

CENTRAL OREGON COMMUNITY COLLEGE
 Board of Directors' Meeting - AGENDA
 Wednesday, June 14, 2006 – 6:00 PM
 Christiansen Board Room, Boyle Education Center

TIME**	ITEM	ENC.*	ACTION	PRESENTER
6:00 pm	I. Call to Order			Dorsch
	II. Introduction of Guests			Dorsch
6:05 pm	III. <u>Formal Opening</u> of Public Hearing & Testimony for 2006-07 Budget			Dorsch
	A. Budget Hearing Input			
	IV. Hearing for 2006-07 Budget			
	A. Adoption of the 2006-07 Budget			
	Budget Resolution I	4.a	X	Gregory
	B. Appropriation Resolution			
	Budget Resolution II	4.b	X	Gregory
	C. Levy Property Taxes			
	Budget Resolution III	4.c	X	Gregory
6:20 pm	<u>Adjournment</u> of Public Hearing for 2006-07 Budget			Dorsch
6:25 pm	Executive Session:			
	ORS 192.660 (1)(e) Real Property Transaction			Jones
	ORS 192.660 (1)(d) Labor Negotiations			Jones
	ORS 192.660 (1)(i) Performance Evaluation of CEO			Lee
7:00 pm	V. <u>Reconvene</u> Regular Public Board of Directors' Meeting			Dorsch
7:00 pm	VI. Agenda Changes			
7:05pm	VII. Public Hearing and Testimony			
	A. ASCOCC (Assoc. Students of COCC)			Bondarenko <input type="checkbox"/>
7:10 pm	VIII. Consent Agenda***			
	A. Minutes			
	1. Budget Committee, May 10, 2005	8.a1	X	Smith
	2. Board of Directors, May 10, 2006	8.a2	X	Smith
	B. Personnel			
	1. New Hire Report (April/May 2006)	8.b1	X	Buckles ^A
	C. Approval to Hire	8.c	X	Walsh
	(Lundstedt, Davis-Martin, Ray)			
	D. 2006-07 Budget			
	1. Inter-fund Borrowing	8.d1	X	Gregory
	2. Custodian of Funds/Depository Banks	8.d2	X	Gregory
	3. Clerk/Budget Officer/Deputy Clerks	8.d3	X	Gregory
	E. Budget Appropriation Review, 2006-07	8.e	X	Bloyer
	F. Life Cycle Replacement – Dell PC's	8.f	X	Paulson
	G. Approval to Hire (Underdal)	8.g	X	Moore
	H. Transfer of Funds from General to Capital	8.h	X	Gregory

7:15 pm	IX.	Information Items						
		A. Financial Statements	9.a*					Bloyer ^A
		B. Campus Indicators-Adult Basic Education	9.b					Dean ^A
7:20 pm	X.	Old Business						
		A. Observatory Court Property						Jones
7:30 pm	XI.	New Business						
		A. <u>Adjourn</u> as COCC Board of Directors						Dorsch
		<u>Convene</u> as Local Public Contract Review Board						Dorsch
		1. Opportunity for Public Testimony on changes to COCC Purchasing Procedures						Dorsch
		2. Consider changes to COCC Purchasing Procedures	11.a2					Jones ^P
		3. Changes -COCC's Rules of Procurement	11.a3	X				Jones
		<u>Adjourn</u> as Local Public Contract Review Board						Dorsch
		B. <u>Convene</u> as COCC Board of Directors - Regular Board Meeting						Dorsch
		C. President's Evaluation	11.c	X				Dorsch
7:55 pm	XII.	Board of Directors' Operations						
		A. Fall Board Retreat – Date/Location						Reeder
		B. Board Member Activities						
8:05 pm	XIII.	President's Report						
		A.						
8:20 pm	XIV.	Dates						
		A. Saturday, June 17 – 10:00 AM, COCC Commencement- Mazama Field						
		B. August 3-4 - OCCA Board Member Training						

* Material to be distributed at the meeting (as necessary). ** Times listed on the agenda are approximate to assist the Chair of the Board.

*** Confirmation of Consent Agenda items submitted by the President. Any item may be moved from the Consent Agenda to Old/New Business by a Board Member asking the Chair to consider the item separately. ^P = indicates a Presentation will be provided. A = indicates the presenter is Available for background information if requested.

**CENTRAL OREGON COMMUNITY COLLEGE
BOARD OF DIRECTORS**

RESOLUTION - # 1

Prepared by: John Gregory-Director of Fiscal Services

A. Action Under Consideration

Finalize and adopt the College budget for 2006-07.

- Adopt the budget

B. Discussion/History

This resolution is part of the culmination of the budget process. It gives the District its ability to spend money during the coming fiscal year.

Minor adjustments have been made to the budgets approved by the Central Oregon Community College Budget Committee on May 10, 2006.

C. Options/Analysis

1. Adopt the budget with the approved attached modifications.
2. Adopt a budget of a differing amount.

The Board of Directors has the power to adjust the resources and expenditures as they were approved by the Budget Committee. However, the powers are limited. The Board can reduce, and even eliminate, any requirement or expenditure in a fund, but expenditures cannot be increased by more than 10 percent of the published total in any fund.

D. Timing

The budget must be adopted before July 1, 2006 for the College to continue in operation.

E. Recommendation

Be it resolved that the Board of Directors of Central Oregon Community College do hereby adopt the budget approved by the Budget Committee on May 10, 2006.

Modifications:

- A) General Fund: increase contingency by \$100,000 to \$400,000.

Exhibit: 4.b
June 14, 2006
Approved: __Yes__No
Motion: _____

CENTRAL OREGON COMMUNITY COLLEGE
Bend, Oregon - Board of Directors

RESOLUTION - #2

BE IT RESOLVED that the amounts for fiscal year beginning July 1, 2006 and for the purposes shown below are hereby appropriated as follows:

GENERAL FUND

Instruction and Instructional Support	\$ 14,115,264
Student Services	2,271,350
College Support Services	3,559,705
Information Technology Services	1,838,556
Plant Operations and Maintenance	5,200,536
Financial Aid Fund	139,000
Contingency	<u>400,000</u>

Total General Fund \$ 27,524,411

DEBT SERVICE FUND

Debt Retirement	
Principal	\$ 2,752,260
Interest	<u>1,242,223</u>

Total Debt Service Fund \$ 3,994,483

SPECIAL REVENUE FUND

Federal Grants	\$ 843,013
State Grants	41,333
Other Grants	32,000
Contracts	25,000
New Programs	<u>1,300,000</u>

Total Special Revenue Fund \$ 2,241,346

CAPITAL PROJECTS FUND

New Construction & Campus Renovation	\$ 2,000,000
Building Repair Reserve	624,000
Higher Education Maintenance Reserve	223,000
Campus Center	5,700,000
IT Infrastructure	98,000
Real Estate Development	50,000
Life Cycle Technology Replacement	396,000
Madras Center	<u>1,759,000</u>

Total Capital Projects Fund \$ 10,850,000

ENTERPRISE FUNDS**Bookstore**

Personal Services	\$ 476,000
Materials and Services	2,199,000
Transfer Out	100,000
Capital Outlay	<u>15,000</u>

Total Bookstore Operations \$ 2,790,000

Dormitory Operations

Materials and Services	\$ 348,000
Capital Outlay	10,000
Transfer Out	<u>100,000</u>

Total Dormitory Operations \$ 458,000

Total Enterprise Funds \$ 3,248,000

AUXILIARY FUND

Self-Sustaining Activities	\$ 2,071,278
Non-General Fund Instruction	1,053,806
Entrepreneurial Instruction	1,910,726
Revolving Activities	1,258,713
Reserves	<u>3,607,100</u>

Total Auxiliary Fund \$ 9,901,623

FINANCIAL AID FUND

Federal Programs	\$ 4,473,150
State Programs	580,000
Local Programs	465,096
Transfer Out	<u>37,596</u>

Total Financial Aid Fund \$ 5,555,842

INTERNAL SERVICE FUND

Personal Services	\$ 114,300
Material and Services	163,500
Capital Outlay	<u>40,000</u>

Total Internal Service Fund \$ 317,800

RESERVE FUNDS

Retiree Benefit	\$ 200,000
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Exhibit: 4.c
June 14, 2006
Approved: __Yes__No
Motion: _____

CENTRAL OREGON COMMUNITY COLLEGE
BEND, OREGON

RESOLUTION #3

BE IT RESOLVED that the Board of Directors of Central Oregon Community College District hereby imposes the taxes provided for in the 2006-07 adopted budget at the rate of \$.6204 Per \$1,000 of assessed value for operations and in the amount of \$1,712,459 for Bonded Debt; and that these taxes are hereby imposed and categorized for the tax year 2006-07 upon the assessed value of all taxable property within the district.

	<u>Subject to the Education Limitation</u>	<u>Excluded from the Limitation</u>
General Fund	<u>\$.6204 /\$1,000</u>	
Debt Service Fund		<u>\$ 1,712,459</u>

CENTRAL OREGON COMMUNITY COLLEGE

BUDGET COMMITTEE MEETING

Wednesday, May 10, 2006 - 6:00 PM
Christiansen Board Room - Boyle Education Center

PRESENT: Lester Friedman-Chair, Laura Hiller, Dennis Sargent, Jay Henry, Steve Curran, Don Reeder, Connie Lee, John Overbay, Dana Bratton, Tony Dorsch, Dr. Ronald Foerster, Ron Bryant-Board Attorney, Dr. James Middleton-President, Julie Smith-Board Executive Assistant

ABSENT: Thomas Safely, Karen Timchak, Dr. Joyce Garrett

CALL TO ORDER: Lester Friedman-Chair

INTRODUCTION OF GUESTS: Matt McCoy, Dr. Kathy Walsh, Jim Jones, Jim Weaver, Ron Paradis, Gene Zinkgraf, Alicia Moore, Eric Buckles, John Gregory, Richard Thompson, Ross Tomlin, Carol Moorehead, Diana Glenn, Lisa Bloyer, Yoko Minoura and Monique Balas of The Bulletin.

PUBLIC HEARING AND TESTIMONY:
None

MINUTES APPROVAL:

Mr. Jay Henry motioned to approve the Minutes of the April 12, 2006 Budget Committee Meeting-(Exhibit: 4.a). Mr. Tony Dorsch seconded. MCU. Approved. M05/06:1

RESOLUTION FOR APPROVAL OF PROPOSED 2006-07 BUDGET:

Mr. John Gregory-Director of Fiscals Services, noted that the Resolution for the Approval of the Proposed 2006-07 Budget, represents the culmination of the budget committee process.

Ms. Laura Hiller motioned - Be It Resolved that the Budget Committee of Central Oregon Community College does hereby approve the Central Oregon Community College District proposed budget for Fiscal Year 2006-07 in the aggregate amount of \$63,507,182 (total of all funds) and that the permanent tax rate of \$.6204 per thousand of assessed value be levied against all assessed property in support of the General Fund. It is further resolved that a tax of \$1,712,459 be approved for the Debt Service Fund for the purpose of the regiment of bonded debt owned by the district. (Exhibit: 5). Mr. Dana Bratton seconded. MCU. Approved. M05/06:2

President Middleton thanked the Budget Committee Members for their commitment of time and work in the budget process. He also thanked the staff for their good work on the budget preparation.

Chair Friedman also thanked the Budget Committee for their participation in the process. He noted that this was his 5th year as a budget committee member, and each year he is more impressed by the work of the staff in terms of preparing the college budget for the upcoming year which translates into continuing the mission of the college and preparing the way for students. He complimented the staff for their good work in positioning the college so that changes in funding will have a minimal impact on the institution as compared with other colleges around the state.

President Middleton added that the college continues to work in helping the State Board of Education understand the implications of funding decisions.

Mr. Jim Jones-Vice President and Chief Financial Officer, reviewed that the Board will be considering the adoption of the Budget at the June Meeting.

Adjourn: 6:20 pm

APPROVED;

ATTEST TO;

Mr. Lester Friedman, Chair-Budget Committee

Dr. James E. Middleton, President

CENTRAL OREGON COMMUNITY COLLEGE
Board of Directors' Meeting
Wednesday, May 10, 2006 – 6:30 PM
Christiansen Board Room, Boyle Education Center

PRESENT: Dr. Ronald Foerster, Dana Bratton, Connie Lee, Don Reeder, Tony Dorsch, John Overbay, Ron Bryant-Board Attorney, Dr. James Middleton-President, Julie Smith-Board Executive Assistant

ABSENT: Dr. Joyce Garrett

INTRODUCTION OF GUESTS: Mark Tuttle, Priscilla Martin, Greg Phillips, Bengie Gilchrist, and other Awbrey Butte property owners; Norma Dubois, Kevin Multop, Dr. Kathy Walsh, Matt McCoy, Lester Friedman-Budget Committee, Jim Jones, Ron Paradis, Jim Weaver, Richard Thompson, Gene Zinkgraf, Eric Buckles, John Gregory, Alicia Moore, Lisa Bloyer, Carol Moorehead, Ross Tomlin, Celeste Brody, Diana Glenn, Anna Bondarenko, Yoko Minoura and Monique Balas-The Bulletin and others.

AGENDA CHANGES:

Moved Up: Old Business Item: 7.a-Observatory Court Property to Public Hearing and Testimony: 4.b; President's Report Item: 10.b to Board of Directors' Operations 9.b

Addition: Exhibit: 7.c-Real Estate Committee Action; 9.b-Fall Board Retreat Options

PUBLIC HEARING AND TESTIMONY:

ASCOCC - (Associated Students of Central Oregon Community College)

Ms. Anna Bondarenko reported on the recent activities that included the budget process and general elections. Upcoming activities include:

- May 24 end-of-the-year celebration and free lunch in the Modoc Quad area
 "Day-on-the-Green" – with various booths that include:
 - Club membership drive;
 - Financial aid;
 - and the CAP Center.
- Latino Club held a "Cinco de Mayo" celebration on May 5 with free Mexican food.

OSPIRG (Oregon Student Public Interest Research Group) involves students in public interest projects for the community. OSPIRG presented a proposal to the ASCOCC to increase the student activities fee by \$.25 per credit to go towards the renewable energy project. Currently the student activities fee is 1.50 per credit.

COCC Commencement

Saturday, June 17, 2006

10:00 AM

Mazama Field on campus.

CONSENT AGENDA:

Mr. John Overbay moved to approve the Consent Agenda.

Mr. Ron Foerster requested the removal of Item F – Juniper Residence Hall Room/Board Rates, from the Consent Agenda, for discussion.

Mr. Ron Foerster seconded. MCU. Approved. M05/06:1

BE IT RESOLVED that the Board of Directors' reviewed and approved the Meeting Minutes of April 12, 2006 (Exhibit: 5.a);

BE IT RESOLVED that the Board of Directors' reviewed and approved the March/April New Hire Report (Exhibit: 5.b);

BE IT RESOLVED that the Board of Directors' approved the rehire recommendations for the academic year 2006-07 as identified (Exhibit: 5.c);

BE IT RESOLVED that the Board of Directors' authorize the increase of the in-state meal per diem rate to \$36 per diem and the increase of the out-of-state meal per diem to \$49 per diem effective with the beginning of fiscal year 2006-07 (Exhibit: 5.d);

BE IT RESOLVED that the Board of Directors' approved the rehire recommendations for administrative and confidential and supervisory staff for the 2006-07 fiscal year (Exhibit: 5.e & 5.e Attachment).

Juniper Residence Hall - Room/Board Rates (Exhibit: 5.f)

Mr. Richard Thompson-Dean of Students and Enrollment Services, reviewed that each spring, the college, in consultation with its residence hall contractor, College Housing Northwest (CHNW), and the food service contractor, High Desert Management, establishes residence hall room and board rates for the subsequent fiscal year. An overall rate change of 6.5% is recommended, increasing the annual Juniper Hall room and board charge from \$6,380 to \$6,798. The resolution reflects a 7.5% room rate increase and a 5.29% board rate increase.

Mr. Ron Foerster expressed his concern that the increases will be a hardship on students who are struggling with finances and requests that staff explores ways of making it more affordable for those students.

Ms. Connie Lee moved to approve the Juniper Residence Hall Room and Board Rates.

Mr. Reeder seconded.

Yes: Lee, Reeder, Overbay, Bratton, Dorsch

No: Foerster

MC. Approved. M05/06:2

BE IT RESOLVED that the Board of Directors' approved the adoption of a 6.5% percent increase for the 2006-2007 Juniper Residence Hall fee schedule, increasing the standard annual rate from \$6,380 to \$6,798 (Exhibit: 5.f).

INFORMATION ITEMS:

Financial Statement - (Exhibit: 6.a)

The Board of Directors were apprised of the April 2006 Financial Statements.

Campus Indicators – Spring Term Enrollment

President Middleton reported that the total spring 2006 FTE is down 4% compared to spring 2005, but is up 1.1% when comparing 2005-06 academic year FTE to 2004-05.

Ms. Alicia Moore-Director of Admissions and Records, reported that the college will have another record graduation class this year with over 500 students graduating.

24/7 Financial Aid Systems Demonstration

Mr. Richard Thompson-Dean of Students and Enrollment Services, reviewed the past history of the student registration process. Moving students from standing in numerous long lines at various locations on campus; to the one-stop on campus; to technology non-stop services for students with website access where students can register, select and pay for classes 24/7 via the internet. Mr. Thompson noted that this advancement is made possible due to the hard work efforts of technologically savvy staff members.

Mr. Thompson introduced Mr. Kevin Multop-Director of Financial Aid, noting that due in part to Mr. Multop's technological proficiency, the Financial Aid department has been able to move students into the 24/7 non-stop student financial aid process via the COCC online website. Mr. Multop thanked the IT (Information Technology) department staff for their hard work in helping to develop the online-website-access process. His PowerPoint presentation showed how COCC's online student financial aid process improves services for students as well as staff. He reported that student feedback has all been positive.

President Middleton noted that one of the many advantages to website registration is that it helps students who live in the out-lying areas of the college district to conduct business online, saving time and cost of gas for travel to Bend.

OLD BUSINESS:

Observatory Court Property

Mr. Jim Jones-Vice President and Chief Financial Officer, reported that the college's Observatory Court property on Awbrey Butte has been on the real estate market for the past six months and has not sold. Mr. Jones reported that the current listing expires May 26, noting that the property was marketed with some restrictions and conditions set by the board. He requested direction for the following:

1. Does the Board wish to continue to pursue the listing of the property?
2. If yes, does the Board wish to adjust any of the restrictions, conditions, price or other items pertaining to the sale of the property?

