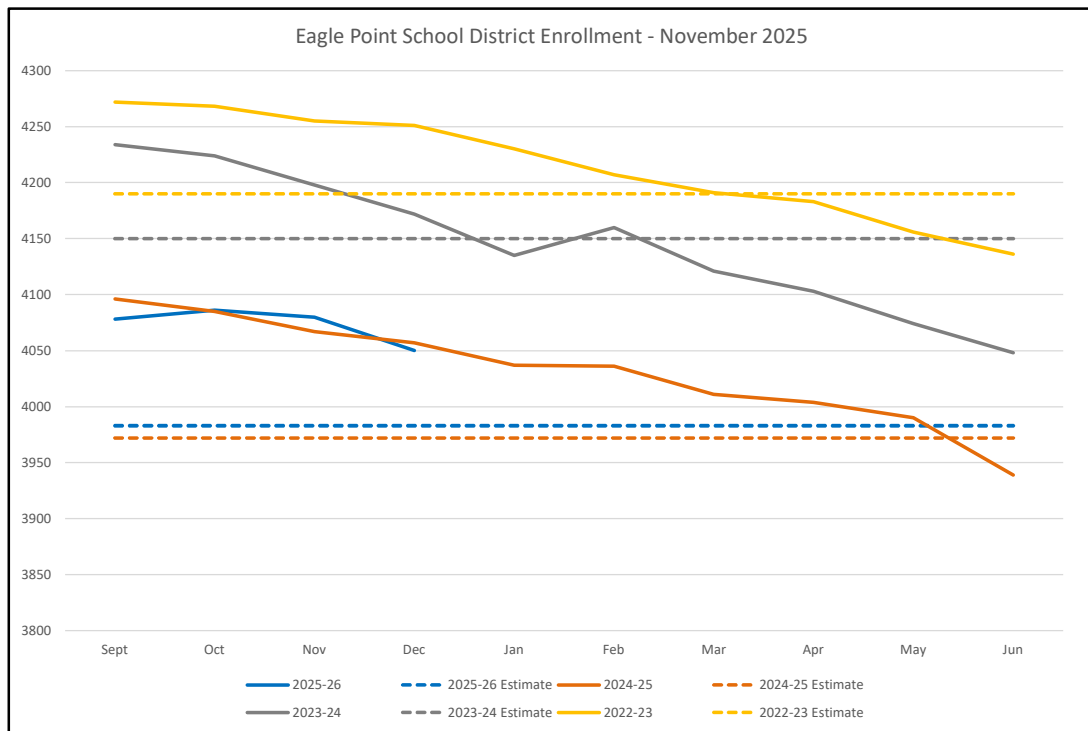
The [Eagle Point FFA](#) 18th Annual Dinner and Auction was held on Saturday, December 13th, at the Seven Feathers Event Center located on the Jackson County Exposition Grounds. 380 community members attended the event, and we raised \$101,000. \$21,500.00 of this total will go to scholarships. Thank you community members!!

D9 Foundation:

EPSD9 community members and alumni are reminded that the [D9 Foundation](#) is a non-profit all volunteer organization dedicated to providing scholarships for every Eagle Point graduate. Fundraising is vitally important to keeping the scholarships coming to our students. Please consider volunteering or joining this organization. Information in doing so can be found at D9Foundation@gmail.com.

7.E. District Administrator's Report

7.E.1. Business Office



Note 1: These enrollment numbers include Crater Lake Academy and Kids Unlimited

2025-26	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
EPSD Kinder Total	250	252	250	251						
EPSD Grades 1-8 Total	2200	2194	2191	2172						
EPSD Grades 9-12 Total	1215	1229	1230	1221						
District Total	3665	3675	3671	3644						
CLA: Kinder	20	20	20	20						
CLA: 1-8	232	232	232	232						
CLA: 9-12	161	159	157	154						
Charter Total	413	411	409	406						
Total Enrollment	4078	4086	4080	4050						

2024-25	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
EPSD Kinder Total	229	221	225	226	224	229	229	229	230	228
EPSD Grades 1-8 Total	2295	2287	2290	2280	2257	2261	2245	2241	2243	2214
EPSD Grades 9-12 Total	1175	1184	1157	1156	1166	1159	1154	1150	1135	1119
District Total	3699	3692	3672	3662	3647	3649	3628	3620	3608	3561
CLA: Kinder	17	17	17	17	17	18	17	17	17	17
CLA: 1-8	225	224	224	226	225	222	221	224	224	223
CLA: 9-12	155	152	154	152	148	147	145	143	141	138
Charter Total	397	393	395	395	390	387	383	384	382	378
Total Enrollment	4096	4085	4067	4057	4037	4036	4011	4004	3990	3939

