

DISTRICT PURCHASING

1. Business Services will provide regulations and instructions to cost centers that will highlight the procedures for procurements, budget transfers, financial activity reports, staff reimbursements, payroll, business forms, accounts receivable and chart of accounts. Updates will be provided as required to meet the ever-changing school business environment.
2. Business processes are designed to aid cost centers to operate in an efficient and effective manner. Consideration is given to both fiscal responsibility and staff resource needs.
3. Procurements will generally consist of goods and services necessary for district operations and programs.
4. Procurements are authorized only when the following conditions are met:
 - a. Obtain pre-approval by the appropriate person with cost center budget authority;
 - b. Confirm adequate budget is available;
 - c. Comply with all District purchasing policies and regulations;
 - d. Create an encumbrance; and
 - e. Procurement work/delivery does not commence until a public contract is fully executed.
5. A check request can be used for payment of: membership dues, subscriptions, registrations, municipal/legal fees and District charge accounts. A check request may also be appropriate for some emergency situations or when a vendor does not accept purchase orders.
6. **Contract Approval:**
 - a. All procurement contracts that are reasonably estimated to exceed \$150,000 (including any with the potential for amendments or change orders that may cause the total amount to exceed this amount) shall be presented to the Board for approval:
 1. Business Services maintains the public contracts School Board consent agenda. Business Services shall issue a monthly communication to all Administrators seeking information for any contracts to be included on the consent agenda.
 2. Contracts presented to the Board for approval shall additionally include a staff report to be provided with the public contracts consent agenda. The responsible Department shall prepare the staff report content and shall submit staff report(s) along with contract information required in 7.a.1. to Business Services.

7. Superintendent Designated Authority to Obligate the District

- a. The Superintendent has designated the following positions authorized to electronically approve and/or sign contracts that obligate the District that are awarded as a result of any public procurement type. These contracts include, but are not limited to: purchase orders, construction contracts, trade service contracts, and personal services contracts; but not emergency contracts, see paragraph 10.
- b. The following table indicates the positions and amounts:

Position Title	Contract Amount
Chief Financial Officer	Unlimited
Deputy Superintendent	Unlimited
Administrator for Fiscal Services	Unlimited
Purchasing Manager	Under \$1,000,000
Finance Manager	Under \$150,000
Contract Specialist/Senior Purchasing Agent	Under \$150,000
Business Services Purchasing Agent	Under \$50,000
Business Services Purchasing Assistant	Under \$10,000

8. Contract Amendments and Change Orders

An amendment or change order is a written agreement changing or extending the terms and/or conditions of an existing contract by introducing, canceling or changing details, changing, decreasing or increasing the work, but leaving the scope of the contract intact. The District shall report to the Board when amendments or change orders exceed a cumulative amount of 25% over the original contract price of any District formal procurement. These reports will be submitted to the Board after financial close-out of the contract.

A contract that has not received Board approval is required to be presented to the Board for approval prior to execution of a change order that will cause the total aggregate contract amount to exceed \$150,000.

The Superintendent has designated the following positions authorized to electronically approve and/or sign contract amendments or change orders of any existing contract.

Division 47 Procurements (Goods/General Services. Includes Trade Service <\$50k)

Position Title	Small <\$10k	Intermediate >\$10k <\$150k	Formal >\$150k
Chief Financial Officer	Total Contract not greater than \$12,500	Total Contract not greater than \$187,500; Up to 25% of original contract	Unlimited
Administrator for Fiscal Services	Total Contract not greater than \$12,500	Total Contract not greater than \$187,500; Up to 25% of original contract	Unlimited
Deputy Superintendent	Total Contract not greater than \$12,500	Total Contract not greater than \$187,500; Up to 25% of original contract	Unlimited
Purchasing Manager	Total Contract not greater than \$12,500	Total Contract not greater than \$187,500; Up to 25% of original contract	Under \$1,000,000
Executive Administrator for Facilities	Total Contract not greater than \$12,500	Total Contract not greater than \$187,500; Up to 25% of original contract	Under \$1,000,000
Finance Manager	Total Contract not greater than \$12,500	Total Contract not greater than \$150,000	Under \$150,000
Administrator for Facilities Development, Construction Operations Supervisor	Total Contract not greater than \$12,500	Total Contract not greater than \$150,000	Under \$150,000
Administrator for Maintenance Services	Total Contract not greater than \$12,500	Total Contract not greater than \$150,000	Under \$150,000
Contract Specialist/Senior Purchasing Agent	Total Contract not greater than \$12,500	Total Contract not greater than \$150,000	Under \$150,000
Business Services Purchasing Agent	Under \$50,000 Total Contract not greater than \$12,500	Under \$50,000	Under \$50,000
Construction Project Manager	Under \$10,000 Total Contract not greater than \$12,500	Under \$10,000	Under \$10,000
Maintenance Manager Supervisor	Under \$10,000 Total Contract not greater than \$12,500	Under \$10,000	Under \$10,000
Construction Project Coordinator	Under \$10,000 Total Contract not greater than \$12,500	Under \$10,000	Under \$10,000
Business Services Purchasing Assistant	Under \$5,000 Total Contract not greater than \$12,500	Under \$5,000	Under \$5,000