Mr. Dana Bratton-Board Real Estate Committee, reviewed the discussion of the recent committee meeting, noting that the initial intention of the sale was to capitalize on the "hot" real estate market. He reported that the committee evaluated the restrictions, conditions, marketing efforts and price.

Mr. Bratton noted that Ms. Norma Dubois-listing agent, reported on her extensive efforts to market the property, he continued that the market has now been tested and it hasn't sold. The committee consensus was to change the restrictions and conditions of sale.

Much discussion ensued, Mr. Bratton suggested continuing for an additional 30 days with the same restrictions and conditions. Board consensus is to continue to pursue the listing/sale of the property with the same restrictions and conditions for an additional 30 days.

Mr. John Overbay moved to extend the Observatory Court properties contract with Ms. Norma Dubois as real estate broker, for six months, with the same restrictions and conditions as set forth in Exhibits: 9.a, 9.b, 9.b1 and 9.b2 from the October 12, 2005 Board of Directors' Meeting. Ms. Connie Lee seconded.
MCU. Approved. M05/06:3

Student Housing Update

Mr. Matt McCoy-Vice President for Institutional Advancement, reviewed that last July 2005 the college asked the consultant group of Brailsford & Dunlavey, to complete a preliminary assessment of the college's student housing needs. The preliminary report identified financial and enrollment parameters and indicated COCC likely has the ability and capacity to support residence halls of approximately 330 beds.

In October 2005, Brailsford & Dunlavey was contracted to complete a full housing analysis, including a comprehensive student survey. Paul Brailsford, principle of Brailsford & Dunlavey, will be attending the July 2006 Board Meeting to present the official housing feasibility study. Prior to the July Board Meeting, Mr. McCoy will contact board members with highlights of the feasibility study.

Real Estate Committee Report

Mr. Dana Bratton-Real Estate Committee Chair, reported that the RFP's (Request for Proposals) that went out to the development community was a request for – "the development and management of the college's property" on the corner of the round-about on Mt. Washington and Shevlin Park Road.

Four proposals came in – CenterCal Properties; Northwest Development Solutions; Three Pines Development; and Touchmark.

The group selected Touchmark as the preferred developer to develop the property. The proposed development will interface the colleges Culinary, Hospitality and Nursing programs, melding young adults with an active retired senior citizen (55 and over) community which will include cottages, condominiums and assisted living and will be braced with commercial businesses at the core.

President Middleton thanked Dana Bratton, John Overbay and Don Reeder-Board Real Estate Committee; and Mr. Jim Jones and his staff, who all worked diligently on the RFP's. President Middleton reported that the proposals were all good and all very different in concept. He reviewed that the purpose was to garner appropriate perpetual income for the college in response to the continued state funding decline.

BOARD OF DIRECTORS' OPERATIONS

Board Member Activities

Mr. Overbay	Attended two Real Estate Committee Meetings Reviewed RFP's for college property
Ms. Lee	Meeting with President Middleton re: Budget Attended Keyes Trust Meeting Attended OCCA Executive Board Meeting Attended OCCA Regular Meeting

Mr. Reeder Attended Board Meeting Agenda Review Conference Call Meeting
 Attended Real Estate Committee Meeting

Mr. Bratton Attended two Real Estate Committee Meetings

Mr. Foerster Attended CORRECT Meeting
 Meeting w/President Middleton
 Meeting w/John Costa – The Bulletin
 Re: support for four year college in Central Oregon

Mr. Dorsch Attended Board Meeting Agenda Review Conference Call Meeting
 Phone Call w/John Costa – The Bulletin

Fall Board Retreat Options

President Middleton reviewed that the 2005 board retreat took place on Friday, October 28 (all day) and Saturday, October 29 (half day).

President Middleton, Don Reeder and Julie Smith-Executive Assistant, will work on the dates and location for the October 2006 retreat.

PRESIDENT’S REPORT

Technology for Student/Audience Feedback

President Middleton introduced Ms. Julie Hood-Assistant Professor II of Human Biology. Julie gave a PowerPoint demonstration of the new-to-the-college technology, “clickers” an assessment tool that provides instant feedback for the classroom as well as large staff and community group meetings.

ADJOURN to Executive Session: 9:15 PM

ORS 192.660 (1)(e) Real Property Transaction
ORS 192.660 (1)(d) Labor Negotiations
ORS 192.660 (1)(i) Performance Evaluation of CEO

ADJOURN: from Executive Session: 10:00 PM

APPROVED;

ATTEST TO;

Mr. Anthony Dorsch, Board Chair

Dr. James E. Middleton, President

Exhibit: 8.b1
 June 14, 2006
 Approval: ___Yes___No
 Motion: _____

Central Oregon Community College
New Hire Report
April - May 2006

<u>Name</u>	<u>Date Hired</u>	<u>Job Title</u>
<u>Classified Full-Time</u>		
Garcia, Jeannine	5/22/2006	Enrollment Spec
Hamilton, Mary Beth	5/15/2006	Office Specialist 4
Root, J C	5/15/2006	Tech Supp. Spec 3
Taft, Edward	4/2/2006	Custodian
<u>Part-Time Faculty</u>		
Casad, Molly	4/3/2006	Part-Time Faculty
Drayton, Daniel	4/3/2006	Part-Time Faculty
Dunn, Kenneth	4/3/2006	Part-Time Faculty
Finley, Richard	4/10/2006	
Jacobson, Holly	4/3/2006	Part-Time Faculty
Jaeger, Stephanie	4/3/2006	Part-Time Faculty
Keagy, Sabine	4/3/2006	Part-Time Faculty
Koellermeier, Doug	4/3/2006	Part-Time Faculty
Nagler, Betsy	4/3/2006	Part-Time Faculty
Peterson, Timothy Michael	4/3/2006	Part-Time Faculty
Schaefer, Isaac	4/3/2006	Part-Time Faculty
<u>Temporary Hourly</u>		
Bartow, Benjamin	4/6/2006	Computer Lab
Collins, Bradley	4/3/2006	Tutor
DeLeo, John	4/3/2006	Notetaker
Elliott, Megan	4/3/2006	Notetaker
Espinoza, Mischell	4/1/2006	MA Lab
Fields, Megan	5/9/2006	Notetaker
Finn, Megan	4/10/2006	Info Office Asst
Hansen, Joseph	4/3/2006	EMS Lab Asst
Harrison, Robert	4/3/2006	EMS Lab Asst
Hendricks, Janet	4/3/2006	Notetaker
Kaatz, Carmen	4/3/2006	Notetaker
MacAllister, Rachel	5/8/2006	Substitute teacher
Norris, Andrew	4/3/2006	EMS Lab Asst
Ramsden, Nadine	4/3/2006	Notetaker
Scott, Joshua	4/19/2006	Lab Asst - Biology
Shenoah Lower, Ian	5/15/2006	Auto Lab Asst
Starnes, Sheri	5/1/2006	Notetaker
Storton, Jeremiah	4/3/2006	EMT Lab Asst
Trautz, Marc	4/3/2006	EMS Lab Asst
Wasserman, Madalen	4/3/2006	Notetaker
Watson, Richard	4/3/2006	computer lab
Wesson, Sara	4/3/2006	Notetaker
Wilson, Andrew	4/3/2006	Computer Lab
Wilson, Matthew	4/3/2006	EMT Lab Asst
Wilson, Tiki-Marie	4/3/2006	Notetaker
Wittig, Anthony	5/12/2006	Tutor

<u>Name</u>	<u>Date Hired</u>	<u>Job Title</u>
<u>Temporary Salary Payment</u>		
Anderson, Scott	4/15/2006	
Bohler, Peter	5/9/2006	
Clausen, Katherine	4/3/2006	
Drake, Patricia	4/21/2006	
Holtzman, Sondra	4/20/2006	
Huetten, Peggy	5/9/2006	
Murphy, Stephanie	4/3/2006	
Phinney, Sanna	4/12/2006	
Saubert, Russell	5/23/2006	
Sbandati, Juri	4/22/2006	
Shinderman, Matthew	4/19/2006	
Simmons, Jonathan	5/5/2006	Forestry Driver
Smith, David	4/17/2006	
Souza, Gabrielle	4/13/2006	
Stevenson, Rachelle	4/13/2006	
Youngbar, Reed	4/5/2006	

Central Oregon Community College
Board of Directors

RESOLUTION

Prepared by: Kathy Walsh-Vice President for Instruction

A. Action Under Consideration

Approve the contracts for **Glenda Lundstedt** and **Kelly Davis-Martin**, Temporary Instructors for Health and Human Performance and **Craig Ray**, Temporary Instructor for Math.

B. Discussion/History

The contracts for Glenda Lundstedt, Kelly Davis-Martin and Craig Ray are one-year temporary instructor positions to fill vacant faculty positions.

C. Options/Analysis

Approve the contracts for Glenda Lundstedt, Kelly Davis-Martin, and Craig Ray.

Decline approval of the contracts for Glenda Lundstedt, Kelly Davis-Martin, and Craig Ray.

D. Timing

For the 2006-07 academic year.

E. Recommendation

Be it resolved that the Board of Directors of Central Oregon Community College District approves the contracts for Glenda Lundstedt, Temporary Instructor of Health and Human Performance, and Kelly Davis-Martin Temporary Instructor of Health and Human Performance, and Craig Ray, Temporary Instructor of Math for the academic year 2006-07.

F. Budget Impact

The salary conforms to the salary schedule approved by the Board and the Faculty Forum.

Glenda Lundstedt

Temporary Instructor of HHP

Glenda Lundstedt is currently completing her PhD in Exercise and Sport Psychology at Oregon State University. She earned her Master's Degree in Outdoor Education, and continues to integrate this philosophy into much of her teaching. She brings a breadth of experience to COCC including principles in experiential education, challenge course training, exercise and sport psychology, health and wellness, and various activity skills, including water polo, rock climbing and mountain biking. This summer she will use her expertise in experiential education methodologies in an intervention program for overweight adolescents.

Kelly Davis-Martin

Temporary Instructor of HHP

Kelly Davis-Martin returns to Central Oregon, her hometown, after several years away in Corvallis and Portland, where she completed her B.S., and MPH, respectively. She has worked in many health promotion settings including Deschutes County Health Department, Cascades AIDS project, and the Women's Resource Center at Portland Community College. She has taught for the American Red Cross and Portland Community College. Her diverse health promotion experience provides her with the knowledge and experience to teach an array of classes for HHP.

Craig Ray

Temporary Instructor of Math

Craig Ray has been teaching Math for COCC on a part-time basis since 1995. Before moving to Central Oregon, Craig worked for UPS for 15 years. He returned to school after leaving UPS and earned his BS in Math from the University of La Verne in La Verne, CA. Craig received his MS in Math from the University of Oregon in June, 2004 while employed part time by COCC.

**CENTRAL OREGON COMMUNITY COLLEGE
BOARD OF DIRECTORS**

RESOLUTION

Prepared by: John Gregory-Director of Fiscal Services

A. Action Under Consideration

Approve inter-fund borrowing between various projects and funds of the College.

B. Discussion/History

The College is the grantee on a number of grants, which are funded on a cost reimbursement basis. That is, after the expenditures are made, the College applies for and is reimbursed by the grantor. Between the time of the expenditure and reimbursement, the College's various funds "loan" money to the grant account.

This resolution, if approved by the Board, authorized short-term interfund borrowing for the purposes described above. All such interfund borrowings shall be repaid by the end of the fiscal year. No interest shall be charged on such loans.

C. Options/Analysis

1. Approve interfund borrowing.
2. Don't approve inter-fund borrowing.

D. Timing

This is an item, which needs annual affirmation by the Board of Directors. For interfund borrowing to occur in Fiscal Year 2006-2007 this resolution will need to be approved.

E. Recommendation

Be it hereby resolved that the Board of Directors of Central Oregon Community College do hereby authorize inter-fund borrowing between the various funds and programs of the College.

F. Budget Impact

Funds borrowed by another College program do not earn interest. Therefore there is the opportunity cost of foregone interest. For this reason, the College attempts to minimize the need for interfund borrowing.

**CENTRAL OREGON COMMUNITY COLLEGE
BOARD OF DIRECTORS**

RESOLUTION

Prepared by: John Gregory-Director of Fiscal Services

A. Action Under Consideration

Designate custodians of funds and financial institutions which can serve as depositories for District Funds.

B. Discussion/History

Oregon law stipulates that each year the Board of Directors designate custodians of funds and financial institutions, which can serve as depositories for District Funds. It is recommended that James E. Middleton, James R. Jones, and Matt McCoy be designated as custodian of funds, and that the Board approves the use of a facsimile signature (check signing machine) on District checks. All checks over \$20,000 will also require the countersignature of one of the custodians of funds. It is further recommended the following institutions be so designated as depository institutions for the 2006-2007 fiscal year:

Bank of the Cascades	Bend, Redmond, Sisters, Prineville, and Sunriver branches
Bank of America	Bend and Redmond branches
Bank of the West	Madras
City National Bank	Los Angeles, CA
Community First Bank	Bend, Prineville, La Pine, Terrebonne, and Madras branches
First Security Bank	Bend and Redmond branches
SOFCU	Bend Branch
Columbia River Bank	Bend, Redmond, and Madras branches
Liberty Savings and Loan	Bend branch
Mid Oregon Federal Credit Union	Bend, Redmond, and Prineville branches
Northwest Community Credit Union	Bend branch
Ochoco Federal Credit Union	Prineville branch

Selco Credit Union	Bend branch
South Valley Bank and Trust	Bend, Redmond, Gilchrist, and La Pine branches
Unites States National Bank of Oregon	Bend, Redmond, Sisters, Prineville, La Pine, Madras branches, and Head Office in Portland, OR.
Umpqua Bank	Bend branches and Head Office in Portland
Washington Mutual Bank	Bend, Redmond, Sisters, Prineville, and Sisters branch
Wells Fargo Bank	Bend, Redmond, Prineville, Madras branches, and Main Office in Portland, OR.
Western Bank	Bend, Prineville and Redmond branches
Wood Products Credit Union	Bend branch
Local Government Investment Pool	State of Oregon Treasury Department

C. Options/Analysis

1. Approve custodians of funds and depositories of District Funds as recommended.
2. Approve other custodians of funds and depositories of District Funds.

D. Timing

Approval before July 1, 2006 is required.

E. Recommendation

Be it resolved that the Board of Directors of Central Oregon Community College do hereby approve James E. Middleton, James R. Jones, and Matt McCoy as custodian of funds and the aforementioned financial institutions as depositories of District Funds.

F. Budget Impact

None

**CENTRAL OREGON COMMUNITY COLLEGE
BOARD OF DIRECTORS**

RESOLUTION

Prepared by: John Gregory-Director of Fiscal Services

A. Action Under Consideration

Approve Clerk, Budget Officer, and Deputy Clerks for the College District.

B. Discussion/History

Each year it is necessary for the Board of Directors to designate the Clerk, the Budget Officer, and Deputy Clerk of the District. It is their responsibility to carry out Board policy and oversee the day-to-day legal and fiscal affairs of the District. In addition, the college is party to literally hundreds of contracts in the area of clinical affiliation and employee salary reduction agreements. Clinical affiliation agreements state the terms and responsibilities of each party when a student does a practicum in a medical setting as part of a health occupation program. With minor variations, these contracts all follow the same format. Employee salary reduction agreements are employee-initiated transactions in which the employee determines how much of their salary, within IRS determined limits, goes into a supplemental retirement account.

It is recommended that James E. Middleton be designated the Budget Officer and Clerk of the District, and James R. Jones and Matt McCoy, the Deputy Clerks for the period July 1, 2006 through June 30, 2007. Also, it is recommended that signature authority for clinical affiliation agreements, employee salary reduction agreement, and other routine contracts be delegated to Sharla Andresen, the college's Financial and Contracts Analyst.

C. Options/Analysis

1. Approve the Clerk, the Budget Officer, and Deputy Clerks as recommended.
2. Approve other persons as the Clerk, Budget Officer, and Deputy Clerk.

D. Timing

Clerk, Budget Officer, and Deputy Clerks need to be designated by July 1, 2006.

E. Recommendation

Be it hereby resolved that the Board of Directors of Central Oregon Community College do hereby designate James E. Middleton as Budget Officer and Clerk of the District, and that James R. Jones and Matt McCoy be designated Deputy Clerks and Sharla Andresen be delegated limited signing authority as specified in Section B for the period July 1, 2006 through June 30, 2007.

F. Budget Impact - None

**CENTRAL OREGON COMMUNITY COLLEGE
BOARD OF DIRECTORS**

RESOLUTION

Prepared by: Lisa Bloyer-Accounting Manager

A. Action Under Consideration

Approve transfer of budget and a like amount of appropriation authority within the appropriation units of the Special Revenue Fund, Capital Projects Fund, and Financial Aid Fund.

B. Discussion/History

Every year at this time, the College performs an appropriation review of its fiscal year appropriation units. Due to the difficulty in precise estimation of non-general fund appropriation levels, it is sometimes necessary at year-end to transfer budget and appropriation authority to reflect transaction activity. In no case are dollars being transferred, only the ability to spend. Therefore, it is requested that accounts on the attached budget change form have their appropriation authority increased.

C. Options/Analysis

1. Approve budget and appropriation transfer.
2. Do not approve budget and appropriation transfer.

D. Timing

This action needs attention at this time in order to preclude potential expenditures in excess of appropriation authority.

E. Recommendation

Be it resolved that the Board of Directors of Central Oregon Community College do hereby authorize the transfer of budget and a like amount of appropriation authority as specified in the attached budget change forms.

F. Budget Impact

As identified in attached budget change form.

**CENTRAL OREGON COMMUNITY COLLEGE
BOARD OF DIRECTORS**

RESOLUTION

Prepared by: Scott Paulson-Director of Information Technology Services

A. Action Under Consideration

Purchase 175 Dell desktop PCs as a part of COCC's "life cycle replacement" (LCR) plan for an amount of \$175,000. The required funds are available today in a previously approved LCR budget, however due to the size of this single purchase we are seeking Board approval.

B. Discussion/History

The college has adopted a desktop PC life cycle which involves purchasing approximately 175 new computers every year so that our main life cycle fleet can be upgraded every 4 years. As computers move in to their 5th year they are moved to our trickle-down and surplus fleet where they are used to meet secondary and emergency needs. Upon reaching their 6th year, computers are donated to area schools.