2023-24	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
EPSD Kinder Total	275	276	271	268	267	269	263	259	257	254
EPSD Grades 1-8 Total	2316	2310	2306	2296	2259	2278	2266	2248	2238	2232
EPSD Grades 9-12 Total	1176	1172	1155	1146	1147	1153	1136	1136	1125	1111
District Total	3767	3758	3732	3710	3673	3700	3665	3643	3620	3597
CLA: Kinder	18	18	18	18	18	18	18	18	18	18
CLA: 1-8	221	221	221	221	220	221	221	222	219	217
CLA: 9-12	130	129	129	126	127	125	122	124	121	120
KU: Kinder	31	30	30	29	29	30	29	30	30	30
KU: 1-8	67	68	68	68	68	66	66	66	66	66
Charter Total	467	466	466	462	462	460	456	460	454	451
Total Enrollment	4234	4224	4198	4172	4135	4160	4121	4103	4074	4048

2022-23	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
EPSD Kinder Total	234	237	237	242	241	243	244	243	240	240
EPSD Grades 1-8 Total	2390	2382	2390	2382	2373	2372	2370	2371	2357	2351
EPSD Grades 9-12 Total	1142	1146	1128	1130	1122	1106	1096	1090	1089	1081
District Total	3766	3765	3755	3754	3736	3721	3710	3704	3686	3672
CLA: Kinder	17	18	18	18	18	18	18	18	17	17
CLA: 1-8	205	207	202	208	208	208	210	210	209	209
CLA: 9-12	145	141	140	137	138	132	128	127	124	120
KU: Kinder	49	48	41	46	46	46	44	43	42	40
KU: 1-8	90	89	99	88	84	82	81	81	78	78
Charter Total	506	503	500	497	494	486	481	479	470	464
Total Enrollment	4272	4268	4255	4251	4230	4207	4191	4183	4156	4136

Eagle Point School District General Fund Revenue Summary Report
2025-26 Year-to-Date as of November 30, 2025
 Prepared 12/17/2025

<u>Account</u>	<u>Budget</u>	<u>November Revenues</u>	<u>Year To Date Revenue</u>	<u>Percent Received</u>
11XX - Local Property Taxes and Pymts In-Lieu	13,728,000	12,938,827	12,998,214	95%
14XX - Transportation Fees	-	-	29,551	N/A
1510 - Interest on Investments	500,000	64,581	245,332	49%
17XX - Fees, Admissions, Club Fundraising	500,000	36,430	240,939	48%
19XX - Rentals, Grant Indirect, and Misc Rev	450,000	-	12,354	3%
21xx - Other Intermediate Sources	800,000	2,626	6,013	1%
3101 - State School Fund	40,227,920	3,355,302	20,137,805	50%
3103 - Common School Fund	578,171	-	-	0%
3XXX - Other State Sources and Grants	-	-	-	-
4200 - Federal Grants	-	-	-	-
4801 - Federal Forest Fees	-	-	-	-
5200 - Transfers In	-	-	-	-
5300 - Sale or Compensation for Fixed Assets	-	-	-	-
5400 - Beginning Fund Balance (est or actual)	4,968,714		5,635,136	
Totals	<u>61,752,805</u>	<u>16,397,766</u>	<u>39,305,345</u>	64%

*YTD EFB based on 2024-2025 adopted projection
 *YTD projected EFB as of 11/30/2025:
 without Fund Appropriation Transfer

Note 1: Revenue items are reported after they are booked to our accounting system, causing revenue items other than State School Fund and Property Taxes to sometimes be included in this report the month after receipt.

