Clatskanie School District 6J

Table of Contents

Section D: Fiscal Management

Fiscal Management Goals ..... DA

District Budget ..... DB
Budget Calendar ..... DBC
Budget Preparation ..... DBE
Budget Preparation ..... DBE-AR
Budget Committee ..... DBEA
Budget Hearing ..... DBG
Budget Adoption Procedures ..... DBH
Budget Amendment Procedures ..... DBI
Budget Implementation ..... DBJ
Budget Transfer Authority ..... DBK

Funding Proposals and Applications ..... DD

Revenues from Private, State and Federal Sources ..... DE/DEB/DEC

Revenues from Nontax Sources ..... DF
Investment of Funds ..... DFA
Investment of Funds ..... DFA-AR
Maintenance Fund: Use of Proceeds From Sale of District Property ..... DFBA
Admission to District Events ..... DFEA
Income from Program-Related Sales and Services ..... DFG

Authorized Signatures ..... DGA

Loss Coverage ..... DH

Fiscal Accounting ..... DI
Insurance Reserve Fund ..... DIBA
Financial Reports and Statements ..... DIC
Property Inventories ..... DID
Audits ..... DIE

District Purchasing ..... DJ
Expenditure of District Funds for Meals, Refreshments and Gifts ..... DJ-AR
Petty Cash Accounts ..... DJB
Bidding Requirements ..... DJC
Special Procurements and Exemptions from Competitive Bidding ..... DJC-AR
Personal Services Contracts ..... DJCA
Personal Services Contracts ..... DJCA-AR
[Credit] [Procurement] Cards ..... DJFA
Authorization for Payroll Deduction ..... DJFA-AR
Vendor Relations ..... DJG

Payroll ..... DL
Salary Deductions ..... DLB
Expense Reimbursements ..... DLC
Staff Expense Reimbursement ..... DLC-AR

Cash in District Buildings ..... DM

Disposal of District Property ..... DN

The following symbols are used on some sample policies:

* May be subject to collective bargaining.

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

[ ] Brackets occur in sample policies to indicate the need for districts to select or tailor information specific to their particular situations.

Clatskanie School District 6J

Code: DA
Adopted: 4/22/13
Orig. Code: DA

Fiscal Management Goals

(Okay, but is not a required policy for the board's manual.)
The Board will review the needs of the district annually, in conjunction with the budgeting process, considering needs in, but not limited to, instruction, capital outlay, building improvements and adjustments to accommodate any growth or decline of student enrollment or district area. Through the regular budget adoption process the Board will adopt fiscal goals for the coming school year.

END OF POLICY

Legal Reference(s):

ORS 332.107

Clatskanie School District 6J

Code: DB
Adopted: 4/22/13
Orig. Code: DB

District Budget

The district budget will serve as the financial plan of operation for the district and will include estimates of expenditures for a given period and purpose, and the proposed means of financing the estimated expenditures. The district may provide that the budget and budget documents be prepared on an annual or biennial basis.

The district budget will be prepared in ~~full~~ compliance with Local Budget Law, federal and state laws and regulations and locally adopted procedures.

The fiscal year will extend from July 1 to June 30 inclusive.

The [director of business services] will be designated as budget officer and will prepare the budget document[under the direction of the superintendent].

END OF POLICY

Legal Reference(s):

ORS 294.305 to -294.565 ORS 328.542 to -328.565

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Clatskanie School District 6J

Code: DBC
Adopted: 4/22/13
Orig. Code: DBC

Budget Calendar

The Board will ~~annually~~ adopt a budget calendar which identifies dates and deadlines required for the legal presentation and adoption of the budget.

The [budget officer] [superintendent] will prepare and recommend a proposed calendar for Board approval. The calendar will identify dates and activities to include those needed to comply with state law.

END OF POLICY

Legal Reference(s):

ORS 294.305 to -294.565 ORS 328.542 to -328.565

Clatskanie School District 6J

Code: DBE
Adopted: 4/22/13
Orig. Code: DBE

Budget Preparation

The superintendent has the overall responsibility for the budget preparation and will develop such procedures necessary to ensure that the proposed district budget reflects all areas of the district's~~district~~ operation.