All benefited employees who rely on a computer to do their work will have their computer upgraded within COCC's 4 year lifecycle. This includes all full-time faculty and staff, as well as benefited part-time employees when appropriate. Existing computer labs are also included in COCC's lifecycle, unless funded by outside sources. In general, casual use computers and part-time faculty offices are equipped with 5th year trickle-down computers.

Starting with this proposed June 2006 purchase COCC is coordinating with other Oregon Community Colleges to negotiate with Dell and consequently raise our discount through increased volume. The colleges involved in this first purchase are COCC, Lane, Chemeketa and hopefully Southwestern. Moving forward the number of colleges involved is expected to increase and should therefore continue to provide significant savings not only for COCC, but all of Oregon. For the specific purchase in question here, this coordinated approach is expected to save COCC approximately \$19,000.

C. Options/Analysis

Approve the recommendation to purchase these life cycle replacement desktop PCs.
Defer workstation upgrades for another year.

D. Timing

Immediate

E. Recommendation

Be it resolved that Central Oregon Community College Board of Directors' approves the desktop PC purchase, using the previously allocated 05-06 LCR funds.

F. Budget Impact

Existing funds would be spent as previously identified.

Exhibit: 8.g
June 14, 2006
Approval ____ Yes ____ No
Motion _____

Central Oregon Community College

RESOLUTION

Prepared by: Eric Buckles-Director of Human Resources

A. Action Under Consideration

Approve employment contract for **Taran Underdal**, Full-time Recruiter/Admissions Advisor.

B. Discussion/History

The employment contract for Taran Underdal is for an administrative position. This position was filled through an external College search.

C. Options/Analysis

Approve the employment contract for Taran Underdal.
Decline approval of the employment contract for Taran Underdal

D. Timing

For the 12 month contract period July 5, 2006 – June 30, 2007

E. Recommendation

Be it resolved that the Board of Directors of Central Oregon Community College hereby approves the employment contract for Taran Underdal.

F. Budget Impact

The salary conforms to the salary schedule approved by the Board.

G. Miscellaneous

Ms.Underdal received her B.S. in General Agriculture (emphasis in communications & leadership) from Oregon State University. Ms. Underdal has spent the past year as an Admissions Advisor for Oregon State University, including recruitment responsibilities. Ms. Underdal has been working in various university positions since 2003. In 2004 she served as a START Peer Leader advising, registering & orienting first year and transfer students at OSU.

Exhibit: 8.h
June 14, 2006
Approve: ____ Yes ____ No
Motion: ____

**CENTRAL OREGON COMMUNITY COLLEGE
BOARD OF DIRECTORS**

RESOLUTION

Prepared by: John Gregory-Director of Fiscal Services

A. Action Under Consideration

Approve transfer of \$900,000 from the general fund to the capital projects fund - new construction account.

B. Discussion/History

The College has a history of setting aside funds for its construction projects. Currently the College is trying to build up construction reserves in anticipation of matching state construction funds and to deal with the multitude of construction options under current consideration.

C. Options/Analysis

1. Approve budget transfer.
2. Do not approve budget transfer

D. Timing

Approval of this resolution now would move \$900,000 from the general fund to the capital projects fund - new construction account in the 2005/06 fiscal year.

E. Recommendation

Be it resolved that the Board of Directors of Central Oregon Community College do hereby authorize the transfer of \$900,000 from the general fund to the capital projects fund - new construction reserve.

F. Budget Impact

This resolution will reduce the general fund balance by \$900,000 and increase the new construction account in the capital projects fund in anticipation of future demands. Funds will not be spent from the new construction account without Board of Directors' approval.

**CENTRAL OREGON COMMUNITY COLLEGE
INFORMATION ITEM**

Prepared by Dianne Dean, Director of Adult Basic Education/College Preparation

A. Issue

**CAMPUS INDICATORS
2006 – Edition 6**

B. Discussion/History

ADULT BASIC EDUCATION / COLLEGE PREPARATION

MISSION STATEMENT:

Central Oregon Community College's Adult Basic Education/College Preparation (ABE/CP) program prepares adults to become college ready students, more involved citizens and more highly skilled workers. The ABE program accomplishes this by offering instruction in basic academic skills, English language learning, communication skills, career skills and life skills. ABE is dedicated to enriching the lives of students in their homes, their jobs, and their communities.

GOALS: To provide students with coursework in:

1. Basic skills leading to secondary skill levels.
2. Secondary skills leading to a Central Oregon Community College high school diploma or GED.
3. Preparing them and transitioning them into post-secondary level classes.
4. Preparing them for work.
5. Preparing them for successful family life.
6. Pursuing life-long learning.

CLASSES:

- GED/College Prep (pre-secondary, GED and high school completion)
- English Language Learning (includes Even Start/Family Literacy with childcare through the ESD)
- Advanced English and Academic Skills
- Distance Education (pre-secondary, GED and high school completion)
- ABE Computer Labs for ABE students, college students, and the community
- Community Corrections (pre-secondary, GED and high school completion)
- Transitions to College classes
- Volunteer Tutoring (pre-secondary, secondary, and ELL)

SITES AND OFFERINGS 2005-2006:

	GED/ College Prep	English Language Learning	Distance Education	Computer Lab	Community Corrections	Transitions to College	Advanced English	Volunteer Tutoring
Bend	X	X	X	X	X	X	X	X
North Lake County			X					
La Pine			X	X		X		X
Madras	X	X	X	X	X	X		X
Prineville	X	X	X	X		X		X
Redmond	X	X	X	X		X		X
Warm Springs	X		X			X		X

RECENT CHANGES:

The ABE/CP program has changed its focus to better reflect the needs of its students. The students recognize their need for college level skills and attend ABE/CP classes to prepare for postsecondary courses and training. Thus ABE/CP has made the following changes:

1. In all the ABE/CP programs—GED/College Prep classes (which includes very basic skills); high school diploma courses; ELL, Even Start ELL and Advanced ELL; jail classes; and tutoring—the emphasis is on preparing students for college level study.
2. The program began offering a “Transitions to College” class in 2005 that helps students prepare for many aspects of college including financial aid; balancing work, family, and study loads; resources and support services; required academic skills, career pathways and possibilities; and personal action plans. The number of students who have completed this course totals 100. The instructor continues to advise 18 students who are entering or have entered college credit classes.
3. Another recently added class is “Advanced English and Academic Skills”. In the past, the program’s focus was on beginning language learners, but many ELL students are in need of more intense work so they can move on to college credit programs. This class has been very successful in its numbers; it has yet to be seen how many students have moved on and become successful in college classes.
4. The program has expanded its high school diploma program and related activities (courses for public, private and alternative high school students). Students go through orientation and advising so that they could successfully combine high school courses and college credit classes. The program saw an increase in income, FTE, and successes compared to previous years.

Year	Registrations	FTE	Tuition	COCC HS diploma students	Public, private and alternative students
2004-2005	67	8.74	\$4,690.00	11	20
2005-2006	234	28.19	\$15,445.00	13	81

NUMBERS:

The ABE/College Prep program is supported by Title II of the Workforce Investment Act (WIA) which is administered by the Department of Community Colleges and Workforce Development. ABE/College Prep is also supported by the College’s general fund. 2005-06 ABE/CP’s income provided below:

ABE General Fund Account	\$ 528,777.00
Federal ABE grants	\$ 201,426.00
State Incentive grants	\$ 12,000.00
Even Start Contract with High Desert ESD	\$ 71,910.00
Local income (fees, tuition, contracted services, books)	\$ 46,000.00
Total RESOURCES	\$ 860,113.00

ABE/CP produces Full-Time Equivalents (FTEs) at the same rate as other college classes. Thus far, in 2005-2006, the ABE/CP Program has earned a total of 241.18 FTE. In 2004-2005, ABE/CP earned 238.51 FTE. (The figures below do not include FTE generated by Tutor Training.)

2005-2006	GED/ College Prep	English Language Learning	High School	Community Corrections	Transitions to College	Volunteer Tutoring
FTE Production	55.18	132.59	32.55	5.37	2.54	12.28

Over the last several years, the ABE/CP program has seen a tremendous growth in the number of English language learners, which now comprises close to 60% of the program. In accordance with college policy, ABE/CP students are not required to provide a social security number. In accordance with federal WIA policy, students must reside in the area.

For ABE/CP's Federal Report (required by WIA), 729 individuals were eligible for reporting purposes in 2004-2005. Students are ineligible if they are: missing essential data from their records (example: birth date or skill test information), participate in less than 12 hours of instruction or are high school students served through contracted services to school districts. Of the 729, 407 were in ELL classes.

The table below shows the results of ABE/CP's instruction on those students who were both pre- and post-tested.

ABE LEVEL	Pre-Post Tested	Total Hours	Number Completing Level	Number Dropping Out	Completion Rate
ABE Beginning Literacy	51	4266	33	13	64.7%
ABE Beginning Basic Education	24	2330	18	4	75.0%
ABE Intermediate Low	42	2939	28	5	66.7%
ABE Intermediate High	39	2500	29	4	74.4%
Adult Secondary Education (ASE) Low	23	811	17	5	73.9%
ASE High	2	228	2	0	100.0%
ELL Beginning Literacy	83	10,936	54	23	66.1%
ELL Beginning	44	5491	31	7	70.5%
ELL Intermediate Low	36	5504	26	6	72.2%
ELL Intermediate High	26	3452	23	2	88.5%
ELL Low Advanced	20	2527	14	1	70.0%
ELL High Advanced	10	1588	8	0	80.0%
TOTAL	400	42,581	283	94	70.8%

Also of interest is the number of students earning a GED or high school diploma and going on to postsecondary education, or training or obtained employment. The students in this sample had to have designated their achieved outcome/goal on their original intake form to be counted.

Outcome Measure (Designated Goal)	Total Enrolled w/ Designated Goal	Total Achieved	Percentage Achieved
Enter Employment	41	24	59%
Retain Employment	13	4	31%
Obtain a GED or secondary school diploma	158	44	28%
Place in postsecondary education or training	71	22	31%
TOTAL	283	94	33%

Of additional interest is the number of people in the tri-county area of COCC's service district (Crook, Deschutes and Jefferson counties) in need of ABE services. U.S. Census data on Crook, Deschutes and Jefferson counties is available on page four.

While the percentage of both non-English speakers and non-high school graduates is higher in Crook and Jefferson counties, the actual number of people in these categories is much higher in Deschutes County.

CROOK COUNTY

EDUCATIONAL ATTAINMENT		
Population 25 years and over	12,692	100.0
Less than 9th grade	827	6.5
9th to 12th grade, no diploma	1,652	13.0
High school graduate (includes equivalency)	4,931	38.9
Some college, no degree	2,932	23.1
Associate degree	754	5.9
Bachelor's degree	1,021	8.0
Graduate or professional degree	575	4.5
Percent high school graduate or higher	10,217	80.5
Percent without high school diploma or certificate	2,475	19.5
LANGUAGE SPOKEN AT HOME		
Population 5 years and over	17,953	100.0
English only	16,829	93.7
Language other than English	1,124	6.3
Speak English less than "very well"	503	2.8
Spanish	913	5.1
Other Indo-European languages	117	0.7
Asian and Pacific Island languages	27	0.2

DESCHUTES COUNTY

EDUCATIONAL ATTAINMENT		
Population 25 years and over	77,981	100.0
Less than 9th grade	1,991	2.6
9th to 12th grade, no diploma	7,084	9.1
High school graduate (includes equivalency)	21,178	27.2
Some college, no degree	22,274	28.6
Associate degree	5,984	7.7
Bachelor's degree	13,325	17.1
Graduate or professional degree	6,145	7.9
High school graduate or higher	68,935	88.4
Percent without high school diploma or certificate	9,046	11.6
LANGUAGE SPOKEN AT HOME		
Population 5 years and over	108,293	100.0
English only	102,487	94.6
Language other than English	5,806	5.4
Speak English less than "very well"	2,063	1.9
Spanish	3,582	3.3
Other Indo-European languages	1,532	1.4
Asian and Pacific Island languages	500	0.5

JEFFERSON COUNTY

EDUCATIONAL ATTAINMENT		
Population 25 years and over	11,972	100.0
Less than 9th grade	1,205	10.1
9th to 12th grade, no diploma	1,606	13.4
High school graduate (includes equivalency)	3,799	31.7
Some college, no degree	3,060	25.6
Associate degree	658	5.5
Bachelor's degree	1,124	9.4
Graduate or professional degree	520	4.3
Percent high school graduate or higher	9,159	76.5
Percent without high school diploma or certificate	2,813	23.5
LANGUAGE SPOKEN AT HOME		
Population 5 years and over	17,610	100.0
English only	14,256	81.0
Language other than English	3,354	19.0
Speak English less than "very well"	1,646	9.3
Spanish	2,689	15.3
Other Indo-European languages	242	1.4
Asian and Pacific Island languages	55	0.3

Source: U.S. Census Bureau, 2000 Census

**PROPOSED CHANGES TO THE
COMMUNITY COLLEGE RULES OF PROCUREMENT
EFFECTIVE MARCH 1, 2005,
ARE INCORPORATED HEREIN**

KEY: Deletions to the current Community College Rules of Procurement (CCRP), are shown with a line drawn through them.
Additions are shown in **BOLD** font and are underlined.

**COMMUNITY COLLEGE RULES
OF
PROCUREMENT**

**ADOPTED IN ACCORDANCE WITH
ORS 279A.065(5)(a) and ORS 279A.070**

BY

CENTRAL OREGON COMMUNITY COLLEGE

THROUGH

BOARD RESOLUTION

DATED

MARCH 9, 2005

These Community College Rules of Procurement shall remain in effect unless modified, in writing, and adopted by the College's Local Contract Review Board through Board Resolution.



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SECTION 300 SUPPLEMENTARY PROVISIONS – CONTRACTING RULES

These Community College Rules of Procurement were drafted by participating statewide community college representatives with the intent that Sections 100 and 200 be adopted in their entirety and remain unchanged by their respective institutions unless modified by participating committee members at a later date and subsequently ratified by all their Local Contract Review Boards. Section 300 has been specifically set aside to address the unique philosophies, cultures, and/or concerns of the various community colleges, voting districts, and Local Contract Review Boards. In the event of conflict between rules or sections within these Community College Rules of Procurement, the rules in Section 300 (excluding Appendix B), shall take precedence over the rules in Sections 100 and/or 200 except as otherwise expressly provided in Sections 100 and 200; in all cases, Sections 100, 200, and 300 (excluding Appendix B), shall take precedence over Appendix B.

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APPENDIX B: OREGON ATTORNEY GENERAL’S MODEL PUBLIC CONTRACT RULES (OREGON ADMINISTRATIVE RULES), AS EXPRESSLY IDENTIFIED BY RULE NUMBER, AND INCORPORATED HEREIN BY REFERENCE—

DIVISIONS 46, 47, 48, AND 49, ADOPTED ON DECEMBER 27, 2005, BY THE STATE OF OREGON, DEPARTMENT OF JUSTICE, GENERAL COUNSEL DIVISION, EFFECTIVE JANUARY 1, 2006. DATED 2004.

Sections 100, 200, and/or 300 (excluding Appendix B), in these Community College Rules of Procurement shall prevail in every instance where there is a conflict or similarity between the Oregon Attorney General’s Model Public Contract Rules, ~~dated 2004~~ (Appendix B), and these Community College Rules of Procurement, ~~dated effective~~ **effective** March 1, 2005, **subsequently reviewed/modified pursuant to ORS279A.065(5)(b).** *Rules from the Oregon Attorney General’s Model Public Contract Rules that have been identified but which are shown with a line drawn through them have been stricken and have not been adopted by the College.*

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137-047-0720	Protests and Judicial Review of Multiple-Tiered and Multistep Solicitations
137-047-0730	Protests and Judicial Review of Solicitations
137-047-0740	Protests and Judicial Review of Contract Award
137-047-0750	Judicial Review of Other Violations
137-047-0760	Review of Prequalification and Debarment Decisions
137-047-0800	Contract Amendments

DIVISION 48 CONSULTANT SELECTION: ARCHITECTURAL, ENGINEERING, LAND SURVEYING AND RELATED SERVICES CONTRACTS (See also CCR.301.)