Eagle Point School District General Fund Expenditure Summary Report
2025-26 Year-to-Date as of November 30, 2025
Prepared 12/17/2025

General Fund Expenditures by Function:	<u>Budget</u>	November 2025	Year To Date	<u>Budget Balance</u>	YTD
		<u>Expenditures</u>	<u>Expenditures</u>		<u>Expended</u>
1000 - Instruction	34,205,503	2,939,583	9,612,598	24,592,905	28%
2000 - Support Services	23,793,850	1,718,141	8,720,137	15,073,713	37%
3000 - Community Services	-	-	-	-	-
4000 - Building Improvements	-	-	14,268	(14,268)	N/A
5000 - Debt Service and Fund Xfrs	410,000	-	381,495	28,505	93%
6000 - Contingency	3,343,452	-	-	3,343,452	-
7000 - Unappropriated Ending Fund Balance	-	-	-	-	-
Total Expenditures	61,752,805	4,657,724	18,728,497	43,024,308	30%

General Fund Expenditures by Object:						
100 - Salaries	27,241,645	2,232,078	7,743,780	19,497,865	28%	
200 - Benefits	16,551,964	1,248,404	4,362,542	12,189,422	26%	
300 - Purchased Services (other than 360)	5,347,610	607,949	1,652,031	3,695,579	31%	
360 - Charter School SSF Payments	3,800,000	330,148	2,015,425	1,784,575	53%	
400 - Supplies and Materials	3,638,134	217,881	1,465,131	2,173,003	40%	
500 - Capital Outlay	590,000	21,237	205,003	384,997	35%	*bus, hyster, LTRE silicone roofing application, locker room remodels
600 - Other Objects (Ins, Dues & Fees)	1,215,000	27	1,284,586	(69,586)	106%	*iPads, workers' comp & liability insurances
700 - Transfers Out	25,000	-	-	25,000	-	
810 - Contingency	3,343,452	-	-	3,343,452	-	
Total Expenditures	61,752,805	4,657,724	18,728,497	43,024,308	30%	

Note 1: "Additional Projected" will be added later in the year to include estimated amounts I project we will spend in excess of (or less than) amounts encumbered, including SSF Passthrough payments to our charter schools, the costs of teacher and classified substitutes, unscheduled equipment and bus repairs, and other currently unknown expenditures based on historical averages and recent activity.

Eagle Point School District 9 - Special Revenue Report 12.17.2025

FUND	GRANT	ALLOCATION	CLAIMS TO DATE	AVAILABLE BALANCE
211	Title IV Student Support & Academic Enrichment	93,336.00	-	-
213	Comprehensive Literacy State Development (CLSD)	168,213.63	6,825.91	161,387.72
224	Title III English Language Acquisition	47,002.00	-	47,002.00
225	Title I Part A Program	1,241,058.00	-	1,337,693.00
228	IDEA Part B 611 / Special Education - Grants to States	754,761.73	-	754,761.73
229	IDEA Part B 619 / Preschool Grants for Children with Disabilities	3,847.08	-	3,847.08
231	Title II Improving Teacher Quality State Grants	160,866.00	-	157,567.00
249	Foster Care Student Transportation Reimbursement	4,686.41	1,365.61	3,320.80
251	Student Investment Account (SIA)	4,067,828.41	2,033,914.21	2,033,914.20
	Crater Lake Academy's allocation	(327,086.04)	(155,365.87)	(171,720.17)
252	HSS - HIGH SCHOOL SUCCESS	1,015,851.87	507,924.00	507,927.87
264	E-rate	-	-	-
268	Title IC Migrant Education (SOESD Consortium)	113,207.85	-	113,207.85
272	Outdoor School (OSU Extension Office)	108,193.27	-	108,193.27
273	Early Literacy	372,396.04	79,553.39	292,842.65
275	State Summer Learning Phase 2	596,024.53	470,183.24	125,841.29
282	Upper Gym Seismic Project 2024-25 (OBBD)	2,492,440.00	-	2,492,440.00
288	Early Indicator and Intervention Systems (EIS) [801]	13,046.43	-	13,046.43
288	ASPIRE [809]	1,992.00	1,992.00	-
288	Alumbra [810]	-	-	-
288	WMMS Wrestling Room Project [811]	6,260.00	6,260.00	-
290	SOU AP Classes	-	-	-
295	Food Service: CNP Fresh Fruit & Vegetable Program	114,376.00	27,124.03	87,251.97
295	Food Service: Farm to CNP	20,449.09	-	20,449.09
		11,068,750.30	2,979,776.52	8,088,973.78

Note: Light blue highlighted rows are federally funded

FUND	RESTRICTED REVENUE	RECEIVED TO DATE
292	Construction Excise Tax	5,553.48
293	Public Purpose Charge - SB 1149	60,059.83
295	Food Service: CNP Web Payments - SNP/CACFP Programs	333,389.13
		399,002.44

8. Board Action Items

8.A. Consent Agenda

8.A.1. December Personnel Action Report

8.B. New Business

8.B.1. 2025-26 Resolution No. 2 - Approval and Public Hearing of Construction Manager/General Contractor Method of Procurement for the Upper Table Rock Elementary Gymnasium Seismic Rehabilitation Project

