

**Linn Benton Lincoln
Education Service District**

Code: **DJC**
Revised: 10/12/2005
Readopted: 2/9/2021

Bidding Requirements

Bids or proposals shall be called for on all purchase, lease or sale of personal property, public improvements or services other than agreements for personal service, in accordance with applicable competitive procurement provisions of Oregon Revised Statutes and adopted public contracting rules.

The Board will serve as the Local Contract Review Board (LCRB) for the ESD. All ESD purchasing shall be conducted in accordance with the Board's adopted rules¹.

A copy of the Board's policy or resolution designating the Board as the LCRB for the ESD shall be filed with the county governing body.

The Board, acting as its own LCRB, will adopt² its own rules of procedure that will govern ESD purchasing. Consequently, the model rules adopted by the Attorney General shall not apply to the ESD. The ESD's rules may include portions of the *Oregon Attorney General's Model Public Contract Rules* OAR Chapter 137, Divisions 046 through 049 035, and 040 in effect at the time this policy is adopted. These rules govern purchasing procedures and other matters subject to public contracting provisions of law.

The ESD shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under ORS 279A.065(3).

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

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

The ESD shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065(6)(b), to determine whether any modifications need to be made to ESD rules to ensure compliance with statutory changes. New rules, as necessary, shall be adopted by the Board. In the event it is unnecessary to adopt new rules, Board minutes will reflect that the review process was completed as required.

¹The Board may contract with another public agency to serve as its LCRB. A Board that does not create its own LCRB or contract with another public agency to be its LCRB, is subject to the rules of the county governing body. If the Board establishes its own LCRB, include the bracketed paragraphs, revising as appropriate and removing all brackets.

²Purchases shall be governed by ORS Chapter 279, 279A, 279B and 279C. Additionally, the Board may, as provided by ORS 279A.049, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing competitive procurement. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that creates its own LCRB but has not established its own rules of procedure for public contracts is subject to the model rules (OAR Chapter 137) adopted by the Attorney General.

The Board recognizes that a public contracting agency that has not established its own rules of procedure as permitted under ORS 279A.065(5) is subject to the model rules adopted by the Attorney General, including all modifications to the model rules that the Attorney General may adopt.

Procurement estimated to be in excess of \$250,000 shall go through the cost analysis and feasibility process described in ORS 279B.

END OF POLICY

Legal Reference(s):

[ORS 279A](#), 279B and 279C

[OAR 125-030-0000](#) to -0100
OAR Chapter 125, Divisions 246-249

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

Cross Reference(s):

DJ - District Purchasing