137-048-0100	Application; Effective Date
137-048-0110	Definitions
137-048-0120	List of Interested Consultants; Performance Record
137-048-0130	Applicable Selection Procedures; Pricing Information
137-048-0200	Direct Appointment Procedure
137-048-0210	Informal Selection Procedure
137-048-0220	Formal Selection Procedure
137-048-0230	Ties Among Proposers
137-048-0240	Protest Procedures
137-048-0250	RFP or RFQ Cancellation; Costs
137-048-0260	Two-Tiered Selection Procedure for Local Contracting Agency Public Improvement Projects
137-048-0300	Prohibited Payment Methodology; Purchase Restrictions

137-048-0310 Effect of Material Alteration or Delay of Project
137-048-0320 Contract Amendments

DIVISION 49 GENERAL PROVISIONS RELATED TO PUBLIC CONTRACTS FOR CONSTRUCTION SERVICES

137-049-0100 Application
137-049-0110 Policies
137-049-0120 Definitions
137-049-0130 Competitive Bidding Requirement
137-049-0140 Contracts for Construction Other Than Public Improvements
137-049-0150 Emergency Contracts; Bidding and Bonding Exemptions
137-049-0160 Intermediate Procurements; Competitive Quotes and Amendments
137-049-0200 Solicitation Documents; Required Provisions; Assignment or Transfer
137-049-0210 Notice and Advertising Requirements; Posting
137-049-0220 Prequalification of Offerors
137-049-0230 Eligibility to Bid or Propose; Registration or License
137-049-0240 Pre-Offer Conferences
137-049-0250 Addenda to Solicitation Documents
137-049-0260 Request for Clarification or Change; Solicitation Protests
137-049-0270 Cancellation of Solicitation Document
137-049-0280 Offer Submissions
137-049-0290 Bid or Proposal Security
137-049-0300 Facsimile Bids and Proposals
137-049-0310 Electronic Procurement
137-049-0320 Pre-Closing Modification or Withdrawal of Offers
137-049-0330 Receipt, Opening and Recording of Offers; Confidentiality of Offers
137-049-0340 Late Bids, Late Withdrawals and Late Modifications
137-049-0350 Mistakes
137-049-0360 First-Tier Subcontractors; Disclosure and Substitution
137-049-0370 Disqualification of Persons
137-049-0380 Bid or Proposal Evaluation Criteria
137-049-0390 Offer Evaluation and Award; Determination of Responsibility
137-049-0400 Documentation of Award; Availability of Award Decisions
137-049-0410 Time for Contracting Agency Acceptance; Extension
137-049-0420 Negotiation With Bidders Prohibited
137-049-0430 Negotiation When Bids Exceed Cost Estimate
137-049-0440 Rejection of Offers (*See CCR.316.*)
137-049-0450 Protest of Contractor Selection, Contract Award
137-049-0460 Performance and Payment Security; Waiver
137-049-0470 Substitute Contractor
137-049-0490 Foreign Contractor
137-049-0600 Purpose (Alternative Contracting Methods)
137-049-0610 Definitions for Alternative Contracting Methods
137-049-0620 Use of Alternative Contracting Methods
137-049-0630 Findings, Notice and Hearing
137-049-0640 Competitive Proposals; Procedure
137-049-0650 Requests for Proposals (RFP)
137-049-0660 RFP Pricing Mechanisms
137-049-0670 Design-Build Contracts
137-049-0680 Energy Savings Performance Contracts (ESPC)
137-049-0690 Construction Manager/General Contractor (CM/GC)
137-049-0800 Required Contract Clauses
137-049-0810 Waiver of Delay Damages Against Public Policy
137-049-0820 Retainage
137-049-0830 Contractor Progress Payments
137-049-0840 Interest
137-049-0850 Final Inspection

137-049-0860 Public Works Contracts
137-049-0870 Specifications; Brand Name Products
137-049-0880 Records Maintenance; Right to Audit Records
137-049-0890 Contracting Agency Payment for Unpaid Labor or Supplies
137-049-0900 Contract Suspension; Termination Procedures
137-049-0910 Changes to the Work and Contract Amendments

SECTION 100 - GENERAL INFORMATION

Purpose and Statutory Authority

CCR.102

- (1) **Purpose.** These rules prescribe public contract Special Procurements (exemptions), whereby a Local Contract Review Board may approve a special procurement (pursuant to ORS 279B.085), personal services contracting rules, competitive procurement process rules, and supplementary provisions for community colleges, who have formally adopted through board resolution, these Community College Rules of Procurement, hereinafter referred to as Rules or CCRP.
- (2) **Statutory Authority.** These Rules are authorized by Public Contracting Code 279A.050 (*Procurement Authority*), 279A.055 (*Personal Services Contracts*), 279A.060 (*Local Contract Review Boards*), and 279A.070 (*Rules*). All references to PCC shall mean Public Contracting Code as defined in ORS 279A.010(z). (*Note: Under ORS 279A.065(4), public contracting agencies in Oregon will be operating under the State of Oregon Attorney General's Model Rules unless they have taken special action to opt out and adopt their own contracting rules.*)
- (3) **These Community College Rules of Procurement (CCRP), were drafted through a statewide, collaborative effort by representatives of Participating Oregon Community Colleges (POCC). Pursuant to the POCC participatory agreement, Sections 100 and 200 of the CCRP shall remain unchanged unless modified by the POCC at a later date and subsequently ratified by each institution's Local Contract Review Board. Any member of the POCC that adopts changes to Sections 100 and/or 200 of the CCRP that have not been mutually agreed upon and adopted by all other POCC members, shall by and through its actions, no longer qualify as a member of the POCC cooperative procurement group and shall not represent itself as such.**

Definitions for these Community College Rules of Procurement

CCR.104

The following terms, when they appear capitalized in these Community College Rules of Procurement, shall have the meaning set forth below unless otherwise indicated:

- (1) **“Addendum” or “Addenda”** means an addition or deletion to, a material change in, or general interest explanation of a Solicitation Document. Addenda shall be labeled as such and distributed to all interested persons in accordance with these rules.
- (2) **“Auxiliary Funds”** means funds intended to be profit making and/or self-sustaining for providing product or services to the College's customers. (See also “Enterprise Funds.”) Examples of Auxiliary Fund or Enterprise Fund operations may include: bookstores; food services; printing services; medical/dental/science stores; student automotive and mechanical stores; and miscellaneous student stores for the resale of books and computers for instruction.
- (3) **“Award” or “Intent to Award”** means, as the context requires, either the act or occurrence of the College's identification of the Person with whom the college will enter into a Contract following the resolution of any protest of the College's selection of that Person, and the completion of all Contract negotiations.
- (4) **“Bid”** means a competitive offer in response to an Invitation to Bid in which price, delivery (or project completion), and conformance to specifications will be the predominant award criteria.
- (5) **“Bidding/Proposing Period”** means the span of time between the date of the Solicitation Document and the time and date set for receipt of Offers. The time period shall be stated in the Solicitation Document. Generally a period of fourteen (14) calendar days shall be provided, but in no case shall the time provided be less than five (5) calendar days.
- (6) **“Closing”** means the date and time ~~announced~~ **specified** in a Solicitation Document as the deadline for submitting Offers.
This change is one of semantics, but it keeps the CCRP more closely aligned with the A/G's Model Rules.
- (7) **“Code”** means the Public Contracting Code, as defined in ORS 279A.010.
- (8) **“College”** means Community College District or Community College Service District established under ORS chapter 341, hereinafter known as the specific College whose name appears on the Solicitation Document and/or subsequent Contract and whose Local Contract Review Board has adopted by resolution or ordinance these Community College Rules of Procurement.
- (9) **“Competitive Range”** means the Offerors with whom the College will conduct discussions or negotiate if the College intends to conduct discussions or negotiations in accordance with its own rules.
- (10) **“Competitive Sealed Bidding”** means the issuing of Invitations to Bid, which follow the formal process for advertising, submitting bids, and conducting of public bid openings as required by ORS 279B.055.
- (11) **“Competitive Sealed Proposals”** means the issuing of Request for Proposals, which follow the formal process for advertising, submitting proposals, and conducting of public openings as required by ORS 279B.060.
- (12) **“Contract”** means a “Public Contract,” as defined in ORS ~~279A(2)(*)~~ **279A.010(1)(x)**, a sale or other disposal, or a purchase, lease, rental or other acquisition, by a contracting agency of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance

- necessary to preserve a public improvement. “Public Contract” does not include grants. The “Contract” includes the College’s Solicitation Document and the accepted portions of a Solicitation Document, whether attached or incorporated by reference, between the College and Contractor describing the work to be done and the obligations of the parties. Depending upon the goods and services being procured, the College may use “Contract” as meaning a purchase order, price agreement, or other contract document in addition to the College’s Solicitation Document and the accepted portions of a Solicitation Document. If the Contract is for a public improvement or public work, the “Contract” may consist of the College’s Solicitation Document, including any addenda, the general and special and/or supplementary conditions or other conditions governing the work, the accepted portions of the Solicitation Document, the performance and payment bond (if required), certificates of insurance, plans, technical specifications, approved shop drawings, Construction Change Directive or written order for a minor change in the Work, Notice of Award, Notice to Proceed, and any contract amendments, including approved change orders.
- (13) **“Contract Price”** means, as the context requires, (i) the maximum monetary obligation payments that the College will or may incur ~~make~~ under a Contract, including bonuses, incentives, approved alternates, fully executed change orders or amendments, and contingency amounts, if the Contractor fully performs under the Contract, (ii) the maximum not-to-exceed amount of payments specified in the Contract, or (iii) the unit prices for Goods or Services set forth in the Contract.
- (14) **“Contract Review Authority”** means the College’s Local Contract Review Board as set forth in ORS 279A.060.
- (15) “Contract Value” - in determining the applicability of dollar threshold requirements for competitive procurements within these Community College Rules of Procurement, “Contract Value” means the gross amount of goods and/or services procured by or for the College and shall take into consideration, but not be limited to, the following elements: (1) Contract Price; (2) total amount estimated to be generated, if contract is anticipated to be revenue generating; and (3) total estimated expenses incurred for which the College would be required to report to the Internal Revenue Service (e.g., 1099).**
- ~~(15)~~ **“(16) “Contractor”** means the Person with whom the College enters into a Contract and shall be synonymous with “Independent Contractor” (i.e., a person or business that provides services to the College in which the College neither controls nor has the right to control the means or manner by which work is performed). The College may control the results of the services, but not control the means or manner of the Contractor’s performance of the Work.
- ~~(16)~~ **“(17) “Cost”** means not only the product price but also other items of expense such as the actual or reasonably estimated costs related to quality or conversion, and may include such actual or estimated items as shipping, delivery, setup, installation, and training.
- ~~(17)~~ **“(18) “Descriptive Literature”** means the materials Written information submitted by prospective vendors with the Offer that addresses the Goods and Services included in the Offer. ~~to provide information concerning the products or services available in response to the College’s Solicitation Document.~~
- ~~(18)~~ **“(19) “Disadvantaged Business Enterprise (DBE)”** means a small business concern pursuant to ORS 200.005(1), which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any corporation, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- ~~(19)~~ **“(20) “Effective Date of Contract”** means the date established in the Contract for the Contractor’s work to begin, or the date the Contract has been fully executed and received all required approvals, whichever date is later.
- ~~(20)~~ **“(2021) “Electronic Advertisement”** means notice of the College’s request for Offers or request for quotes, available over the Internet via (a) The World Wide Web or some other Internet protocol; or (b) the College’s electronic procurement system. An Electronic Advertisement may include a Solicitation Document.
- ~~(21)~~ **“(2122) “Electronic Offer”** means a response to the College’s request for Offers or request for quotes submitted to the College via email or through the College’s Electronic Procurement System.
- ~~(22)~~ **“(2223) “Electronic Procurement System”** means an information system that Persons may access through the Internet, using the World Wide Web or some other Internet protocol, or that Persons may otherwise remotely access using a computer, that enables the College to post Electronic Advertisements, receive Electronic offers, and conduct other activities related to a procurement.
- ~~(23)~~ **“(2324) “Emergency”** means circumstances that were not reasonably foreseen by the governing body of the College, its President or another officer authorized by the College, and create a substantial risk of loss, damage or interruption of services; a substantial threat to property, public health, welfare or safety of the environment that requires prompt execution of a contract to remedy the condition.
- ~~(24)~~ **“(2425) “Enterprise Funds”** means funds intended to be profit making and/or self-sustaining for providing product or services to the College’s customers. (See also “Auxiliary Funds.”) Examples of Auxiliary Fund or Enterprise Fund operations may include: bookstores; food services; printing services; medical/dental/science stores; student

automotive and mechanical stores; and miscellaneous student stores for the resale of books and computers for instruction.

- (2526) **“Evidence of Competition”** means College documentation demonstrating competitive solicitation of responses/offers from Person(s) in selecting a Contractor in accordance with the College’s public contracting rules.
- (2627) **“Expert Witness”** means Contracts for services of witnesses for the purposes of evaluating a claim or cause of action, preparing for or assisting with actual or likely litigation or otherwise assisting in resolving a dispute. This includes a person possessing specialized knowledge, skills, or experience of a particular subject or profession engaged to assist or consult on the College’s presentation of its case in legal, administrative, and other official proceedings, regardless of whether the Contractor is called to testify.
- (2728) **“Facsimile”** means electronic equipment that communicates and reproduces both printed and handwritten material.
- (2829) **“Gift”** means something of economic value given to a public official or the public official’s relative without an exchange of valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, and which is not extended to others who are not public officials or the relatives of public officials on the same terms and conditions; and something of economic value given to a public official or the public official’s relative for valuable consideration less than that required from others who are not public officials.
- (2930) **“Goods and Services”** or “Goods or Services” have the meaning set forth in ORS 279B.005(1)(b).
- (3031) **“Invitation to Bid” (ITB)** means all documents used for soliciting Bids in accordance with either ORS 279B.055 or 279C.335. (See also “Competitive Sealed Bidding.”)
- (3132) **“Life Cycle Costing”** means determining the cost of a product for its estimated useful life, including its disposal.
- (3233) **“Local Contract Review Board” (LCRB)** means the LCRB and/or Board of Education as established by Board resolution or ordinance by each respective College adopting these Community College Rules of Procurement, to serve as its public contract review authority.
- (3334) **“Lowest Responsible Bidder”** means: (a) the bidder whose Offer substantially complies with the requirements and criteria set forth in the Invitation to Bid and with all prescribed public procurement procedures and requirements; or (b) When the invitation to bid specifies or authorizes the award of multiple contracts to the responsible bidders, the bidder whose bids substantially comply with the requirements and criteria set forth in the Invitation to Bid and with all prescribed public procurement procedures and requirements and who qualify for the award of a public contract under the terms of the Invitation to Bid. (ORS 279B.055(10) Depending upon the requirements of the Solicitation Document, “Lowest Responsible Bidder” may also mean one who, in the determination of the Advocate for Minority, Women and Emerging Small Businesses, has undertaken both a policy and practice of actively pursuing participation by minority and women-owned business in all bids, both public and private, submitted by such bidder, pursuant to ORS 200.025 and 200.045.
- (3435) **“Model Rules”** means the State of Oregon’s Attorney General’s model rules of procedure for Public Contracting, which are set forth in OAR Chapter 137, divisions 46, 47, 48, and 49.
- (3536) **“ORPIN” System:** The on-line electronic Oregon Procurement Information Network (ORPIN) administered through the State Procurement Office of the Procurement, Fleet and Surplus Services Division of the Oregon Department of Administrative Services.
- (3637) **“ORS”** means Oregon Revised Statutes.
- (3738) **“Offer”** means a response to a Solicitation Document that is binding on the Offeror.
- (3839) **“Offeror”** means a Person, who submits an Offer.
- (3940) **“Opening”** means the date, time and place announced in the Solicitation Document for the public opening of Written sealed Offers.
- (4041) **“PCC”** means Public Contracting Code as it is defined in ORS 279A.010(z).
- (4142) **“Person”** means any of the following with legal capacity to enter into a Contract: individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.
This change is one of semantics, but it keeps the CCRP more closely aligned with the A/G’s Model Rules.
- (4243) **“Personal Property”** means everything subject to ownership, which is not real property and has exchangeable value; includes all chattels and movables, such as boats and vessels, merchandise and stock in trade, furniture and personal effects, goods, livestock, vehicles, farming implements, movable machinery, movable tools and movable equipment pursuant to ORS 307.020.
- (4344) **“Personal Services Competitive Solicitation”** means a documented process providing an equal and open opportunity to qualified parties, which culminates in a selection based on criteria that include, but are not limited to, the Contractor’s availability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance and fees or costs.
- (4445) **“Personal Services Contract”** or **“Contract for Personal Services”** means a contract or member of a class of

contracts, other than a contract for the services of an Architect, Engineer, Land Surveyor or Provider of Related Services (which are subject to ORS 279C.105, ORS 279C.110 or ORS 279C.120, and which are defined as Personal Contracts pursuant to ORS 279C.100(5)), that the College's Local Contract Review Board has designated as a Personal Services Contract pursuant to ORS 279A.055, whose primary purpose is to acquire specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment, including, without limitation, a contract for the services of a(n): accountant; physician, dentist or lawyer; educator; consultant(s) for information technology, travel, banking, investing, collections, or other consultant; broadcaster or artist (including a photographer, filmmaker, painter, weaver, or sculptor). (See also Personal Services Contracting Rules section within these Community College Rules of Procurement for an expanded definition.)

(4546) **"Personal Services Contractor"** means an Independent Contractor that performs a Contract for Personal Service(s) for the College, when the College has no right to and does not control the means and manner of performing the contract, except as to the delivery schedule, determining compliance with the Statement of Work, and accepting or rejecting the deliverables or results required under the Contract.

(4647) **"Prequalification of Offeror"** means a process followed by the College, in advance of issuance of Solicitation Documents, to determine the qualifications of prospective Offerors to perform public contracts.

(4748) **"Product Sample"** means the exact Goods or a representative ~~specimen~~ portion of the Goods of the item offered by the Offeror in response to the Solicitation Document. Unless otherwise provided in the Solicitation Document, the Product Sample shall be the exact product or a representative portion of that product offered by the Offeror.

This change is one of semantics, but it keeps the CCRP more closely aligned with the A/G's Model Rules.

(4849) **"Proposal"** means an Offer in response to a Request for Proposals.

(4950) **"Public Contract"** means a sale or other disposal, or a purchase, lease, rental or other acquisition, by the College of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement. (ORS 279A.010(1)(x)).

(5051) **"Public Notice"** means a public notice of Solicitation Document that is published at least once in at least one newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as the College determines or is published electronically.

(5152) **"Request for Proposals"** or **"RFP"** means all documents used for soliciting Proposals in accordance with either ORS 279B.060 or 279C.110, where proposal evaluation and contract award is based on criteria such as proposer qualifications and experience, product features and characteristics, service quality and efficiency, and conformance with the specifications and requirements of the Solicitation Document. Price may be evaluation criterion for an RFP, but will not necessarily be the predominant basis for contract award.

(5253) **"Request for Qualifications"** means a written document describing the College's circumstances and the type of service(s) desired, setting forth all significant evaluation factors and their relative importance, written qualifications, and, if appropriate, price. The Request for Qualifications will not result in a Contract but is intended to establish a list of qualified Contractors from which to seek Offers and select a Contractor.

(5354) **"Request for Quotes"** or **"RFQ"** means the solicitation by the College of offers from competing vendors in an effort to obtain competitive quotes. The solicitation may be by advertisement or by the College initiating a request to vendors to make an offer in accordance with the provisions of Small Procurements and Intermediate Procurements as these categories are defined in ORS 279B.065 and 279.070, pursuant to the rules established by the College's Local Contract Review Board for competitive thresholds. The solicitation may be accomplished by advertisement or by the College initiating a request to vendors to make an offer. The solicitation and the offer may be electronic, in writing, or oral.

(5455) **"Requirements Contract"** means a price agreement that constitutes a firm offer by the Contractor, regardless of whether any order or purchase has been made or any performance has been tendered under the price agreement and is enforceable for the period stated in the price agreement and is not revocable by the Contractor. (ORS 279B.140)

(5556) **"Responsible Offeror"** (also, **"Responsible Bidder"** or **"Responsible Proposer,"** as applicable), means a Person that has submitted an Offer and meets the standards set forth in ORS 279B.100 and/or ORS 279B.110, and that has not been debarred or disqualified by the College. When used alone, **"Responsible"** means meeting the aforementioned standards.

(5657) **"Responsive Offer"** (also, **"Responsive Bid"** or **"Responsive Proposal,"** as applicable), means an Offer that substantially complies in all material respects with applicable solicitation requirements. When used alone, **"Responsive"** means having the characteristic of substantially complying in all material respects with applicable solicitation requirements.