The superintendent [and administrative staff] will establish budget priorities for the district and will make appropriate recommendations related to those priorities to the Board and the budget committee.

The superintendent will deliver the completed ~~budget message and actual~~ budget document and budget message to the budget committee when they~~the message and budget have been completed and~~ are ready for presentation.

END OF POLICY

Legal Reference(s):

ORS 294.305 to -294.565 ORS 328.542 to -328.565

OR. DEP'T OF EDUC. PROGRAM BUDGET AND ACCOUNTING MANUAL.
OR DEP'T OF REVENUE, LOCAL BUDGETING MANUAL.

Clatskanie School District 6J

Code: **DBE-AR**
Revised/Reviewed: 4/01/13
Orig. Code: DBE-AR

Budget Preparation

The following steps will be followed in preparing the ~~annual~~ budget:

1. In developing the proposed budget, [building administrators] [principals] will solicit participation by teachers and other building staff in determining the budget requirements necessary to meet identified student needs;

2. [Administrators] [Principals] will evaluate proposed staff budget requests ~~coming from their staffs~~ to ensure~~assure~~ compatibility with district goals, curriculum goals and fiscal guidelines;

3. After screening requests, [administrators] [principals] will submit their proposed building budgets to the superintendent;

4. The superintendent will work with the [management team] [and other supervisory staff] to develop proposed budgets for the various administrative units of the district;

5. The superintendent will compile the proposed district budget and will present it to the budget committee. They~~He/She~~ will provide~~see that committee members have~~ detailed and~~, as well as~~ summary information to committee members ~~,~~ early enough to allow time for adequate study before decisions are made.

Clatskanie School District 6J

Code: DBEA
Adopted: 1/09/23
Orig. Code: DBEA

Budget Committee

Organization, Membership and Terms of Office

The district budget committee will consist of the five members of the Board and five electors appointed by the Board as required by law. The term~~Terms~~ of the appointed members of a budget committee in a district that prepares an annual budget, will each be three years~~, each~~ with appointments made so that, as nearly as practicable~~possible~~, the terms of one-third~~no more than two~~ of the members end~~expires~~ each year. At least one member of the budget committee must be a member of the district's educational equity advisory committee. {[1]} The Board will establish appropriate timelines and procedures for the appointment of budget committee members.

A majority of the constituted committee is required for passing an action item. Majority for a 10 member budget committee is 6. Therefore, if only 6 members are present, a unanimous vote is needed for passing an action item.

Presiding Officer and Orientation of Budget Committee

1. Organization: The budget committee will hold its first regular organizational meeting on a day set by the Board. A presiding officer shall be elected from among its members at this meeting. Such meeting may be prior to or on the date the budget message and document are presented.

2. Background Information: Budget committee members will be provided with data for the ensuing year(s), such as the Board's educational plan, and other pertinent material bearing on the preparation of the district budget.

Meetings of the Budget Committee

The district's budget committee shall hold one or more meetings to receive the budget message, the budget document and to provide members of the public with an opportunity to ask questions about and comment on the budget document. The budget officer shall announce the time and place for all meetings, as provided by law. All meetings of the budget committee are open to the public.

Function of the Budget Committee

It is the function of the budget committee to approve budget estimates for an educational plan previously determined by the Board. No new program should be considered for the budget estimate that has not

[1] {Districts with ADM over 10,000 must convene an educational equity advisory committee no later than September 15, 2022. Districts with ADM of 10,000 or under are not required to convene an educational equity advisory committee until September 15, 2025.}

previously been submitted to the Board and approved as a part of the educational plan. The budget committee will determine levels of spending, but will not determine programs.

Final Action

The budget committee will approve an estimated district budget document for submission to the Board.