**Contract Amendments for OAR Division 47 (ORS 279B) procurements – goods and services:
Small Procurement Amendment (OAR 137-047-0265)**

The District positions listed in the Division 47 table above may amend a Contract Awarded as a small Procurement in accordance with OAR 137-047-0800, but the cumulative amendments shall not increase the total Contract Price to greater than \$12,500.

Intermediate Procurement Amendment (OAR 137-047-0270)

- a. The District positions listed in the Division 47 table above may amend a contract awarded as an intermediate procurement in accordance with OAR 137-047-0800, but the cumulative amendments may not increase the total contract price to a sum that exceeds \$150,000 or 125% of the original contract price, whichever is greater.
- b. OAR 137-049-0140 Non-Public Improvement Amendment:
The District positions listed in the Division 47 table above may amend a contract for construction services that are not public improvements.

DIVISION 48 Procurements (AE and Related Services)

Position Title	Small <\$100k	Intermediate\$100k-\$250k	Formal >\$250k
Chief Financial Officer	Unlimited	Unlimited	Unlimited
Administrator for Fiscal Services	Unlimited	Unlimited	Unlimited
Deputy Superintendent	Unlimited	Unlimited	Unlimited
Purchasing Manager	Under \$1,000,000	Under \$1,000,000	Under \$1,000,000
Executive Administrator for Facilities	Under \$1,000,000	Under \$1,000,000	Under \$1,000,000
Finance Manager	Under \$150,000	Under \$150,000	Under \$150,000
Administrator for Facilities Development Construction Operations Supervisor	Under \$150,000	Under \$150,000	Under \$150,000
Administrator for Maintenance Services	Under \$150,000	Under \$150,000	Under \$150,000
Contract Specialist/Senior Purchasing Agent	Under \$150,000	Under \$150,000	Under \$150,000
Business Services Purchasing Agent	Under \$50,000	Under \$50,000	Under \$50,000
Construction Project Manager	Under \$10,000	Under \$10,000	Under \$10,000
Maintenance Manager/Supervisor	Under \$10,000	Under \$10,000	Under \$10,000
Construction Project Coordinator	Under \$10,000	Under \$10,000	Under \$10,000
Business Services Purchasing Assistant	Under \$5,000	Under \$5,000	Under \$5,000

Contract Amendments for OAR Division 48 (ORS 279C) Procurements for Architects, Engineers and related Services:

The District may amend a contract for the services of architects, engineers and related services pursuant to OAR Division 48. The District may amend any contract if the District, in its sole discretion, determines that the amendment is within the scope of the solicitation document and that the amendment would not materially impact the field of competition for the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or related services described in the final form of the original procurement document. In making this determination, the District shall consider potential alternative methods of procuring the services contemplated under the proposed amendment. An amendment would not materially impact the field of competition for the services described in the solicitation document, if the contracting agency reasonably believes that the number of proposers would not significantly increase if the procurement document were re-issued to include the additional services.

DIVISION 49 (Construction/Public Improvement Includes Trade Service >\$50k)

Position Title	Intermediate \$50k-\$100k	Formal > \$100k
Chief Financial Officer	\$150,000; Up to 50% of original contract amount	Unlimited
Administrator for Fiscal Services	\$150,000; Up to 50% of original contract amount	Unlimited
Deputy Superintendent	\$150,000; Up to 50% of original contract amount	Unlimited
Purchasing Manager	\$150,000; Up to 50% of original contract amount	Under \$1,000,000
Executive Administrator for Facilities	\$125,000; Up to 25% of original contract amount	Under \$1,000,000
Finance Manager	\$125,000; Up to 25% of original contract amount	Under \$150,000
Administrator for Facilities Development Construction Operations Supervisor	\$125,000; Up to 25% of original contract amount	Under \$150,000
Administrator for Maintenance Services	\$125,000; Up to 25% of original contract amount	Under \$150,000
Contract Specialist/ Senior Purchasing Agent	\$125,000; Up to 25% of original contract amount	Under \$150,000
Business Services Purchasing Agent	\$50,000 up to 25% of original contract amount	Under \$50,000
Construction Project Manager	\$10,000 Up to 25% of original contract amount	Under \$10,000
Maintenance Manager/Supervisor	\$10,000 Up to 25% of original contract amount	Under \$10,000
Construction Project Coordinator	\$10,000 Up to 25% of original contract amount	Under \$10,000
Business Services Purchasing Assistant	\$5,000 Up to 25% of original contract amount	Under \$5,000