(5758) **"Service Contract"** means a contract that calls primarily for a contractor's time and effort rather than for an end product.

(59) **“Signed” means, as the context requires, that a Written document contains a Signature or that the act of making a Signature has occurred.**

This is a new definition added to the A/G’s Model Rules, and has been included here in the CCRP to add emphasis.

(5860) ~~“Signed”~~ **“Signature”** means any **Written** mark, word or symbol **that is made or adopted by a Person with the intent to be bound and that is** attached to or logically associated with a **Written** document **to which the Person intends to be bound** and executed or adopted by a Person with the intent to be bound.

This change has been made to avoid any ambiguity between the A/G’s Model Rules’ definitions and the definitions appearing at the beginning of the CCRP. (This change reflects changes to the A/G’s Model Rules.)

(5961) **“Solicitation Document”** means an Invitation to Bid, Request for Proposals or other document issued to invite offers from prospective contractors pursuant to ORS Chapter 279B **or 279C**, and includes all documents incorporated by reference.

This revision incorporates changes made by the A/G’s Model Rules. Chapter 279C includes Solicitation Documents for construction and construction services.

(6062) **“Special Procurement”** means, unless the context requires otherwise, a Class Special Procurement, a Contract-Specific Special Procurement or both (ORS 279B.085). A “Class Special Procurement” means a contracting procedure that differs from the procedures described in ORS 279B.055, 279B.060, 279B.065 and 279B.070 and is for the purpose of entering into a series of contracts over time for the acquisition of a specified class of goods or services (ORS 279B.085(1)(a)). “Contract-Specific Special Procurement” means a contracting procedure that differs from the procedures described in ORS 279B.055, 279B.060, 279B.065 and 279B.070 and is for the purpose of entering into a single contract or a number of related contracts for the acquisition of specified goods or services on a one-time basis or for a single project (ORS 279B.085(1)(b)).

(6163) **“Specification”** means any description of the physical or functional characteristics, or of the nature of a supply, service or construction item, including any requirement for inspecting, testing or preparing a supply, service or construction item for delivery and the quantities or qualities of materials to be furnished under a Contract. Specifications generally will state the result to be obtained and may, on occasion, describe the method and manner of doing the Work to be performed. Specifications may be incorporated by reference and/or through attachment to the Contract.

(6264) **“Standard Fee Contract”** means a contract awarded for service to be performed for a standard fee, when the standard fee is established by the College, and a like contract is available to all qualified applicants.

(6365) **“Statement of Work”** means a written statement that specifically describes the phases of work or services, major tasks, or areas of responsibility the Contractor is to perform at a particular site, or within a particular locale during a stated period of time, according to a schedule of delivery. The statement must identify specific objectives that the Contractor is to attain or describe, in detail, and the deliverables that the Contractor is to provide.

(6466) **“Work”** means the furnishing of all materials, equipment, labor and incidentals necessary to successfully complete any individual item in a Contract or the entire Contract, and successful completion of all duties and obligations imposed by the Contract.

(6567) ~~“Written”~~ **“Writing”** means **letters, characters and symbols inscribed on paper by hand, print, type or other method of impression, intended to represent or convey particular ideas or meanings. “Writing,” when required or permitted by law, or required or permitted in a Solicitation Document, also means letters, characters and symbols made in electronic form and intended to represent or convey particular ideas or meanings.** conventional paper documents, whether handwritten, typewritten or printed, in contrast to spoken words. It also includes electronic transmissions or facsimile documents when required by applicable law or permitted by a Solicitation Document or Contract.

(68) **“Written” means existing in Writing.**

SECTION 200 - PUBLIC CONTRACT SPECIAL PROCUREMENTS

General Contract Special Procurements

Advertisement Contracts

CCR.202

The College may purchase advertising, which does not include contracting with advertising agencies, regardless of dollar amount, without competitive bidding. Where it is determined to be cost effective, the College may publish its public notices electronically, via the college's or other public entity's electronic procurement system or world wide web site instead of, or in addition to, a newspaper of general circulation.

Findings of Fact

1. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves.
2. Competition to furnish advertising space in daily newspapers of general, trade, or business circulation in the vicinity of the College is limited.
3. Cost savings are difficult to quantify where the sources are unique and not interchangeable. Where the volume of purchases warrants, the College may enter into advertising contracts in accordance with ORS 279B.065 and ORS 279B.070 whenever possible to maximize savings achieved through economies of scale.
4. Public notices may be advertised electronically and/or in a newspaper of general circulation in an effort to increase exposure and generate more widespread competition. Cost savings for increased competition are difficult to quantify, but the cost to the College for advertising may be significantly reduced where electronic advertising methods are utilized.

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will result in favoritism in the awarding of public contracts or substantially diminish competition since all vendors, including Oregon businesses, are able to compete (ORS 279B.085(3)(a)), and it will enable the College to promote the public interest (ORS 279B.085(3)(b)(B)), by expediting its procurement processes while maximizing its circulation efforts and notice of bidding opportunities without compromising integrity for cost.

This rule satisfies the requirements of Oregon Revised Statute 279B.055(4)(c), wherein a Local Contract Review Board may, by rule or order, authorize public notice of bids or proposals to be published electronically instead of in a newspaper of general circulation if it is likely to be cost-effective.

* * * * *

Bid Security and Bond Requirements, Waiver of

CCR.204

Pursuant to ORS 279C.390, the College may, at its discretion, exempt certain contracts or classes of contracts from all or a portion of the requirement for bid security and from all or a portion of the requirement that good and sufficient bonds be furnished to ensure performance of the contract and payment of obligations incurred in the performance.

The College may waive bid security requirements and/or performance/payment bond requirements pursuant to ORS ~~279C.380~~ 279C.390 and this rule under the following conditions:

- (1) If the contract is for a public improvement and the amount of the contract does not exceed \$75,000 or another threshold as indicated by rule amendment in Section 300;
- (2) If the contract is not for a public improvement;
- (3) Where bidders are drawn exclusively from a list of certified Emerging Small Businesses maintained by the Advocate for Minority, Women and Emerging Small Business, and the College has been provided funds by the legislature for the purpose of assisting Emerging Small Businesses;
- (4) In cases of emergency, or when the interest or property of the College or the public agency or agencies for whose benefit the contract was awarded probably would suffer material injury by delay or other cause and a declaration of such emergency has been made in accordance with rules adopted under ORS 279A.065.

The College shall not use Bid or Proposal security to discourage competition. The Offeror shall forfeit Bid or Proposal security after award of the contract if the Offeror fails to execute the contract and promptly return it with any required

Performance Bond and Payment Bond.

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will result in favoritism in the awarding of public contracts or substantially diminish competition since all vendors, including Oregon businesses, are able to compete (ORS 279B.085(3)(a)), and it will enable the College to promote the public interest (ORS 279B.085(3)(b)(B)), by reducing costs of bidding and maximizing participation from Emerging Small Businesses.

This rule satisfies the requirements of ORS 279C.390 wherein a Local Contract Review Board may exempt certain contracts or classes of contracts from all or a portion of the requirement for bid security and from all or a portion of the requirement that good and sufficient bonds be furnished to ensure performance of the contract and payment of obligations incurred in the performance. Consequently, findings otherwise required by law are unnecessary here.

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Emergency Contracts (Including Oil or Hazardous Material Removal)

CCR.206

- (1) Pursuant to the requirements of this rule, the College may, at its discretion, enter into a public contract without competitive solicitation if an emergency exists. Emergency means circumstances that could not have been reasonably foreseen which create a substantial risk of loss, damage, interruption of services or threat to public health, welfare, or safety, and require prompt execution of a contract to remedy the condition (ORS 279A.010(1)(f)).
- (2) Regardless of the dollar value of the contract, when entering into an emergency contract the College shall:
 - (a) Make a written declaration of emergency, including findings describing the emergency circumstances that require the prompt performance of the contract, stating the anticipated harm from failure to establish the contract on an expedited basis; and
 - (b) Encourage competition to the extent reasonable under the circumstances; and
 - (c) Record the measures taken under subsection (b) of this section to encourage competition, the amounts of the bids, quotes or proposals obtained, and the reason for selecting the contractor.
- (3) Pursuant to ORS 279B.080, if an emergency exists as defined in subsection (1) of this rule, the Board of Education, its President, or another officer authorized by the College shall declare the existence of the emergency as required by subsection (2) of this rule, which shall authorize the College to enter into an emergency contract.
- (4) The written declaration of an Emergency and resulting contract are solely entered into at the discretion of the College's President or authorized officer.
- (5) If the total award exceeds the threshold for formal public bidding, the Board shall be notified at its next available public meeting and provided with an opportunity to discuss the emergency, the award, and ratification thereof.
- (6) Any Public Improvement contract awarded under this exemption shall be awarded within 60 days following declaration of the emergency unless an extension is granted by the Board (ORS 279C.335(5)).
- (7) Oil or Hazardous Material Removal: The College may enter into public contracts without competitive bidding, regardless of dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted the Department of Environmental Quality (DEQ), under ORS 466.605 through 466.680 and such DEQ order necessitates the prompt establishment and performance of the contract in order to comply with the statutes regarding spill or release of oil or hazardous material that has created an emergency condition. In exercising its authority under this exemption, the College shall:
 - (a) (1) To the extent reasonable under the circumstances, encourage competition by attempting to make informal solicitations or to obtain informal quotes from potential suppliers of goods or services;
 - (1) Make written findings describing the circumstances requiring clean up or a copy of the DEQ order ordering such cleanup;
 - (2) Record the measures taken under subsection (a) of this section to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor selected.
 - (b) The College shall not contract pursuant to this exemption in the absence of an order from the Department of Environmental Quality to clean up a site with a time limitation that would not permit hiring a contractor under the usual competitive bidding procedures.

Findings of Fact

1. Under ORS 279B.080, public contracts may be exempted from the requirements of ORS 279B.050 if emergency conditions exist, which require prompt execution of the contract, subject to the additional requirements of ORS 279B.080.

2. ORS 279B.080 allows the Local Contract Review Board to adopt rules to allow the head of the contracting agency or a designated person to declare that an emergency exists and to establish procedures for determining when emergency conditions are present. Subsections (2)(a), (2)(b), and (2)(c) of this rule accomplish this.
3. Further, ORS 279C.335(4) and (5) requires that the rules shall prescribe that if an emergency is declared, any public improvement contract awarded under this exemption must be awarded within 60 days following the declaration of the emergency, unless an extension is granted by the Local Contract Review Board.
4. When DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The College would be liable for any delay in responding to DEQ orders to perform hazardous material removal or clean up.
5. This exemption, as it pertains to subsection (7), will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately. The college maintains open lists of vendors, who are interested in providing hazardous materials removal and clean up services. Whenever it needs hazardous material removal or disposal, the College makes use of these lists to solicit quotes, bids, or proposals as needed, in addition to advertising the procurement as required.
6. Cost savings are achieved through this exemption, because the college can be liable for DEQ penalties and fines, if it does not timely remove hazardous materials or oil as ordered. Serious risk in these situations could result in property damage or personal injury, if the College is slow to act.

Conclusion of Compliance with Law

Procurements made by the College in compliance with this exemption meet the requirements of emergency public contracts pursuant to: ORS 279B.050; 279B.080, and 279C.335.

It is unlikely that this exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335(2)(a). If the College is under DEQ order to act immediately, the College will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the College is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services.

The award of public contracts pursuant to this exemption will result in a cost savings to the College in these situations, as required by ORS 279C.335(2)(b), because the College must comply with the law and avoid and minimize risk to persons and property. Where possible, the College will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible proposer.

* * * * *

Equipment Repair & Overhaul (Including Maintenance Agreements)

CCR.208

- (1) The College may enter into a public contract for equipment repair, maintenance agreements, or overhaul of equipment without competitive bidding, subject to the following conditions:
 - (a) Service and/or parts required are unknown, and the cost cannot be determined without extensive preliminary dismantling or testing; and/or
 - (b) Service and/or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source;
 - (c) Maintenance agreements must be procured from the provider of the equipment and/or software being maintained in order to be valid, preserve warranties, provide the best possible service, or conform to other similar agreements being provided by the same provider for maximizing economy and/or servicing functions;
 - (d) The College shall conduct its procurement for equipment repair, maintenance agreements, or overhaul of equipment pursuant to methods and parameters established in (2) of this rule.
- (2) The following limitations shall apply:
 - (a) At the discretion of the College, if it is practical to competitively procure equipment repair, maintenance agreements, or overhaul of equipment using quotations or other forms of Solicitation Documents then these competitive processes shall be utilized. If not, the file should be documented with the reasons for invoking this

exemption from competitive procurement, specifically supporting the impracticality of a competitive procurement.

- (b) If the contract exceeds or is anticipated to exceed the thresholds for Small or Intermediate Procurements as these thresholds are defined in Section 300, the College shall document in its procurement file the reasons why a competitive procurement process was deemed impractical, and the College may directly enter into the contract.

Findings of Fact

The need for equipment repair or overhaul of equipment cannot always be anticipated by College staff. If a piece of equipment is broken or not working properly, the College incurs the cost of down time, possible replacement equipment rental fees, staff time, and other inconveniences or liabilities to its programs.

1. Generally, there are a limited number of vendors, who are able to perform repair or overhaul on a particular piece of equipment, because of its make or manufacture. Sophisticated equipment may require specially trained personnel available from only one source. Often, a piece of equipment will have a partial warranty in place, which will guarantee some savings to the College in the parts and/or labor needed to do the repair or overhaul. This warranty savings may only be achieved if the original manufacturer or provider of the equipment performs the necessary repair or overhaul.
2. The dollar limits on the use of this Special Procurement ensure that when the cost of the equipment repair or overhaul is expected to exceed threshold amounts for Small and Intermediate Procurements as these are defined in Section 300, the College will competitively procure, or if that is not practical or cost effective, declare an emergency or obtain a specific exemption from the president of the College or the president’s designee, with notification to the LCRB to proceed with the purchase of the needed repair or overhaul.

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085(3)(a), because the dollar amount of the exempted purchase (i.e., Special Procurement), may not exceed the thresholds established in Section 300 for Intermediate Procurements without additional notification and/or approval from the LCRB and/or the College president or the president’s designee. Where it is practical, the College will competitively procure equipment repair, maintenance agreements, and overhaul of equipment; where it is impractical, written justification, provided by the department, will become part of the public record of the contract.

The awarding of public contracts pursuant to this exemption will result in a cost savings to the College, as required by ORS 279B.085(3)(b)(A), because the College incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This Special Procurement only applies to equipment already owned by the College. Time is of the essence in contracts for equipment repair, maintenance agreements, and equipment overhaul. The College must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment down time and provide uninterrupted levels of service to support the College’s educational initiatives.

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Intellectual Property (Periodicals, Library Books, Proprietary Software Licenses, Art, and Other Products of the Creative Process)

CCR.212

If the contract is for the purchase of Intellectual Property, which shall include, but not be limited to, Periodicals, Library Books, Subscription Services, Proprietary Software Licenses, Art, and Other Products of the Creative Process, the College may contract for the purchase of the product(s) without competitive procurement, regardless of dollar amount when the product(s) are protected under copyright law, and/or there is only one known supplier (e.g., manufacturer, copyright holder), available for such products.

Examples of copyrighted materials typically covered by this Special Procurement include, but are not limited to: magazines and other periodicals; textbooks; workbooks; curriculum kits; reference materials; audio tapes; video tapes; calculators such as those used for aircraft navigation; and most software and products of the visual, aural and written arts. It should be noted that if there is more than one supplier of copyrighted materials (especially software), and the product(s) are not being purchased directly from the writer, manufacturer or other original source, every attempt should be made to establish a competitive selection process in order to achieve the greatest economy.

Findings of Fact

1. By design, Intellectual Property is protected for the use of a single owner. Copyrighted products may not be duplicated by others without the express permission or license of the copyright holder.
2. Instructional initiatives define the various materials, which the college will purchase for use in its educational programs, and it is not uncommon for Intellectual Property to be produced by only one supplier (i.e., sole source), who may be the copyright holder or licensee.

Conclusion of Compliance with Law

This rule will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of Intellectual Property is controlled by the copyright holder/owner, and may only be permitted through a sole source. This rule provides additional parameters for consideration that are complementary to the Public Contracting Code where competition does exist. It is not intended to diminish the College’s ability to consider other factors or limit fair and open competition when arriving at best value. It is the policy of the State of Oregon that public contracting activities should provide effective outcomes that represent optimal value to the contracting agency, and to the greatest extent feasible, be consistent with market practices (ORS 279B.010(1)).

Additionally, pursuant to ORS 279A.025(2)(g), the Public Contracting Code does not apply to contracts for the procurement or distribution of textbooks; consequently, findings otherwise required by law are unnecessary when the procurement or distribution of Intellectual Property is specifically for textbooks—a subcategory of Intellectual Property.

* * * * *

Intergovernmental Cooperative Purchasing Participation

CCR.214

Examples of intergovernmental cooperative purchasing participation may include, but not be limited to: Oregon Cooperative Purchasing Program (ORCPP), Western States Contracting Alliance (WSCA), Association of Educational Purchasing Agencies (AEPA), ~~Oregon~~ **Organization for Educational Technology and Curriculum Consortium** (OETC), and US Communities & Government Purchasing Alliance.

Pursuant to Oregon Revised Statutes 279A.205, 279A.210, 279A.215, and 279A.220, other governmental agencies, bodies, or districts may participate in any joint cooperative procurement and/or subsequent contract award resulting from any solicitation which has been accomplished in compliance with Oregon Revised Statutes, as if said agencies had generated the solicitation and made the award on their own behalf.

Comment

In general, the results of any solicitation, formal or informal, which has taken place under the requirements of Oregon Revised Statutes and has resulted in an award, and is current (i.e., not closed, terminated, in abeyance or in default), may be utilized by the College pursuant to Oregon Revised Statutes 279A.205, 279A.210, 279A.215, and 279A.220.

Conclusion of Compliance with Law

Intergovernmental Cooperative Purchasing Participation is not an exemption from the competitive procurement requirements of law; therefore, the College has determined that findings of fact are not required. The awarding of contracts pursuant to this process will “provide effective outcomes that represent optimal value to the College and, to the greatest extent feasible, be consistent with market practices” (ORS 279B.010(1)). Consequently, findings otherwise required by law are unnecessary here.