END OF POLICY

Legal Reference(s):

ORS 174.130
ORS 192.610 - 192.695
ORS 294.305 - 294.565
ORS 329.711
ORS 433.835 - 433.875

Clatskanie School District 6J

Code: DBG
Adopted: 4/22/13
Orig. Code: DBG

Budget Hearing

After the budget document has been approved by the budget committee, a public hearing will be held regarding the recommended budget document. The date, time and place will be scheduled by the budget officer and approved by the Board. At the hearing, any person may speak for or against items in the budget document.

END OF POLICY

Legal Reference(s):

ORS 192.610 to -192.695 ORS 294.305 to -294.565 ORS 433.835 to -433.875

Clatskanie School District 6J

Code: DBH
Adopted: 4/22/13
Orig. Code: DBH

Budget Adoption Procedures

After the public hearing on the budget and any modifications of the budget deemed necessary as a result of that hearing, the Board will approve the ~~proper~~ resolutions to adopt and appropriate the budget. The Board will further determine, make and declare the ad valorem property tax amount or the rate,~~taxes~~ to be certified to the assessor for the ensuing year or for each of the years of the ensuing budget period,~~;~~ and itemize and categorize the ad valorem property tax amount or rate, as provided in Oregon Revised Statute (ORS) 310.060~~taxes~~.

The superintendent will ensure all necessary documentation is submitted to the county assessor's office as required by the Local Budget Law.

END OF POLICY

Legal Reference(s):

ORS Chapter 255
ORS 294.305 to -294.565
ORS 310.060
ORS 328.542
OAR 150-310-0020

Clatskanie School District 6J

Code: **DBI**
Adopted: 4/22/13
Orig. Code: DBI

Budget Amendment Procedures

The budget estimates and proposed ad valorem property tax amount or rate of any fund as shown in the budget document may be amended by the Board prior to adoption. Such amendment may also be made following adoption if the amendments are adopted prior to the commencement of the budget period~~fiscal year~~ to which the budget relates.

The amount of estimated expenditures for each fund in an annual budget may~~, however, shall~~ not be increased by more than $5,000 or 10 percent of the estimated expenditures, whichever is greater.

The ~~amount of the total~~ ad valorem property tax amount or rate~~taxes~~ to be certified may~~shall~~ not exceed the amount approved by the budget committee, unless the amended budget document is republished and another public hearing is held as required by law.

END OF POLICY

Legal Reference(s):

ORS 294.456 ORS 294.471 ORS 294.473

Clatskanie School District 6J

Code: DBJ
Adopted: 4/22/13
Orig. Code: DBJ

Budget Implementation

The district budget~~, as adopted by the Board,~~ becomes the financial plan of the district for the ensuing budget period when adopted by the Board~~coming year~~.

The superintendent and staff are authorized to make expenditures and commitments in accordance with the policies of the Board and the adopted district~~approved~~ budget.

The superintendent or designee ~~director of business services~~ will make the Board aware of any substantial changes in expected revenues or unusual expenditures so the Board may adjust the budget, if necessary.

END OF POLICY

Legal Reference(s):

ORS 294.305 to -294.565 ORS Chapter 310

Clatskanie School District 6J

Code: DBK
Adopted: 4/22/13
Orig. Code: DBK

Budget Transfer Authority

The adopted district budget is a financial plan which may be subject to change as a result of circumstances or events occurring during the ensuing budget period.~~fiscal year.~~ All appropriation transfers shall be authorized when completed by official resolution of the Board. The authorizing resolution must state: the need for the transfer; its purpose; and the amount of the transfer.~~made as follows:~~

~~**Intrafund Transfers**~~

~~Classification – transfers between the levels of appropriation for classifications must be made by official resolution of the Board stating the need for the transfer, the purpose and the amount.~~ Transfers of general operating contingency appropriations, which in aggregate during a fiscal year or budget period exceed 15 percent of the total appropriations of the fund, may be made only after the adoption of a supplemental budget prepared for that purpose.

Programs and Object Codes – the superintendent or the director of business services has the authority to approve transfers between programs (i.e., elementary, middle school, high school) and ~~and/~~or object codes (i.e., 100-salaries, 200-benefits, 300-purchasing service, 400-supplies) within the same ~~level of~~ appropriation.