Eagle Point School District 9 Board of Directors Information Sheet

Date:	December 17, 2025 School Board Meeting	Presented By:	Gwen Swearingen
Subject:	2025-26 Resolution No. 2 Findings of Fact - Matter of Exemption Public Improvement Contract Upper Table Rock Elementary Gymnasium Seismic Rehabilitation Project	Attachment(s)	Yes

Information

BACKGROUND

Oregon law generally requires public improvement contracts to follow a competitive **Design–Bid–Build** process, which includes:

1. Completing a full architectural and engineering design, including drawings and construction/bid specifications.
2. Conducting a competitive bid process as defined in ORS 279C.335 and related statutes, awarding the contract to the *lowest responsible bidder*.
3. Constructing the project according to the architect’s plans and specifications.

State law also authorizes the School District Board of Directors—acting as the Local Contract Review Board—to exempt certain projects from this standard process when appropriate findings are adopted. When exempted, the District may use alternative contracting methods, such as the Construction Manager/General Contractor (CM/GC) approach.

The CM/GC method allows the contractor to participate during the design phase, providing opportunities to:

1. Review and provide input on developing plans.
2. Recommend design adjustments to reduce errors, delays, and unforeseen costs.
3. Assist in estimating project costs.
4. Establish a fixed, guaranteed, or maximum price early in the process.
5. Coordinate and oversee construction.

For this project, using the CM/GC method will allow Eagle Point School District to engage a contractor early, obtain value engineering services, and establish a Guaranteed Maximum Price during design rather than after full bid documents are completed.

RECOMMENDATION:

Administration recommends School Board approval of 2025-26 Resolution No. 2.

BOARD ACTION REQUIRED

Suggested Motion:

“I move to approve 2025–26 Resolution No. 2 to exempt the Upper Table Rock Elementary Gymnasium Seismic Rehabilitation Project from the competitive bidding requirements of ORS 279C.335, and to authorize the use of a Construction Manager/General Contractor in accordance with ORS 279C.337, District public contracting rules, and the process described in the Findings”.

**Eagle Point School District 9
2025-26 Resolution No. 2**

**Approval of Construction Manager/General Contractor Method of Procurement
for the Upper Table Rock Elementary Gymnasium Seismic Rehabilitation Project**

WHEREAS:

1. ORS 279C.335(1) requires, with certain exceptions, that all public improvement contracts be awarded through competitive bidding; and
2. ORS 279C.335(2) permits the Local Contract Review Board (LCRB) to grant specific exemptions from competitive bidding requirements when supported by appropriate findings; and
3. OAR 137-049-0620(1) allows the LCRB to exempt a public improvement contract from competitive bidding when written findings demonstrate compliance with OAR 137-049-0600 through 137-049-0690 and applicable statutes; and
4. Draft findings addressing competition and cost savings to the District, including the criteria set forth in ORS 279C.335(2)(b), regarding the use of a CM/GC contract for the Upper Table Rock Elementary Gymnasium Seismic Rehabilitation Project were made available at least 14 days prior to the public hearing on this Resolution and are attached as Exhibit A; and
5. A public hearing to review these Findings will be held during the regularly scheduled board meeting on December 17, 2025 at Eagle Point School District, 11 North Royal Avenue, Eagle Point, Oregon, as published in the *Daily Journal of Commerce* on December 3, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Eagle Point School District 9 Board of Directors that the selection of a contractor for the Upper Table Rock Elementary Gymnasium Seismic Rehabilitation Project is exempt from competitive bidding, and that a Construction Manager/General Contractor (CM/GC) shall be selected through an RFP process conducted in accordance with ORS 279C.337, the District's public contracting rules, and the procedures described in the findings.

ADOPTED by roll call vote of the Board of Directors at their regular meeting held December 17, 2025.

Board Chairperson

Attest:

Superintendent-District Clerk

PROPOSED FINDINGS SUPPORTING AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS AND USE OF THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR METHOD OF PROCUREMENT

Before the Local Contract Review Board,

In the Matter of Exemption) FINDINGS OF FACT
Request of)
Eagle Point School District 9)
Upper Table Rock Elementary)
School Gym Seismic Rehabilitation)

ORS 279C.335 (1) requires, with certain exceptions, that all Public Improvement contracts be based on competitive bids and, under ORS 279C.375, awarded to the lowest responsive and responsible bidder. ORS 279C.335(2) permits the Local Contract Review Board, which in this case is the **Eagle Point School District 9**, to grant, under certain conditions, specific exemptions from the requirement for competitive bidding upon the approval of specified findings.