* * * * *

Life Cycle Costing/Best Value

CCR.216

- (1) In determining the lowest bid or best proposal, in the award of a contract, the College may use the concept of life cycle costing if it complies with section (2) of this rule:
- (2) (a) At the time of writing specifications for the product, the College shall identify those factors which will have cost implications over the life of the product, and which, for evaluation purposes, will be used to adjust the bid or proposal price of the product;
- (b) The solicitation document shall set out clearly the factors and methodology to be used in life cycle cost adjustments; and
- (c) The results of life cycle costing adjustments shall be applied to the bid or proposal price of the product(s) offered, and the bid or proposal that results in the lowest overall ownership cost or “best value” as it is determined by ORS 279.015(5), taking into account the life cycle costing adjustments, and other aspects of service and product quality, as well as pricing.

Conclusion of Compliance with Law

This rule provides additional parameters for consideration that are complementary to the Public Contracting Code while supporting impartial and open competition. It is not intended to diminish the College’s ability to consider other factors when arriving at best value. As such, it is not an exemption or Special Procurement to the competitive bidding

requirements of law. It is the policy of the State of Oregon that public contracting activities should provide effective outcomes that represent optimal value to the contracting agency, and to the greatest extent feasible, be consistent with market practices (ORS 279B.010(1)). Consequently, findings otherwise required by law are unnecessary here.

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Perishables (Chemicals, Food, Laboratory Supplies)

CCR.218

Competitive procurement need not be used for the procurement of perishables under this Special Procurement provided that the perishability and commensurate quality is of greater importance than the cost to the College.

Comment

If longevity is not an issue and multiple sources exist, standard procurement practices shall be utilized.

Findings of Fact

This rule permits such items as foodstuffs and scientific supplies, which have definitive shelf lives, and associated attributes such as quality and longevity, to be purchased without strict competitive processes based upon price. Shelf life and the associated attributes may be the determining factors.

The rule enables the buyer to decide on a source based upon time since manufactured, remaining shelf life, and interim quality, since various states of decay can affect the product.

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will result in favoritism in the awarding of public contracts or substantially diminish competition, since all vendors, including Oregon businesses, are able to compete (ORS 279B.085(3)(a)), and it will enable the College to promote the public interest (ORS 279B(3)(b)(B)), through expediting its procurement processes without compromising integrity for cost.

* * * * *

Personal Property, Used (Purchase of)

CCR.220

Competitive procurement need not be used for the procurement of Used Personal Property if the College has determined that the purchase will result in cost savings and will not diminish competition or encourage favoritism.

For purchases of used personal property or equipment costing \$25,000 or more, or an amount otherwise indicated in Section 300, the College shall, where feasible, obtain three competitive quotations, unless such comparisons are highly impractical to obtain. Procurement files pertaining to Used Personal Property shall contain documentation of price comparisons and attempts to secure competitive pricing as much as is practical.

When the value of any such purchase exceeds the threshold for Intermediate Procurements as that threshold is defined herein, Section 300, Supplementary Provisions of the Community College Rules of Procurement, such purchases shall be authorized and/or delegated only by the College President, who shall notify the LCRB of such purchases at the next regularly scheduled meeting of the LCRB.

Comment

Used Personal Property is property which has been placed in use by a previous owner or user for a period of time recognized in the relevant trade or industry as qualifying the personal property or equipment as “used,” at the time of purchase.

Used Personal Property generally does not include property or equipment of which the College was the previous or current user, whether under a lease, as part of a demonstration, trial or pilot project, or similar arrangement.

Findings of Fact

The additional liberty for purchasing used personal property is essential for those who participate in auctions or other spot sales, where it is impractical to utilize conservative procedures because of the necessities of the selling process.

Conclusion of Compliance with Law

This rule provides additional parameters for consideration that are complementary to the Public Contracting Code while supporting impartial and open competition as much as is practical. It is the policy of the State of Oregon that public contracting activities should provide effective outcomes that represent optimal value to the contracting agency, and to the greatest extent feasible, be consistent with market practices (ORS 279B.010(1)). Pursuant to ORS 279B.075(1) Used Personal Property may be considered a sole-source procurement, if it is available from only one source; written findings supporting this determination and conclusion shall be made by the College. Findings otherwise required by law to support this Special Procurement are unnecessary here.

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Price Regulated Items (Including Gas, Diesel Fuel, Heating Oil, Lubricants, Asphalts, Distilled Alcohol, Postage, and Certain Utilities)

CCR.222

The College may, without competitive bidding, contract for the direct purchase of goods or services where the rate or price for the goods or services being purchased is established by federal, state, or local regulatory authority (ORS 279A.025(2)(f) and ORS 279A.025(2)(i).

Comment

If competition exists and it is practical to solicit quotations, bids, or proposals for Price Regulated Items, then these procurement methods should be utilized in an effort to obtain best value.

Conclusion of Compliance with Law

Competition is not generally a relevant issue in the procurement of goods or services where the provider’s rate or price of the goods or services being purchased is established by federal, state, or local regulatory authority, and the goods or services are provided through a sole source. Examples include: Postage, Sewer/Water Service, Garbage Service, Electricity, Etcetera. Since there is virtually no competition available within these price regulated items, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts. Consequently, findings otherwise required by law are unnecessary here.

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Request for Proposals

CCR.224

The College may, at its discretion, use Request for Proposal competitive procurement methods subject to the following conditions:

- (1) The procurement is advertised and a written solicitation document is issued that invites the submission of sealed, written offers to be opened publicly at a designated time and place; and
- (2) Contractual requirements are stated clearly in the solicitation document; and
- (3) Evaluation criteria to be applied in awarding the contract and the role of an evaluation committee are stated clearly in the solicitation document. Criteria used to identify the proposal that best meets the College needs may include but are not limited to cost, quality, service, compatibility, product reliability, operating efficiency and expansion potential, and proposer’s qualifications and experience; and
- (4) The solicitation document clearly states all complaint processes and remedies available; and
- (5) The solicitation document states the provisions for proposers to comment on any specifications that they feel limit competition.

Conclusion of Compliance with Law

As the RFP process is an alternate method of competitive source selection and not an exemption from the competitive procurement requirements of law, the College has determined that findings of fact are not required. It is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085(3)(a). The awarding of contracts pursuant to this process will result in best value to the College based on selection by the College of the most responsive proposal that meets the stated evaluative criteria. Consequently, findings otherwise required by law are unnecessary here.

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Requirements Contracts and Price Agreements

CCR.226

- (1) Requirements contracts, for the purposes of this Rule, mean price agreements, services agreements, and sales that may be established for the purposes of minimizing paper work, achieving continuity of product, securing a source of supply, reducing inventory, combining college requirements for volume discounts, standardization among agencies, and reducing lead time for ordering. The College may enter into requirements contracts whereby it is agreed to purchase supplies and/or services for an anticipated need at a predetermined price provided the contract is let by a competitive procurement process pursuant to the requirements of ORS 279ABC and these Rules.
- (2) The College may purchase the supplies and/or services from a contractor awarded a requirements contract without first undertaking additional competitive solicitation.
- (3) The term of the contract including renewals, must not exceed the maximum term stated in the original solicitation.

Conclusion of Compliance with Law

This rule provides additional parameters for consideration that are complementary to the Public Contracting Code while

supporting impartial and open competition as much as is practical. It is the policy of the State of Oregon that public contracting activities should provide effective outcomes that represent optimal value to the contracting agency, and to the greatest extent feasible, be consistent with market practices (ORS 279B.010(1)). Pursuant to ORS 279A.065(5)(a) and ORS 279A.070, a contracting agency may, in the exercise of authority granted under ORS 279A.050, adopt rules necessary to carry out the provisions of the Public Contracting Code; consequently, findings otherwise required by law are unnecessary when the College has determined it is in its best interests to purchase supplies and/or services utilizing a competitively procured requirements contract or price agreement.

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Resale – Items for

CCR.228

Competitive procurement processes need not be used for the procurement of product or services being purchased strictly for resale. This Special Procurement applies to products or services that are specifically for resale as opposed to internal use or consumption.

Findings of Fact

- (1) College Enterprise, Auxiliary Fund, and/or General Fund operations that compete in the open market need to be able to purchase products or services for resale without undue restrictions.
- (2) In order to compete in the open market, these operations must be knowledgeable, proactive, and stay abreast of current trends, consumer wants, tastes and desires, and be able to meet those needs in their offerings. Additionally, fund operators must be free to purchase products or services for resale that the consumers want even if it means having a limiting factor such as brand, functionality, price, or quality.
- (3) These operations must work as efficiently as possible to hold down their own costs as well as to present the goods or services to the public at a fair market price. Thus, they will be looking for the goods for resale at the most competitive prices and highest quality within their parameters.
- (4) In awarding contracts, these operations must ensure the appropriate amount of the product or service will be in stock or be readily available, received, or provided at the appropriate time. Ensuring that the products or services are available and of the proper freshness and quality may prevent the operation from conducting timely competitive buying.

Conclusion of Compliance with Law

It is unlikely that this exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085(3)(a). Additionally, this Special Procurement will substantially promote the public interest as required by ORS 279B.085(3)(b)(B), in a manner that could not practically be realized under the requirements of ORS 279B.050, 279B.055, 279B.060, 279B.065, 279B.070 (Methods of Source Selection).

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PERSONAL SERVICE CONTRACTING RULES

CCR.250

Personal Services Contracts

I. Definition - General

- (1) A contract for "Personal Services" is a public contract that calls for specialized skills, knowledge, and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment. Qualifications and performance history, expertise, knowledge and creativity, and the ability to exercise sound professional judgment are typically the primary considerations when selecting a Personal Services Contractor, with price being secondary.
- (2) The College may waive the requirement for a competitive selection process and directly negotiate a Personal Services Contract, if the contract price is not more than the Minimum Threshold as this threshold is defined in Section 300-Supplementary Provisions. Regardless of the dollar value of the contract, the College may, at its discretion, enter into a Personal Services Contract without complying with formal or informal solicitation requirements if an Emergency, as defined in CCR.206 exists.
 - (a) Unless there are compelling reasons not to do so, competitive selection processes for Personal Services contractors should take place at intervals not greater than five years.
 - (b) The screening and selection procedures for the award of Personal Services Contracts are governed by ORS 279A.055 and are subject to the competitive procurement provisions of the Personal Services Contracting rules and procedures adopted herein. Every contract for Personal Services shall be based upon these screening and selection procedures developed by the College. Personal Services Contracts are considered "public contracts" as defined in ORS 279A.010.
- (3) The College may enter into Personal Services Contracts with an independent contractor when:
 - (a) The work to be performed requires specialized skills, knowledge and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic, or management discretion or judgment;
 - (b) The College will not control the means or manner of the contractor's performance, but must rely on the Contractor's specialized skills, knowledge and expertise to accomplish the work. Note: The College's reservation of the right to determine and modify the delivery schedule, evaluate the quality of completed performance, and accept or reject the completed performance does not mean that the College will control the means and manner of performance; and
 - (c) Selecting a Contractor primarily on the basis of qualifications, rather than price, in accordance with the provisions of the Personal Services Contracting Rules and Procedures adopted herein would most likely meet the College's needs and result in obtaining satisfactory contract performance and optimal value for the College.
- (4) Pursuant to ORS 279A.055(2), the College has the authority to designate certain service contracts or classes of service contracts as Personal Services Contracts. Personal Services Contracts may include, but are not limited to, contracts for services performed in a professional capacity such as:
 - (a) Contracts for the services of an accountant;
 - (b) Contracts for the services of an attorney;
 - (c) Contracts for the services of a physician or dentist,
 - (d) Contracts for the services of an information technology consultant,
 - (e) Contracts for the services of a broadcaster;
 - (f) Contracts for services as an artist in the performing or fine arts including, but not limited to, any person identified as a photographer, filmmaker, painter, weaver, or sculptor;
 - (g) Contracts for services that are specialized, creative and research-oriented;
 - (h) Contracts for services as a consultant;
 - (i) Contracts for educational services;
 - (j) Contracts for investment services;
 - (k) Contracts for travel services;
 - (l) Contracts for banking services;
 - (m) Contracts for auditing services;
 - (n) Contracts for student loan and college receivables;
 - (o) Contracts for real estate services (ORS 279A.025(2)(e));
 - (p) Contracts for property management;
 - (q) Contracts for employee benefit insurance (ORS 279A.025(2)(r));
 - (r) Contracts for investments (ORS 279A.025(2)(q)(c));
 - (s) Contracts for energy savings performance contracts (ORS 279A.025(2)(p));

- (t) Contracts for agents of record (examples where agents of record may be used are advertising, general insurance, sales of surplus property, workers compensation insurance, etcetera);
- (u) Contracts for speakers, lecturers, and performers; and
- (v) Contracts for human custodial care services;
- (w) Contracts for food service management; and
- (x) Contracts for telecourse providers.

(5) Personal Services Contracts do not include:

- (a) Contracts, even though in a professional capacity, if primarily for equipment, supplies or materials, e.g., a contract to supply all hardware and standard software is not a Personal Services Contract, but a contract with a technology consultant to design or develop a new computer system is a Personal Services Contract;
- (b) Contracts with a temporary service or personnel agency to supply labor, which is of a type that can generally be done by any skilled worker (e.g., janitorial, security guard, crop spraying, laundry, and landscape maintenance service contracts)
- (c) Contracts for services of a trade-related activity, even though a specific license is required to engage in the activity. Examples are repair and/or maintenance of all types of equipment or structures.

II. Screening and Selection Procedures and Assistance

These rules set forth procedures for the College to follow when entering into Personal Services Contracts.

- (1) The policy of the College is to select Contractors based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price. The purpose of this rule is to specify the College's policies and procedures for screening and selection of Contractors to perform Personal Services.
- (2) The College shall comply with the procedures set out in these rules for screening and selecting Contractors to perform Personal Services Contracts.
- (3) The College shall provide Evidence of Competition for all Public Contracts where competition exists or justify entering into contracts by direct negotiation if an exemption from the screening and selection process is utilized. While qualifications are the primary criteria, whenever the College determines that the services offered by two or more individuals or firms are equally able to meet the College's needs and are of equal value, the College shall award the contract to the individual or firm offering the service at the lowest price.
- (4) The College may procure Personal Services from Contractors who are under contract with another governmental entity pursuant to a Cooperative Agreement as permitted and subject to ORS 279A.200 to 279A.225, if such action is expressly permitted under the original contract and if the administering agency's solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent to those specified in ORS 279B.055, 279B.060 or uses a competitive bidding process substantially equivalent to the competitive bidding process in ORS chapter 279C.

III. Solicitation Requirements

A. General

- (1) All formal solicitations must satisfy the requirements of this rule. Request for Proposals and Request for Qualifications must be in writing and must be advertised in accordance with the following procedures:
 - (a) All advertisements for a formal solicitation shall be placed in at least one newspaper of general circulation and in as many additional issues and publications as may be necessary or desirable to achieve adequate competition. At the option of the College, the College may publish its public notices electronically instead of, or in addition to, a newspaper of general circulation. The advertisement(s) for a formal solicitation shall be first published and appear at least once, no fewer than fourteen (14) calendar days before close of the solicitation, unless the governing body of the College, its President, or another officer authorized by the College declares in writing that a shorter period is deemed necessary in the public interest for a particular procurement. Conversely, the College shall broaden and extend public notice if deemed necessary to serve the public's interest for a particular procurement; and
 - (b) All advertisement(s) shall describe, at a minimum, a brief summary of the proposed contract, the services sought, where copies of the solicitation may be obtained, and the deadline for submitting a proposal.
- (2) The Solicitation Document must provide that the College may, at any time during the solicitation process, reject any or all proposals or cancel the solicitation without liability if it is in the public interest to do so.

- (3) Unless compensation is expressly provided for in the Solicitation Document, the Request for Proposals or Request for Qualifications must provide that the College is not responsible for any costs of any Offeror incurred while submitting Offers and that all Offerors who respond to solicitations do so solely at their own expense
- (4) The Solicitation Document must:
 - (a) Notify proposers of potential Solicitation Document addenda. Failure to provide such notice in any solicitation may prevent addenda from being incorporated into any resulting contract, and include protest procedures for all formal solicitation and selection.

B. Formal Selection Procedures

The College shall use a formal selection procedure whenever the cost of the services is estimated or anticipated to be equal to or more than the Intermediate Threshold for Personal Services contracts as this threshold is defined in Section 300--Supplementary Provisions. Under these formal procedures, Requests for Proposals (RFP) or Requests for Qualifications must be advertised in at least one newspaper of general circulation or through electronic means as indicated in Section 200, Rule 202, and in as many other issues or electronic procurement systems, and publications as may be necessary or desirable to achieve adequate competition.