~~**Interfund Transfers**~~

~~Transfers from the general fund to any other fund are authorized when completed by official resolution of the Board stating the need, the purpose and the amount.~~

END OF POLICY

Legal Reference(s):

ORS 294.463

Clatskanie School District 6J

Code: DD
Adopted: 4/22/13
Orig. Code: DD

Funding Proposals and Applications

The district may pursue federal, state or private~~other~~ grants or other such funds~~ in-aid~~ that will assist the district in meeting adopted Board and district goals and objectives of the curriculum or in creating facilities or in purchasing equipment.

~~The Board shall, before an application and acceptance of an initial grant-in-aid, consider the district's obligations, expectations or encumbrances when the grant ceases.~~
Proposals for external funds will be submitted to the Board for evaluation and approval.

In the event an opportunity arises to submit a grant proposal and there is insufficient time to place it before the Board, the superintendent is authorized to use their~~his/her~~ judgment in approving it for submission. The superintendent will review the~~ grant~~ proposal with the Board at its next regular meeting. The Board reserves the right to reject funds associated with any grant which has been approved.

The Board shall, before an acceptance of such funds, consider the district's obligations, expectations or encumbrances when the grant ceases.

END OF POLICY

Legal Reference(s):

ORS 294.305 to -294.565 ORS 332.075

Clatskanie School District 6J

Code: DE/DEB/DEC
Adopted: 4/22/13
Orig. Code: DE/DEB/DEC

Revenues from Private, State and Federal Sources

The Board may authorize, accept and use private, state or federal funds available to the district to carry out district educational programs. The district will comply with all regulations and procedures required for receiving and using such funds.

END OF POLICY

Legal Reference(s):

ORS 294.305 to -294.565 ORS 332.107

Clatskanie School District 6J

Code: DF
Adopted: 4/22/13
Orig. Code: DF

Revenues from Nontax Sources

Revenues received from nontax sources such as rentals, service charges, gate receipts or royalties will be accounted for by the [director of business services] and expended in the manner prescribed by the Board.

END OF POLICY

Legal Reference(s):

ORS 294.305 - 294.565

Clatskanie School District 6J

Code: **DFA**
Adopted: 4/22/13
Orig. Code: DFA

Investment of Funds

The Board may authorize the investment or reinvestment of funds which are not immediately needed for the operation of the district. Such investments will comply with State~~state~~ law and ~~the~~ Oregon Administrative Rules.

The [director of business services] will develop criteria for the appropriate investments of district funds. A progress ~~and~~ report of investments will be made~~this~~ to the Board on a regular basis.

END OF POLICY

Legal Reference(s):

ORS 294.033
ORS 294.035
ORS 294.125
ORS 294.135
ORS 294.145
ORS 294.155

Clatskanie School District 6J

Code: **DFA-AR**
Revised/Reviewed: 4/01/13
Orig. Code: DFA-AR

Investment of Funds

These regulations are issued for the guidance of the [director of business services] in the day-to-day operation of the investment program.

These regulations apply to activities of the [director of business services] with regard~~regards~~ to investing the financial assets of all excess funds of the district including the General Fund, Special Revenue Funds, Capital Project Funds, Internal Services Funds and any and all Trust and Agency Funds under the control and direction of the district.

The [director of business services] will routinely and actively monitor the contents of the investment portfolio, the available markets and~~,~~ the relative values of competing investments and will adjust the portfolio accordingly. The [director of business services], acting in accordance with these procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported as soon as practical and that appropriate action is taken to control adverse developments.

All investments will be carried at cost. Gains or losses from investments will be credited or charged to investment income at the time of sale. Premiums or discounts on securities may be amortized over the life of the security.

Diversification of Maturity

1. The district shall attempt, to the maximum extent possible, to match investment maturity schedules with anticipated cash flow requirements. In no event, unless specifically matched to specific requirements such as bond sinking funds or reserves, will the district invest in securities having a maturity more than 18~~eighteen~~ months from the date of purchase.

2. Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs.