OAR 137-049-0620(1), allows the Local Contract Review Board to exempt a Public Improvement contract from the requirements to be competitively bid, provided written findings supporting the use of non-competitive bid process show compliance with OAR 137-049-0600 to 137-049-0690 and applicable statute.

The hearing for review of these findings will be held at 6:30 PM on Wednesday, December 17, 2025, in the boardroom at the District Office located at 11 N Royal Avenue, Eagle Point, OR 97524, as published in the public notice section in the Daily Journal of Commerce on December 3, 2025.

Article I. BACKGROUND

Eagle Point School District 9 received a grant through Oregon’s Seismic Rehabilitation Grant program for a total value of **\$2,492,440**. The purpose of the grant is to seismically retrofit the **Upper Table Rock Elementary School Gym** building to meet or exceed the code requirements outlined in ASCE 41-17. It was determined during the initial grant application that the building would be renovated during the rehabilitation work as permitted by budget. All renovated areas will increase Life and Safety elements.

This Project is limited to the funding outlined in the grant package, additional funding is not available. The current budget does not reflect a contingency typically allotted for a project of this size and scope. It is the recommendation of the **Eagle Point School District 9** to procure the Project using the CM/GC contracting methodology. ORS 279C.332(3) identifies the CM/GC methodology as an alternative contracting method under ORS 279C.335, which allows a contracting agency to procure construction related services that include, among other things listed in ORS 279C.332(3), a construction manager/general contractor (a) functioning as a member of a project team that includes the **Eagle Point School District 9**, the Project

Architect or Engineer and other consultants, (b) reviewing and analyzing the project design in order to suggest changes to minimize potential errors, delays, unexpected costs and other problems during construction, (c) estimating construction, materials, labor and other costs for the Project, (d) establishing a fixed price, a guaranteed price or other maximum price for the Project, (e) constructing portions of the Project and subcontracting portions to other contractors, and (f) coordinating and overseeing the construction process. In this Project, the CM/GC contract allows the **Eagle Point School District 9** to bring the General Contractor on board during the initial design phase providing value engineering services and a Guaranteed Maximum Price during the design phase in lieu of during the bid phase after full design documents have been established.

The **Eagle Point School District 9** proposes utilizing the Construction Manager/General Contractor contract delivery methodology to obtain proposals for the **Upper Table Rock Elementary School Gym Seismic Rehabilitation**.

The exempted procurement process for this Project includes the following:

- 1) A Request for Proposals (RFP) process pursuant to OAR 137-049-0640 to procure a CM/GC contract with a general contractor.

Article II. FINDINGS REGARDING PROCUREMENT OF CM/GC SERVICES

ORS 279C.335(2) requires that an agency make certain findings as part of exempting public improvement contracts or classes of public improvement contracts from competitive bidding, as is the case with the procurement of CM/GC services. Pursuant to ORS 279C.330(2), the term "findings" as used in ORS 279C.335(2) means "the justification for a conclusion that a contracting agency, in seeking an exemption from the competitive bidding requirement of ORS 279C.335(1), reaches based on the considerations set forth in ORS 279C.335(2). Those required findings, generally defined as "findings regarding competition" and "findings regarding significant cost savings", are addressed below.

A. Findings Regarding Competition

ORS 279C.335(2) (a) requires an agency to find that: *"It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contractors or substantially diminish competition for public improvement contracts."*

The **Eagle Point School District 9** finds that selecting the contractor through an exempted competitive proposal selection process in accordance with OAR 125-249-0620 and 125-249-0630 will not inhibit competition or encourage favoritism. This finding is supported by the following facts:

- 1) The proposed CM/GC alternative contract delivery methodology is a competitive proposal process that allows the **Eagle Point School District 9** to select a firm to Seismically Rehabilitate **Upper Table Rock Elementary School Gym Seismic Rehabilitation** at the best possible value. Simple price competition is not feasible due to technical complexity associated with a seismic rehabilitation Project of this

nature. The technical complexity of the installation of certain structural systems within the rehabilitation plan lends it to specialized contractors with knowledge of these systems.

- 2) The CM/GC contractor will be selected through an open and competitive proposal process as prescribed by ORS 279C.400 to 410 and related administrative rules, including but not limited to formal public advertising of the solicitation, an award made based upon identified selection criteria described in the RFP, and an opportunity to protest any such award.