- (1) Request for Qualifications. A Request for Qualifications may be used to determine whether competition exists to perform the needed services or to establish a list of qualified Contractors prior to issuing an RFP (Note: It is not mandatory that the College issue a Request for Qualifications; it may elect to forego using a Request For Qualifications before issuing an RFP.)
 - (a) At a minimum, the Request for Qualifications shall describe the particular specialty desired, the qualifications the Contractor(s) must have in order to be considered, and the evaluation factors and their relative importance. The Request for Qualifications may require information including, but not limited to: the Contractor's particular capability to perform the required services; the number of experienced staff available to perform the required services, including specific qualifications and experience of personnel; a list of similar services the Contractor has completed, with references concerning past performance; and any other information necessary to evaluate Contractor qualifications.
 - (b) A qualifications pre-submission meeting (voluntary or mandatory) may be held for all interested Contractors to discuss the proposed services. If the meeting is mandatory, the Request for Qualifications shall include the date, time and place of the meeting(s).
 - (c) Unless the Request for Qualifications establishes that competition does not exist or unless the solicitation process is canceled or all qualification statements rejected, all respondents (who met the published qualifications) shall receive a notice (or other materials as appropriate) of any required services and have an opportunity to submit an Offer in response to the College's subsequent RFP.
- (2) Request for Proposals. The RFP is used as a formal competitive solicitation that describes specific services to be performed within a defined period of time. The solicitation sets forth criteria and methods for screening, selecting and ranking the best proposal(s). The RFP may result in contracts with more than one provider.
 - (a) The RFP must either describe the situation and background for which Offers are being requested and state the outcome(s) desired, or propose a Statement of Work. The RFP must describe any conditions affecting the delivery of the services and the time period in which the services are to be completed. The RFP must, at a minimum, address the following information:
 - (i) Minimum standards and qualifications required to be met by the Offeror(s) to be eligible to provide the services;
 - (ii) The evaluation process and criteria to be used to select the Contractor(s), including the weight or points applicable to each criterion. Information must include the manner in which the Offeror's cost and pricing proposal will be evaluated;
 - (iii) A requirement to provide a list of similar services completed by the proposer(s) with references concerning past performance;
 - (iv) The closing date and time of the solicitation and the delivery location(s) for proposals;
 - (v) Reservation of the right to seek clarifications of each proposal, and the right to negotiate the Statement of Work within the scope of work described in the RFP;
 - (vi) Reservation of the right to reject any or all Proposals, if such rejection would be in the public interest;
 - (vii) Reservation of the right to cancel the solicitation, if such cancellation would be in the public interest;
 - (viii) Contractual provisions that will be contained in the resulting contract;

- (ix) The possibility of interviews; and
 - (x) Any other information to be used to evaluate, rank and select the best proposer(s). This should include, but is not limited to: anticipated contract award date, and at the College's discretion, funding information and budget requirements.
- (b) A pre-proposal meeting (voluntary or mandatory) may be held for all prospective Contractors to discuss the proposed services, solicitation provisions and contract requirements. The RFP shall include the date, time and place of the meeting(s).
- (c) An evaluation committee shall evaluate Proposals. The College's Purchasing Department shall provide the evaluation committee with guidelines for completing evaluations consistent with the process described in the RFP. The evaluation committee may consist of College employees and, if desired, members of the community with experience in related services. Evaluators shall be selected on the basis of their ability to provide an objective, impartial evaluation of the proposals. If there is a conflict of interest, the evaluator shall declare this in writing and shall be excluded from participating in the evaluation.
- (d) The proposal evaluation committee shall review, score and rank all responsive proposals according to the evaluation criteria in the RFP, which may include, but are not limited to, the following:
- (i) Availability and capability to perform the work;
 - (ii) Experience of key staff on comparable projects, or in performing comparable services;
 - (iii) Demonstrated ability to successfully complete similar projects or perform similar services on time and within budget;
 - (iv) References from past clients, public and private;
 - (v) Performance history in meeting deadlines, submitting accurate estimates, producing quality work, and meeting financial obligations;
 - (vi) Status and quality of any required licensing or certification;
 - (vii) Knowledge and understanding of the required services as shown through the proposed approach to staffing and scheduling needs;
 - (viii) Fees or costs;
 - (ix) Results from oral interviews, if conducted;
 - (x) Availability of any specific required resources or equipment;
 - (xi) Geographic proximity to the project or the area where the services will be performed;
 - (xii) Identity of proposed subcontractors and their qualifications; and
 - (xiii) Any other criteria deemed relevant to the provision of services.
- (e) Final ranking will be based on the evaluation criteria consistent with the process described in the RFP. Price will be considered, but will not necessarily govern selection of the Contractor(s).
- (f) Contracts entered into under the formal selection procedure may be amended, provided the original contract allows for the particular amendment and the services to be provided under the amendment are included within, or directly related to, the scope of the project or the scope of the services described in the solicitation document.

C. Informal Selection Procedures

The College may use an informal selection process to obtain services if the estimated fee or contract price is less than the Minimum Threshold for Personal Services Contracts as this threshold is defined in Section 300-Supplementary Provisions.

- (1) The informal selection process shall solicit Offers from at least three qualified contractors offering the required services. Prospective contractors may be drawn from the ORPIN System and/or from the certified list of the Advocate for Minority, Women and Emerging Small Business or its list of Contractors. The College may place the solicitation on the ORPIN System and/or use the system-generated potential Offer list to meet the three (3) responses/proposals requirement for informal solicitations.
- (2) The informal selection process shall be competitive. The selection and ranking may be based on criteria including, but not limited to, each Offeror's:
 - (a) Particular capability to perform the services required;
 - (b) Experienced staff available to perform the services required, including each Offeror's recent, current, and projected workloads;
 - (c) Performance history;
 - (d) Approach and philosophy used in providing services;
 - (e) Fees or costs;
 - (f) Geographic proximity to the project or the area where the services are to be performed; and

- (g) Work volume previously awarded by the College, with the object of effecting an equitable distribution of contracts among qualified Contractors, provided such distribution does not violate the policy of selecting the most highly-qualified Contractor to perform the services at a fair and reasonable price.
- (3) All proposals received shall be reviewed and documented and the most qualified Contractor(s) selected.
- (4) If the scope of the services is revised to the extent that the estimated cost of the services is considered to be equal to or more than the Minimum Threshold as this threshold is defined in Section 300-Supplementary Provisions, and the services are still required, the College shall either (a) terminate the contract and issue a new solicitation using the formal selection procedures or procedures allowed by subsequent rules set forth in this Section, unless waived under the provisions of Section CCR.250(I)(2), or (b) seek approval by the College's Local Contract Review Board for contract amendment.

D. Selection by Negotiation

- (1) The College may procure Personal Services with Contractors directly through negotiation if the contract price is less than the Minimum Threshold as this threshold is defined in Section 300-Supplementary Provisions.
- (2) If the scope of the services is revised to the extent that the estimated cost of the services is equal to or more than the Minimum Threshold as this threshold is defined in Section 300-Supplementary Provisions, the College shall solicit for a new Contractor(s) using applicable selection procedures under these rules.

Conclusion of Compliance with Law

The requirements of this rule ensure that competition will be carefully addressed and protected, if the College finds it is in the public's best interest to competitively procure Personal Services. This rule satisfies the requirements of Oregon Revised Statute ORS 279A.055 wherein the College may enter into Personal Services contracts, subsequent to the Local Contract Review Board's designation of certain service contracts or classes of service contracts as personal services contracts. Consequently, findings otherwise required by law are unnecessary here.

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PUBLIC IMPROVEMENT CONTRACTS EXCEPTIONS AND EXEMPTIONS

Alternate Contracting Methods

CCR.280

The College may, at its discretion, exempt public improvement contracts from competitive bidding requirements utilizing Alternate Contracting Methods (ORS 279C.335(3)(a)). These methods shall take into account market realities and modern practices that are consistent with the public policy of encouraging competition. Examples of Alternate Contracting Methods are Request for Proposals for the selection of construction manager/general contractor firms (CM/GC), and Design/Build firms.

The College shall prepare written findings that support the use of this exemption from competitive bidding and obtain approval from its Local Contract Review Board. A public hearing shall be held before final adoption (ORS 279C.335(4)(a)) of the exemption. The findings must show compliance with ORS 279C.330, and shall include, but not be limited to, information regarding:

- (a) Operational, budget and financial data;
- (b) Public benefits;
- (c) Value engineering;
- (d) Specialized expertise required;
- (e) Public safety;
- (e) Market conditions;
- (f) Technical complexity; and
- (g) Funding sources **but shall not be based solely on funding sources, such as a particular bond fund, or by the method of procurement.**

Conclusion of Compliance with Law

The College must demonstrate that the use of this exemption will not encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts (ORS 279C.335(2)(a)). The requirements of this rule ensure that competition will be carefully addressed and protected, if the College’s Local Contract Review Board finds it is in the public’s best interest to use an Alternate Contracting Method. Consequently, findings otherwise required by law are unnecessary here.

First-Tier Subcontractors; Disclosure and Substitution

CCR.281

This rule amends (i.e., additions are indicated by italics and deletions are indicated by a line drawn through the word(s) that has been stricken.), Appendix B of these Community College Rules of Procurement (i.e., Model Public Contract Rules adopted on December 27, 2005, by the State of Oregon, Department of Justice, General Counsel Division, effective January 1, 2006, Division 49), as follows:

OAR 137-049-0360(2)(b) shall be replaced with:

“(b) *The College may, at its discretion, Open Bids publicly immediately after the Bid Closing; and or it may open Bids publicly immediately following the deadline for submission of the first-tier subcontractor disclosure forms, or some other time as permitted or not prohibited by Oregon Revised Statutes.*”

Conclusion of Compliance with Law

As this amendment to the Attorney General’s Public Contract Rules is not a Special Procurement or exemption from the competitive procurement requirements of law, the College has determined that findings of fact are not required.

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Limited Negotiations with Bidder

CCR.282

I. Definitions

For purposes of this rule, the terms below shall be defined, as follows:

“College’s Cost Estimate” shall mean the fixed limit of construction cost that has been agreed upon by the College and the College’s consultant.

“Value Engineering and Other Options” refers to a process agreed upon by the College, which involves the lowest responsive, responsible bidder and may include other consultants to identify deletions or adjustments to the project to reduce the cost of such work.

“Significantly Changed” with reference to the scope of the project, shall mean deletion or adjustment of components of the project or elements of the work, which in the aggregate are estimated to cost in excess of twenty-five percent of the College’s Cost Estimate as originally designed.

II. Limited Negotiations and College’s Cost Estimate

- (1) If a project is competitively bid and all the responsive bids from responsible bidders exceed the College’s Cost Estimate, the College may, prior to award, negotiate with the Lowest Responsible Bidder utilizing Value Engineering and Other Options to bring the contract price within the College’s Cost Estimate.
- (2) The College’s negotiation with the Lowest Responsible Bidder shall not result in award of the contract to such bidder if the scope of the project is Significantly Changed from that specified in the Invitation to Bid at the time of bidding.
- (2) If the College elects to use the negotiation process under this rule, the College will not produce for public inspection prior to award or termination of the negotiation process, any records of the Lowest Responsible Bidder. After award of the contract or termination of the negotiation process, the College will make available for public inspection such records as are subject to inspection under any other provision of law.

III. Negotiation and Award Process

- (1) If the Lowest Responsible Bidder’s Bid exceeds the College’s Cost Estimate, the College may, but shall not be required to, negotiate with the Lowest Responsible Bidder to bring the cost of the project within the College’s Cost Estimate.
- (2) If the College elects to negotiate with the Lowest Responsible Bidder, the College shall give written notice to the Lowest Responsible Bidder of its intent, within ten (10) days of bid Opening. The notice shall include disclosure to the Lowest Responsible Bidder of the College’s Cost Estimate.
- (3) During any such negotiations, the Lowest Responsible Bidder’s bid shall remain firm for the period prescribed in the Bid. At all times until such expiration of the Bid, and notwithstanding the occurrence of negotiations under this rule, the College shall have the right to accept the original Bid.
- (4) Upon and within five (5) days of receipt of the College’s notice of intent to negotiate, the Lowest Responsible Bidder and the College’s representative shall meet and present to each other, in writing, any proposals either may have for Value Engineering and Other Options to bring the project within the College’s Cost Estimate.
- (5) The College and the Lowest Responsible Bidder shall negotiate in good faith regarding value engineering and other options, exerting their best efforts to bring the cost of the project within the College’s Cost Estimate.
- (6) If the College and the Lowest Responsible Bidder are able to reach agreement through value engineering and other options to identify measures which bring the project within the college’s Cost Estimate, but do not Significantly Change the scope of the project, such value engineering and other options shall be reduced to writing and signed by the Lowest Responsible Bidder as an amendment to its bid and will be incorporated into the Contract at the time of award.
- (7) Upon award, the terms and conditions of the amendment to the Bid shall be made public.
- (8) Any protest of this negotiation process shall be subject to the Protest Process specified in the Invitation to Bid.

Conclusion of Compliance with Law

This rule satisfies the requirements of Oregon Revised Statute 279C.340 wherein the College may negotiate with the lowest responsive, responsible bidder in accordance with rules adopted by the College. Consequently, findings otherwise required by law are unnecessary here.

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SECTION 300 SUPPLEMENTARY PROVISIONS – CONTRACTING RULES

These Community College Rules of Procurement were drafted by participating statewide community college representatives with the intent that Sections 100 and 200 be adopted in their entirety and remain unchanged by their respective institutions unless modified by participating committee members at a later date and subsequently ratified by their local contract review boards. Section 300 has been specifically set aside to address the unique philosophies, cultures, and/or concerns of the various community colleges, voting districts, and contract review boards. In the event of conflict between rules or sections within these Community College Rules of Procurement, the rules in Section 300 shall take precedence over the Appendices in Section 300, and the rules in Sections 100 and/or 200 except as otherwise expressly provided.

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Consultant Selection: Architectural, Engineering, Land Surveying and Related Services Contracts **CCR.301**

This rule amends (i.e., additions are indicated by *italics* and deletions are indicated by a line drawn through the word(s) that has been stricken.), Appendix B of these Community College Rules of Procurement (i.e., State of Oregon’s DOJ Model Public Contract Rules 2004, Division 48), as follows:

OAR 137-048-0210(1) shall be replaced with: “~~The College Contracting Agencies~~ may use the informal selection procedure described in this rule to obtain a contract if the Estimated Fee is expected not to *meet or exceed* \$75,000 ~~\$150,000.~~”

OAR 137-048-0210(5) shall be replaced with: “~~The College Contracting Agency~~ shall terminate the informal selection procedure and proceed with the formal selection procedure under OAR ~~137-048-220~~ *137-048-0220* if the scope of the anticipated Contract is revised during negotiations so that the Estimated Fee will *meet or exceed* \$75,000 ~~\$150,000~~. Notwithstanding the foregoing, the ~~College Contracting Agency~~ may continue Contract negotiations with the Proposer selected under the informal selection procedure if ~~the College Contracting Agency~~ makes written determinations that contracting with that Proposer will:

- (a) Promote efficient use of ~~the College’s Contracting Agency’s~~ resources and result in substantial cost savings to ~~the College Contracting Agency~~; and
- (b) 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.

Conclusion of Compliance with Law

As this amendment to the Attorney General’s Public Contract Rules, 2004, is not a Special Procurement or exemption from the competitive procurement requirements of law, the College has determined that findings of fact are not required. The requirements of this rule ensure that competition will be carefully addressed and protected, if the College finds it is in the public’s best interest to competitively procure Architectural, Engineering, Land Surveying and Related Services Contracts. This rule satisfies the requirements of Oregon Revised Statute ORS 279A.055 wherein the College may enter into Personal Services contracts, subsequent to the Local Contract Review Board’s designation of certain service contracts or classes of service contracts as personal services contracts, and ORS 279C.105 wherein a Local Contract Review Board shall adopt procedures for the screening and selection of persons to perform those services under ORS 279C.110 or 279C.120. Consequently, findings otherwise required by law are unnecessary here.

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Contract Amendments & Reinstatements

CCR.302

A. The College may award an amendment(s) for additional work or product which is reasonably related to the scope of work under the original contract, including change orders, extra work, field orders, or other changes in the original specifications that increases the original Contract Price, without competitive bidding or alternate contracting method, for a Special Procurement that is exempted under these rules or is subject to the following conditions:

- (1) Contract amendments must be made in writing;
- (2) Amendments to contracts must fall within the scope of the original solicitation. Amendments shall not be used to circumvent rules establishing approvals at certain monetary thresholds;
- (3) The original contract was let by competitive bidding or alternative procurement process;
- (4) Such amendment(s) shall not exceed a total of thirty-three percent (33%) of the original Contract Price for

- goods and services or twenty-five percent (25%) over the original Contract Price if the Contract is for public improvements, public works, or general trade services and the amount of the amended Contract is defined as a Small or Intermediate Procurement as these thresholds are defined in Section 300, "Public Contracts Under Certain Dollar Amounts," Supplementary Provisions of the Community College Rules of Procurement;
- (5) Such amendment(s) shall not exceed a total of fifty percent (50%) of the original Contract Price, if the original Contract Price exceeds the threshold for Intermediate Procurements as this threshold is defined in Section 300, "Public Contracts Under Certain Dollar Amounts," Supplementary Provisions of the Community College Rules of Procurement, and the Contract is for public improvements, public works, or general trade services;
 - (6) The local contract review board approves the amendment if the contract is for a Personal Services Contract and/or when the amended value of the contract exceeds the threshold for Intermediate Procurements for competitively procured products or services as that threshold is defined in Section 300, "Public Contracts Under Certain Dollar Amounts," Supplementary Provisions of the Community College Rules of Procurement.
- B. The "Reinstatement of Expired Contracts" means the action of reinstatement of an expired Contract that was previously properly executed containing all the required approval signatures and following all required procurement processes. The College may approve reinstatement of an expired Contract if the following conditions are met:
- (1) The College determines concisely, in writing, that the failure to extend or renew the Contract in a timely manner was due to unforeseen or unavoidable conditions;
 - (2) The written reinstatement justification is presented to the VP/CFO for approval within ninety (90) days after expiration of the original Contract; and
 - (3) The reinstatement is exclusively for the purpose of permitting completion of the work or services for no additional compensation; or
 - (a) When the services are of a continuing or repetitive nature, which are compensated at an hourly, daily or similar periodic rate, the reinstatement either:
 - (i) Does not increase the rate of compensation; or
 - (ii) Does not increase the rate of compensation so as to exceed the rate of the increase determined by comparing the Portland, Oregon Metropolitan Area Consumer Price Index (all items), published immediately prior to the date the original contract was established with the same Index published immediately prior to the date of the reinstatement and extension.
 - (4) When a Contract is reinstated pursuant to this Rule, the College may compensate the Contractor, at the rate of compensation established in the original Contract, for work performed in the interim between the expiration of the original Contract and the execution and approval(s) of the extension or amendment.
 - (5) This rule authorizes only one reinstatement of a Contract.
 - (6) No reinstatement of a Contract must modify the original contract except with respect to the time for performance.
 - (7) If the reinstatement of a Contract pursuant to this rule raises the aggregate amount of compensation to a level that requires approval by the Local Contract Review Board, the College must obtain such approval before the extension becomes binding and before any services may be performed under the reinstated contract.
 - (8) Once a contract is reinstated, it is in full force and effect, as if it had not expired.
- Stat. Auth: ORS 279A.065(5)(a); ORS 279A.070

Conclusion of Compliance with Law

Contracts are living entities. The work they represent is subject to change at any moment; contract amendments record and formalize those changes. Options for change orders are needed for contract administrators and contractors to perform the work in the most efficient manner. As the contract amendment process is not an exemption from the competitive procurement requirements of law, the College has determined that findings of fact are not required. It is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B(3)(a). Consequently, findings otherwise required by law are unnecessary here.