**Contract Amendment and Change Orders for OAR Division 49 (ORS 279C)
procurements – public improvements**

- a. Price increases for public improvement contracts may be increased above the original amount of award by District issuance of a change to the work or amendment, pursuant to OAR 137-049-0910, within the following limitations:
 - 1. Up to an aggregate contract price of 25% over the original contract amount when at least one of the positions listed in the Division 49 table above determines that a price increase is warranted for additional reasonably related work, and;
 - 2. Up to an aggregate contract price of 50% over the original contract amount, when the Purchasing Manager determines the price increase is warranted for additional reasonably related work and approved by Chief Financial Officer (CFO) or designee.
 - 3. Amendments of intermediate level public improvement contracts that exceed \$100,000 are specifically authorized by the Oregon Public Contracting Code, when made in accordance with OAR 137-049-0160. Accordingly, such amendments are not considered new procurements and do not require an exemption from competitive bidding.
- b. Contract amendments for Construction Manager / General Contractor contracts:
 - 1. Amendments for work prior to the contractual establishment of the Guaranteed Maximum Price (GMP) which cost over \$150,000 will be submitted to the Board for approval following the procedures in Paragraph 7. Amendments under \$150,000 may be approved by positions listed in the Division 49 table above.
 - 2. Amendments after establishing the GMP that are within the GMP cost may be approved by positions listed in the Division 49 table above.

9. Emergency Public Contracting

- a. “Emergency” means circumstances that:
 - 1. Could not have been reasonably foreseen;
 - 2. Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
 - 3. Require prompt execution of a contract to remedy the condition.
- b. Emergency Declaration: The Superintendent’s designee may declare that emergency circumstances exist that requires prompt execution of a public contract.
 - 1. The declaration shall be made in writing in a memorandum to the Superintendent describing the circumstances in this paragraph 10.a.
 - 2. A copy shall be issued to the Purchasing Manager.
 - 3. The emergency declaration memorandum, public contract and associated documentation shall be kept on file as a public record.
 - 4. Report to Board all emergency contracts that exceed \$150,000 at the earliest opportunity.
- c. Designees authorized to make an emergency declaration:
 - 1. Any Executive Administrator or above
 - 2. Any Central Office Administrator, or Administrator for Maintenance Services, or the Administrator for Facilities Development
- d. Contract authority for an emergency declaration:
 - 1. Any Executive Administrator or above – No limit

2. Purchasing Manager – up to \$1,000,000
 3. Any Central Office Administrator, or the Administrator for Maintenance Services, or the Administrator for Facilities Development - up to \$150,000.
- e. Emergency Procurement: The procurement of goods and services in response to the Emergency Declaration shall be in accordance with ORS 279B.080, the Attorney General’s model rules OAR 137-047-028 and 137-049-0150.
10. **Protest Resolution regarding solicitations.**
- a. Except where specifically required by the Attorney General model rules, the Purchasing Manager shall have the authority to resolve protests submitted by persons for:
 1. Exemptions and special procurements;
 2. Solicitation process and documents; or
 3. Notice of intent to award a contract.
 - b. An adversely affected or aggrieved person must exhaust all avenues of administrative review and relief before seeking judicial review of the Districts protest decision.
11. **District Representative responsibilities as a contract manager:**
- a. Designate a district representative/contract manager for each public contract.
 - b. Ensure all contract communications between the consultant/contractor/vendor and District channel through this person.
 - c. Comply with paragraph 4 of this administrative regulation. (Ensure contract cost is properly encumbered prior to executing contract).
 - d. All contract actions (awards, amendments, etc.) must be reviewed and approved by at least one position level above the district representative (with appropriate contract authority) regardless of contract value.
 - e. Prior to award of construction contracts, perform a proactive test to ensure that the offer deemed "most advantageous to the District" meets the responsibility standard in ORS 279C.375.
12. Additional procedures, including forms, for goods, services and public improvement are delineated in the *Purchasing Manual* located on the Beaverton School District staff intranet.