B. Findings Regarding Significant Cost Savings

ORS 279C.335(2)(b) requires an agency to find that *“Awarding a public improvement contract under the exemption will result in substantial cost savings to the public contracting agency.”*

This finding is supported by the following facts:

- 1) How many persons are available to bid: There are limited qualified specialized contractors to perform the scope of work associated with this Project.
- 2) The construction budget and the projected operating costs for the completed public improvement: Limited or no additional funding is available for the **Upper Table Rock Elementary School Gym Seismic Rehabilitation** above and beyond the awarded grant funding source.
- 3) Public benefits that may result from granting the exemption: Utilization of the CM/GC contract delivery process will allow **Eagle Point School District 9** to deliver the most comprehensive project for the allotted funding.
- 4) Whether value engineering techniques may decrease the cost of the public improvement: This work integrates specialized equipment and personnel to properly install certain items of the rehabilitation. A requirement to competitively bid this type of work would create additional expenses and lead to uncertainty regarding the installation of said items.
- 5) The cost and availability of specialized expertise that is necessary for the public improvement: An exemption from competitive bidding will allow **Eagle Point School District 9** to take advantage of specialized general contractors knowledgeable in the rehabilitation of existing structures and value engineering the Project during the design phase. This will allow **Eagle Point School District 9** to be provided the best value and potentially eliminate costly change orders resulting from unknowns in the field.
- 6) Any likely increases in public safety: There are currently concerns with public safety during the scheduled work as **Upper Table Rock Elementary School Gym Seismic Rehabilitation** will remain functional during the proposed work. The CM/GC will assist with the development of a safety plan.


- 7) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement: Risks associated with contract overruns, schedule increases and unqualified contracts are greatly reduced with the granting of the exemption to competitive bidding.
- 8) Whether granting the exemption will affect the sources of funding for the public improvement: Granting the exemption will not affect funding sources for **Upper Table Rock Elementary School Gym Seismic Rehabilitation**.
- 9) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement: The specialty products, services and supplies needed under this contract are not particularly impacted by market conditions.
- 10) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement: Implementation of this Project involves a number of issues of technical complexity. Special skills and expertise are needed for optimizing the related foundation strengthening and the seismic strengthening and element installation.
- 11) Whether the public improvement involves new construction or renovates or remodels an existing structure: The public improvement of **Upper Table Rock Elementary School Gym Seismic Rehabilitation** will renovate and seismically rehabilitate the building.
- 12) Whether the public improvement will be occupied or unoccupied during construction: The public improvement will occur while the building is occupied by summer staff. Parts of the Project may occur during normal school hours while students are in classes.
- 13) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions: It is the intent of **Eagle Point School District 9** to construct the Project under a single phase of the Project.
- 14) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract: **Eagle Point School District 9** will enlist the assistance of **ZCS Engineering and Architecture** as the Project Manager to assist with the enforcement of the terms of the scope of work associated with the public improvement contract. **Eagle Point School District 9** will enlist the District with legal counsel and legal enforcement of the public improvement contract.

Article III. SUMMARY

Use of the CM/GC method of contracting for the **Upper Table Rock Elementary School Gym Seismic Rehabilitation** is an appropriate use of the alternative contracting method under OAR 137-049-0620. Additionally, an exemption from competitive bidding requirements is justified under the criteria outlined in ORS 279C.330, findings have been developed in compliance with ORS 279C.335(2), and the **Eagle Point School District 9** will perform the post project evaluation required by ORS 279C.355. Based upon previously listed findings, the **Eagle Point School District 9** specifically concludes that:

- 1) It is unlikely the exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- 2) The exemption will result in substantial cost savings to the affected **Eagle Point School District 9** for the services provided.

The **Eagle Point School District 9** submits that this Request meets all of the criteria above and requests approval of this Exemption. If you have any questions, please call Gwen Swearingen at (541) 830-6559.



Gwen Swearingen
Director of Business Services
Eagle Point School District 9



Date

PROPOSED FINDINGS SUPPORTING AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS AND USE OF THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR METHOD OF PROCUREMENT

Before the Local Contract Review Board,

In the Matter of Exemption) FINDINGS OF FACT
Request of)
Eagle Point School District 9)
Upper Table Rock Elementary)
School Gym Seismic Rehabilitation)

ORS 279C.335 (1) requires, with certain exceptions, that all Public Improvement contracts be based on competitive bids and, under ORS 279C.375, awarded to the lowest responsive and responsible bidder. ORS 279C.335(2) permits the Local Contract Review Board, which in this case is the **Eagle Point School District 9**, to grant, under certain conditions, specific exemptions from the requirement for competitive bidding upon the approval of specified findings.