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Cumulative Awards of Small Contracts (i.e., Anti-Fragmenting Rule)

When the College awards a series of small contracts with values less than \$100,000, intends to award a series of such contracts, or is likely to award a series of such contracts within one fiscal year, the sum of which will, or is likely to, meet or exceed \$100,000, and the Work of which is similar, identical, or within the same operational domain, the College shall submit findings to its Local Contract Review Board to the effect that:

CCR.304

- (1) The contracts are not intentionally fractionalized to avoid sealed, competitive public procurement; and,
- (2) Competition is not being diminished by the awarding of such contracts and the consequent avoidance of public advertising of the requirement; and,
- (3) Other requirements such as those of the Bureau of Labor and Industries, (prevailing wage rates), bonding, insurance and OMWESB (Office of minority, Women and Emerging Small Business, reporting requirements), will not be avoided by the award of such contracts;

or, the College shall formulate and issue a formal solicitation for the totality of such annual requirements, and shall, as a result of such solicitation, establish a requirements contract naming one or more qualified providers, for the provision of the required goods or services.

Conclusion of Compliance with Law

This rule is intended to apply to all goods, services, client services, public improvements, public works, maintenance, repair, supplies, and all other College requirements. Its purpose is to ensure that the College does not intentionally or inadvertently exceed the College’s formal competitive procurement threshold requirement of \$100,000 without good cause and without the approval of its Local Contract Review Board, and that compliance with other statutory requirements invoked by the formal competitive procurement threshold requirements (such as prevailing wage rates, maximizing competition, minority contracting and reporting requirements, and the like), are not avoided. As the Cumulative Awards of Small Contracts Rule is not an exemption from the competitive procurement requirements of law, the College has determined that findings of fact are not required.

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Energy Management Controls Systems

CCR.308

Competitive procurement need not be used for Energy Management Controls Systems provided the hardware or software is required to match or be specifically compatible with existing equipment (*see Brand Names or Marks, “or Equal,” Single Seller and Sole Source*), or that the items are available from only one source and the College has determined that competition does not exist.

In determining the appropriate procurement method for Energy Management Controls Systems or whether competition exists, the College may consider the following factors: the extent to which alternative services offered are comparable or substitutable in technology; service provided; performance; the extent to which latest upgrades and options are offered by the manufacturer; upward and downward compatibility; and the extent to which alternative providers can respond to the College’s interests in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management, and limiting College liability.

Conclusion of Compliance with Law

This rule will not encourage favoritism or substantially diminish competition in the awarding of public contracts. An energy management controls system is essentially a system of data processors, input/output devices, field devices (thermostats, terminal control units, etc.), and software that result in energy-saving strategies. This rule provides additional parameters for consideration that are complementary to the Public Contracting Code where competition does exist. It is not intended to diminish the College’s ability to consider other factors or limit fair and open competition when arriving at best value. It is the policy of the State of Oregon that public contracting activities should provide effective outcomes that represent optimal value to the contracting agency, and to the greatest extent feasible, be consistent with market practices (ORS 279B.010(1)).

Additionally, pursuant to ORS 279A.025(2)(p), the Public Contracting Code does not apply to energy savings performance contracts; consequently, findings otherwise required by law are unnecessary for the procurement or distribution of Energy Management Controls Systems.

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Exception (Including Sole Source) – Purchases of Goods or Services through

CCR.310

Competitive procurement processes need not be used for the procurement of goods or services when waived, in writing, by the college’s chief fiscal officer or designee with such approved waiver(s) being placed on file in the Purchasing office or other designated official location; notification shall subsequently be given to the college’s Local Contract Review Board. This exception is to be used infrequently and only when deemed by the chief fiscal officer or designee to be in the best interest of the College and shall be reported to the Local Contract Review Board at the next regularly

scheduled meeting, if it meets or exceeds the Intermediate Procurement threshold as defined in Section 300, "Public Contracts Under Certain Dollar Amounts."

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Findings of Fact

1. In some cases, the use of competitive procurement processes is either not practicable, advantageous, or in the College's best interest due to unforeseen circumstances, unreasonable costs, difficulty in locating vendors even after extensive searches, or where time constraints occur that are due to circumstances beyond reasonable control.
2. All practical measures will be taken to encourage competition when possible.
3. The chief fiscal officer or designee will report to the Local Contract Review Board the reason(s) that competitive procurement processes were deemed to be impracticable and what steps, where possible, were taken to encourage competition if the acquisition meets or exceeds the Intermediate Procurement threshold as defined in Section 300, "Public Contracts Under Certain Dollar Amounts;" a copy of the waiver shall be placed on file in the Purchasing office or other designated official location.

Conclusion of Compliance with Law

It is unlikely that this exemption from competitive procurement processes will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279B.085(3)(a), since it would be an Exception, and would be due to extenuating circumstances. Additionally, this Special Procurement will substantially promote 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 there under. (Stat. Auth.: ORS 279B.075 and 279B.085, Sole-Source Procurements and Special Procurements, respectively.)

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Personal Services Contracts (CCR250 Amended)

CCR.312

This rule replaces and amends Personal Services Contracts Rule CCR.250(I.) (2) to read:

- (2) The College may waive the requirement for a competitive selection process and directly negotiate a Personal Services Contract, if the contract price is not more than the Minimum Threshold as this threshold is defined in Section 300-Supplementary Provisions, Rule CCR.312. "Minimum Threshold" means \$30,000; "Intermediate Threshold" means \$100,000. Regardless of the dollar value of the contract, the College may, at its discretion, enter into a Personal Services Contract without complying with formal or informal solicitation requirements if an Emergency, as defined in CCR.206 exists.
 - (a) Unless there are compelling reasons not to do so, competitive selection processes for Personal Services contractors should take place at intervals not greater than five years.
 - (1) Informal Selection Procedures may be used for contracts less than the Minimum Threshold (i.e., \$30,000), but are not required to be used for contracts less than the Minimum Threshold.
 - (2) Informal Selection Procedures shall be used for contracts estimated or anticipated to be equal to or more than \$30,000, but which are not estimated or anticipated to be more than or equal to the Intermediate Threshold (i.e., \$100,000).
 - (3) Formal Selection Procedures shall be used for contracts estimated or anticipated to be equal to or more than the Intermediate Threshold (i.e., \$100,000), but may be used for contracts of any estimated dollar value if it is deemed to be in the college's best interest.
 - (b) The screening and selection procedures for the award of Personal Services Contracts are governed by ORS 279A.055 and are subject to the competitive procurement provisions of the Personal Services Contracting rules and procedures adopted herein. Every contract for Personal Services shall be based upon these screening and selection procedures developed by the College. Personal Services Contracts are considered "public contracts" as defined in ORS 279A.010.

This rule replaces and amends Personal Services Contracts Rule CCR.250(I.) (5) to read:

- (5) Personal Services Contracts do not include:
 - (a) Contracts, even though in a professional capacity, if primarily for equipment, supplies or materials, e.g., a contract to supply all hardware and standard software is not a Personal Services Contract, but a contract with a technology consultant to design or develop a new computer system is a Personal Services Contract;

- (b) Contracts with a temporary service or personnel agency to supply labor, which is of a type that can generally be done by any skilled worker;

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- (c) Contracts for services of a trade-related activity, even though a specific license is required to engage in the activity. Examples are repair and/or maintenance of all types of equipment or structures;
- (d) Employees.

Conclusion of Compliance with Law

The requirements of Rule CCR.250 and its subsequent amendment, CCR.312, ensure that competition will be carefully addressed and protected, if the College finds it is in the public's best interest to competitively procure Personal Services. This rule satisfies the requirements of Oregon Revised Statute ORS 279A.055 wherein the College may enter into Personal Services contracts, subsequent to the local contract review board's designation of certain service contracts or classes of service contracts as personal services contracts. Consequently, findings otherwise required by law are unnecessary here.

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Public Contracts Under Certain Dollar Amounts

CCR.314

- (1) The College may, at its discretion, enter into public contracts not to exceed \$100,000 for the purchase of goods, materials, supplies, and services, including contracts for architectural, engineering, land surveying, and related services, and public improvements or general trade services, without issuing a formal competitive Solicitation Document, if the College has determined that the awarding of the contract without issuing a formal competitive Solicitation Document will result in cost savings and the following conditions are met:
 - (a) The contract is for a single project, and is not a component of or related to any other project;
 - (b) When the amount of the contract does not exceed \$5,000, defined herein as a "Small Procurement," the College shall, where feasible, obtain competitive quotes, unless the contract is for architectural, engineering, land surveying, and related services procedures in which case a Direct Appointment (see Appendix B, 137-048-0200), may be made for contracts with Estimated Fees less than \$25,000;
 - (c) When the amount of the contract is more than \$5,000, but less than \$100,000, defined herein as an "Intermediate Procurement," and is not for architectural, engineering, land surveying services, or related services, the College shall obtain a minimum of three informally solicited competitive quotes. The College shall keep a written record of the source and amount of the quotes received. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes;
 - (d) The College will abide by ORS 279A.025(4), regarding Qualified Nonprofit Agencies, unless the required goods, materials, supplies or services are unavailable from a Qualified Nonprofit Agency as provided in ORS 279.835 to 279. 855;
 - (e) The College shall encourage Minority, Women-owned and Emerging Small Businesses to participate in its purchasing processes, where applicable.
 - (f) The goods or services, or class of goods or services, are available from only one source and the determination of a sole source is based upon written findings in accordance with the provisions set forth in ORS 279B.075.
- (2) The College may, at its discretion, enter into public contracts for trade-related projects, i.e., construction, maintenance, repair, or similar labor and materials contracts without competitive bidding if the College has determined that the awarding of the contract without competitive bidding will result in cost savings and the following conditions are met:
 - (a) The contract is for a single project, and is not a component of or related to any other project;
 - (b) When the amount of the contract does not exceed \$5,000, the College should, where feasible, obtain competitive quotes (ORS 279B.065);
 - (c) When the amount of the contract is more than \$5,000, but less than \$100,000 the College shall obtain a minimum of three competitive quotes. The College shall keep a written record of the source and amount of the quotes received. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes;
 - (d) When the contract is a public improvement contract of less than \$100,000, and the bidders are being drawn exclusively from a list of certified Emerging Small Businesses maintained by the Office of Minority, Women and Emerging Small Business, the College may let the contract without formal competitive bidding after a good faith effort to obtain a minimum of three competitive quotes from Emerging Small Businesses. To obtain maximum exposure for all firms and guard against favoritism, care shall be taken to obtain quotes from different firms each time the list is used. The College shall keep a written record of the source and amount of

the quotes received and comply with the requirements, as applicable, of subsection (2)(e) of this rule. A lesser number will suffice provided a written record is maintained of the effort to obtain the quotes; and

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- (e) When the contract is for a “public improvement” as defined in ORS 279A.010(1)(aa) and/or for “public works” as defined in ORS 279C.800(5), and the contract price exceeds \$25,000 but is less than \$100,000, the College and the contractor shall comply with:
 - (i) The prevailing wage provisions of ORS 279C.800 to 279C.870, when applicable;
 - (ii) The contractor registration requirements of ORS 701; and
 - (iii) Any other law applicable to such a contract.
- (3) If more than one supplier may be available and the total purchase is estimated to exceed \$100,000, the College shall select a contractor through a formal competitive solicitation process;
- (4) Pursuant to ORS 279C.105, when the contract is for architectural, engineering, land surveying, and related services, and the Estimated Fee is \$100,000 or greater, the College shall screen and select a contractor through a formal competitive solicitation process as these procedures are defined in Appendix B, 137-048-0220, of these Community College Rules of Procurement.
- (5) Renegotiated Contracts for Supplies and Services
The College may renegotiate the terms and conditions, including the Contract Price, of a Contract without additional competition and amend a Contract if it is in the best interest of the College subject to the following conditions:
 - (a) The College must determine that, with all things considered, the renegotiated Contract is at least as favorable to the College as the original Contract; and
 - (b) The renegotiated Contract will not have a total term greater than allowed in the original Solicitation Document, Contract or approval of a Special Procurement after combining the initial and extended terms. For example, a one-year Contract, renewable each year for up to four additional years, may be renegotiated as a two to five-year Contract, but not beyond a total of five years. Also, if Contracts with a single Contractor are restated as a single contract, the term of the single Contract may not have a total term greater than any one of the prior Contracts.
 - (c) If a Contractor offers a lower price in exchange for a change in term or condition that was expressly rejected in the original solicitation, the amended Contract may be structured with this changed term as an optional, but not as a mandatory Contract term.
 - (d) If the Contract is the result of a Cooperative Procurement, the amended Contract must be within the Scope of the Original Contract and may not materially change the terms, conditions, and prices of the Original Contract.

Comment:

Public contract shall mean the “*completed project cost basis*” of a public contract (i.e., the total cost of performing one discrete, identifiable totality of work, including all components, shipping, warranty costs, service agreements obtained in conjunction with the purchase contract, reimbursables, and any other associated costs).

Conclusion of Compliance with Law

This rule is more restrictive than the requirements of the Public Contracting Code. As such, it is not an exemption or Special Procurement to the competitive bidding requirements of law. Consequently, findings otherwise required by law are unnecessary here.

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Rejection of an Offer

CCR.316

This rule amends (i.e., additions are indicated by *italics* and deletions are indicated by a line drawn through the word(s) that has been stricken.), Appendix B of these Community College Rules of Procurement (i.e., State of Oregon’s DOJ Model Public Contract Rules 2004, Division 48), as follows:

OAR 137-047-0640(1)(b) shall be replaced with:

“(b) The College ~~shall~~ *may* reject an Offer upon the College’s finding that the Offer:”

OAR 137-049-0440(1)(b) shall be replaced with:

“(b) The College ~~shall~~ *may* reject an Offer upon the College’s finding that the Offer:”

Conclusion of Compliance with Law

As this amendment to the Attorney General's Public Contract Rules, 2004, is not a Special Procurement or exemption from the competitive procurement requirements of law, the College has determined that findings of fact are not required.

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Space Rentals (hotels, conferences, temporary offices, etcetera)

CCR.318

Competitive procurement need not be used for the rental of real estate, floor space or other short- or long-term rentals of physical space.

Findings of Fact

Many space rental transactions must, of necessity, take place in private in order to ensure that public disclosure will not have negative effects upon price or other contractual considerations. Additionally, rentals are subject to considerable personal judgment in the selection of the space, its availability, its surrounds, its geographical location, the landlord, and the contract terms. Many of these items are not subject to negotiation or are extremely difficult to compare objectively. Moreover, many such rentals must be finalized in extremely short periods, occasionally within minutes, or the arrangement may be lost to another offeror. It is not in the best interest of the public to disadvantage the College by necessitating an arduous selection process for rentals of space, which, of necessity, are highly subjective activities.

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will result in favoritism in the awarding of public contracts or substantially diminish competition since all vendors, including Oregon businesses, are able to compete (ORS 279B.085(3)(a)), and it will enable the College to promote the public interest (ORS 279B(3)(b)(B)), through expediting its procurement processes without compromising integrity for cost.

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Property Disposition

CCR.320

Auction Sales of Personal Property

Personal Property may be sold at auction if the College determines that the auction contemplated will probably result in a higher net return than if the property were sold by competitive written bid.

Sales of Personal Property

The College may sell personal property, including recyclable or reclaimed materials, without competitive bidding if it has determined that a negotiated sale will result in increased net revenue and the following conditions are met:

- 1) the personal property has been made available to other College departments and local government units; and
- 2) when the current market value per item is deemed to be less than \$1000, the College may establish a selling price, schedule and advertise a sale date, and sell to the first qualified bidder meeting the sales terms; or
- 3) when the current value per item is deemed to exceed ~~\$5,000~~, **\$1,000** the personal property must be offered for competitive written bid and be advertised, or be offered for sale at public auction.

Liquidation Sales of Personal Property

The College may sell personal property through a commercially recognized third party liquidator if it has determined that a liquidation sale will result in increased net revenue and the following conditions are met:

- 1) the personal property has been made available to College departments and local government units; and
- 2) the selection of the liquidator was conducted by a competitive quotation or request for proposals process.

Donations of Personal Property

The College may transfer personal property without remuneration or only nominal remuneration without competitive bids to the following entities:

- i. another public agency; or
- ii. any QRF, work activity center or group care home which operates under contract or agreement with, or grant from, any State agency and which is certified to receive federal surplus property; or
- iii. any recognized non-profit activity which is certified to receive federal surplus property.

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will result in favoritism in the disposition of surplus property. The intent of CCR.320 is to minimize the costs of disposing of surplus property for items of low value, while ensuring that the College receives maximum return for items of greater value. For items of limited value the costs of storage, advertising a sealed bid sale and the time consumed by the sale itself can take a larger portion of the proceeds received from sale. The rule also allows for the donation of property to other specific entities when such action is deemed to be in the public good.

**CENTRAL OREGON COMMUNITY COLLEGE
BOARD OF DIRECTORS**

RESOLUTION

Prepared by: James R. Jones-Vice President and Chief Financial Officer

A. Action Under Consideration

Acceptance of proposed changes to the Central Oregon Community College's Rules of Procurement originally adopted by the Board in March, 2005. The changes are intended to keep the College in compliance with the Rules of Procurement as amended by the Community College Rules of Procurement and the Oregon Revised Statutes and Oregon Administrative Rules.

B. Discussion/History

Beginning in spring, 2004 a task force was brought together from Oregon community colleges. The focus of this group was to create a statewide document that would provide continuity in purchasing and contracting decisions throughout the state's community college system, with only minor variations due to institutional philosophies or needs. In March 2005 the Board, convened as the Local Contract Review Board, adopted the Community College Rules of Procurement (CCRP). This document incorporates rules regarding competitive procurement, personal/professional services, and special procurements. Special procurements are those goods or services that are exempt from competitive processes and which are authorized by the Board in its capacity as the College's Local Contract Review Board.

The CCRP is fashioned in three sections; 100, 200, 300. It was written with the intention that sections 100 and 200 would be consistent between community colleges and that section 300 could be modified by each individual college. To date, 13 of the 17 Oregon Community Colleges have adopted these rules.

Pursuant to ORS 279A.065, as changes to the Public Contracting Code occur (ORS Chapters 279A, 279B, and 279C), the Attorney General's model rules must be reviewed and subsequently modified if applicable. In response to recent statutory revisions and administrative changes in the A/G's model rules, it is necessary for the College to make minor modifications to its CCRP, adopted by the Board in March, 2005. These minor revisions and housekeeping measures are reflected in the document attached. The proposed changes have been reviewed by Ron Bryant and accepted. Upon approval by the Board, these changes will be incorporated into the CCRP and become effective immediately.

C. Options/Analysis

- 1) Approve recommended changes to the Community College Rules of Procurement (CCRP).
- 2) Do not approve recommended changes to the (CCRP).

D. Timing

Approval for the aforementioned changes is requested at this time.

E. Recommendation

Be it resolved that the Board of Directors do hereby approve the proposed changes to the CCRP.

F. Budget Impact

None.