OAR 137-049-0620(1), allows the Local Contract Review Board to exempt a Public Improvement contract from the requirements to be competitively bid, provided written findings supporting the use of non-competitive bid process show compliance with OAR 137-049-0600 to 137-049-0690 and applicable statute.

The hearing for review of these findings will be held at 6:30 PM on Wednesday, December 17, 2025, in the boardroom at the District Office located at 11 N Royal Avenue, Eagle Point, OR 97524, as published in the public notice section in the Daily Journal of Commerce on December 3, 2025.

Article I. BACKGROUND

Eagle Point School District 9 received a grant through Oregon's Seismic Rehabilitation Grant program for a total value of **\$2,492,440**. The purpose of the grant is to seismically retrofit the **Upper Table Rock Elementary School Gym** building to meet or exceed the code requirements outlined in ASCE 41-17. It was determined during the initial grant application that the building would be renovated during the rehabilitation work as permitted by budget. All renovated areas will increase Life and Safety elements.

This Project is limited to the funding outlined in the grant package, additional funding is not available. The current budget does not reflect a contingency typically allotted for a project of this size and scope. It is the recommendation of the **Eagle Point School District 9** to procure the Project using the CM/GC contracting methodology. ORS 279C.332(3) identifies the CM/GC methodology as an alternative contracting method under ORS 279C.335, which allows a contracting agency to procure construction related services that include, among other things listed in ORS 279C.332(3), a construction manager/general contractor (a) functioning as a member of a project team that includes the **Eagle Point School District 9**, the Project

Architect or Engineer and other consultants, (b) reviewing and analyzing the project design in order to suggest changes to minimize potential errors, delays, unexpected costs and other problems during construction, (c) estimating construction, materials, labor and other costs for the Project, (d) establishing a fixed price, a guaranteed price or other maximum price for the Project, (e) constructing portions of the Project and subcontracting portions to other contractors, and (f) coordinating and overseeing the construction process. In this Project, the CM/GC contract allows the **Eagle Point School District 9** to bring the General Contractor on board during the initial design phase providing value engineering services and a Guaranteed Maximum Price during the design phase in lieu of during the bid phase after full design documents have been established.

The **Eagle Point School District 9** proposes utilizing the Construction Manager/General Contractor contract delivery methodology to obtain proposals for the **Upper Table Rock Elementary School Gym Seismic Rehabilitation**.

The exempted procurement process for this Project includes the following:

- 1) A Request for Proposals (RFP) process pursuant to OAR 137-049-0640 to procure a CM/GC contract with a general contractor.

Article II. FINDINGS REGARDING PROCUREMENT OF CM/GC SERVICES

ORS 279C.335(2) requires that an agency make certain findings as part of exempting public improvement contracts or classes of public improvement contracts from competitive bidding, as is the case with the procurement of CM/GC services. Pursuant to ORS 279C.330(2), the term "findings" as used in ORS 279C.335(2) means "the justification for a conclusion that a contracting agency, in seeking an exemption from the competitive bidding requirement of ORS 279C.335(1), reaches based on the considerations set forth in ORS 279C.335(2). Those required findings, generally defined as "findings regarding competition" and "findings regarding significant cost savings", are addressed below.

A. Findings Regarding Competition

ORS 279C.335(2) (a) requires an agency to find that: *"It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contractors or substantially diminish competition for public improvement contracts."*

The **Eagle Point School District 9** finds that selecting the contractor through an exempted competitive proposal selection process in accordance with OAR 125-249-0620 and 125-249-0630 will not inhibit competition or encourage favoritism. This finding is supported by the following facts:

- 1) The proposed CM/GC alternative contract delivery methodology is a competitive proposal process that allows the **Eagle Point School District 9** to select a firm to Seismically Rehabilitate **Upper Table Rock Elementary School Gym Seismic Rehabilitation** at the best possible value. Simple price competition is not feasible due to technical complexity associated with a seismic rehabilitation Project of this

nature. The technical complexity of the installation of certain structural systems within the rehabilitation plan lends it to specialized contractors with knowledge of these systems.

- 2) The CM/GC contractor will be selected through an open and competitive proposal process as prescribed by ORS 279C.400 to 410 and related administrative rules, including but not limited to formal public advertising of the solicitation, an award made based upon identified selection criteria described in the RFP, and an opportunity to protest any such award.

B. Findings Regarding Significant Cost Savings

ORS 279C.335(2)(b) requires an agency to find that *“Awarding a public improvement contract under the exemption will result in substantial cost savings to the public contracting agency.”*

This finding is supported by the following facts:

- 1) How many persons are available to bid: There are limited qualified specialized contractors to perform the scope of work associated with this Project.
- 2) The construction budget and the projected operating costs for the completed public improvement: Limited or no additional funding is available for the **Upper Table Rock Elementary School Gym Seismic Rehabilitation** above and beyond the awarded grant funding source.
- 3) Public benefits that may result from granting the exemption: Utilization of the CM/GC contract delivery process will allow **Eagle Point School District 9** to deliver the most comprehensive project for the allotted funding.
- 4) Whether value engineering techniques may decrease the cost of the public improvement: This work integrates specialized equipment and personnel to properly install certain items of the rehabilitation. A requirement to competitively bid this type of work would create additional expenses and lead to uncertainty regarding the installation of said items.
- 5) The cost and availability of specialized expertise that is necessary for the public improvement: An exemption from competitive bidding will allow **Eagle Point School District 9** to take advantage of specialized general contractors knowledgeable in the rehabilitation of existing structures and value engineering the Project during the design phase. This will allow **Eagle Point School District 9** to be provided the best value and potentially eliminate costly change orders resulting from unknowns in the field.
- 6) Any likely increases in public safety: There are currently concerns with public safety during the scheduled work as **Upper Table Rock Elementary School Gym Seismic Rehabilitation** will remain functional during the proposed work. The CM/GC will assist with the development of a safety plan.


- 7) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement: Risks associated with contract overruns, schedule increases and unqualified contracts are greatly reduced with the granting of the exemption to competitive bidding.
- 8) Whether granting the exemption will affect the sources of funding for the public improvement: Granting the exemption will not affect funding sources for **Upper Table Rock Elementary School Gym Seismic Rehabilitation**.
- 9) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement: The specialty products, services and supplies needed under this contract are not particularly impacted by market conditions.
- 10) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement: Implementation of this Project involves a number of issues of technical complexity. Special skills and expertise are needed for optimizing the related foundation strengthening and the seismic strengthening and element installation.
- 11) Whether the public improvement involves new construction or renovates or remodels an existing structure: The public improvement of **Upper Table Rock Elementary School Gym Seismic Rehabilitation** will renovate and seismically rehabilitate the building.
- 12) Whether the public improvement will be occupied or unoccupied during construction: The public improvement will occur while the building is occupied by summer staff. Parts of the Project may occur during normal school hours while students are in classes.
- 13) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions: It is the intent of **Eagle Point School District 9** to construct the Project under a single phase of the Project.
- 14) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract: **Eagle Point School District 9** will enlist the assistance of **ZCS Engineering and Architecture** as the Project Manager to assist with the enforcement of the terms of the scope of work associated with the public improvement contract. **Eagle Point School District 9** will enlist the District with legal counsel and legal enforcement of the public improvement contract.

Article III. SUMMARY

Use of the CM/GC method of contracting for the **Upper Table Rock Elementary School Gym Seismic Rehabilitation** is an appropriate use of the alternative contracting method under OAR 137-049-0620. Additionally, an exemption from competitive bidding requirements is justified under the criteria outlined in ORS 279C.330, findings have been developed in compliance with ORS 279C.335(2), and the **Eagle Point School District 9** will perform the post project evaluation required by ORS 279C.355. Based upon previously listed findings, the **Eagle Point School District 9** specifically concludes that:

- 1) It is unlikely the exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- 2) The exemption will result in substantial cost savings to the affected **Eagle Point School District 9** for the services provided.

The **Eagle Point School District 9** submits that this Request meets all of the criteria above and requests approval of this Exemption. If you have any questions, please call Gwen Swearingen at (541) 830-6559.



Gwen Swearingen
Director of Business Services
Eagle Point School District 9



Date

8.C. Unfinished Business

8.C.1. Superintendent Search Update Via Google Meet

9. Future Board Meeting Agenda Items

9.A. Work Session

9.B. Regular Meeting

9.C. Special Meeting

10. Executive Session

11. Determination of Dismissal or Continuing Employment

12. Adjournment