3. In determining the amount of excess funds available for investment purposes, the [director of business services] will maintain cash flow projections and schedules as well as a historical record of expenditures and receipts. These forecasts and schedules will be reviewed and updated as required to reflect actual conditions as they exist.

Qualified Institutions for Investment Purchases

1. The district shall evaluate each financial institution (as used herein, the term is meant to include brokers/dealers) from whom it purchases investments as to financial soundness at least once annually. Investigation may include review of the most recent Consolidated Report of Condition ("call" report), rating reports, financial statements as well as analysis of the particular institution's management, profitability, capitalization and asset quality.

2. Any financial institution with whom the district wishes to do business shall provide financial data at the request of the [director of business services]. The information will be reviewed by the [director of business services] who will decide on the soundness of the institution before adding that institution to those that are on the approved qualified institution list for the district. The district reserves the right to be selective and to add or delete institutions from the approved list at will.

3. The [director of business services] will maintain a qualified institution list. A financial institution must be on this approved list prior to transacting any business with the district. A basic requirement for inclusion on the approved listing is a capital adequacy ratio in excess of 120 percent (1.2 to 1).

4. All approved financial institutions must be chartered in Oregon and insured by the Federal Deposit Insurance Corporation (FDIC).

5. Brokers or dealers not affiliated with a bank shall have offices located in Oregon, be classified as reporting dealers affiliated with the New York Federal Reserve Bank as primary dealers, or be required to meet capital adequacy requirements.

Diversification of Instrument of Investment

1. The [director of business services] will diversify the investment portfolio to avoid incurring unreasonable risks inherent in overinvesting in specific instruments, individual institutions or maturities.

2. Time certificates of deposit: In purchasing a time certificate of deposit (TCD), the [director of business services] will not invest an amount which is more than 10~~ten~~ percent of the total deposits of any single institution. As required by Oregon Revised Statutes, the [director of business services] will be responsible to ensure~~insure~~ that a Certificate of Participation has been presented by the issuing institution to cover any outstanding TCD above the statutory level of insurance provided by FDIC. The district will always require full collateralization on all TCD investments.

3. Banker's acceptances: All banker's acceptances (BA's) will be purchased from an Oregon chartered financial institution.

4. Repurchase Agreements: All repurchase agreements will be collateralized 110 percent by U.S. Government or Agency obligations. All collateral will be held by third party safekeeping. A signed repurchase agreement will be obtained from the issuing institution.

5. U.S. Treasury Obligations: No limits on purchase.

6. U.S. Government Agency Securities: No limits on purchases other than limit on concentration of 25 percent in any one type issue.

7. Local Government Investment Pool (LGIP): The LGIP limits investment to accounts not to exceed the inflation-adjusted maximum under Oregon Revised Statute (ORS) 294.810. Other than this limitation, there is no limit to the amount that can be invested in the pool, although the pool does not collateralize or deliver investment instruments.

8. Diversification Guidelines: Investments will be consistent with statutory requirements under ORS 294.035 and Oregon Short Term Fund rules and recommendations.

Clatskanie School District 6J

Code: DFBA
Adopted: 4/22/13
Orig. Code: DFBA

Maintenance Fund: Use of Proceeds From Sale of District Property

(Is this policy still applicable?)

It is the intent of the district to insure the continued use of any assets realized from the sale of any district owned real property that may occur from this date forward. To achieve that end, it is the desire of the Board to establish a maintenance fund with the proceeds of any sale of district owned real property. The purpose of the fund will be to augment and support facility maintenance projects as determined by the Board. To accomplish that goal the Board establishes the following policy:

Eighty percent of the proceeds of any future district owned land or real estate sale shall be placed in a dedicated maintenance fund, the balance to the general fund. Interest monies earned will be reinvested in the maintenance fund until disbursed.

1. The remaining payments for the former Quincy-Mayger School site now owned by Great Vow Zen Monastery (GVZM) shall be distributed as follows:

    a. Starting with the 2011-2012 budget year, 25 percent of the GVZM payment would go to the maintenance fund, the balance goes to the general fund;
    b. For the 2012-2013 budget year, 50 percent to the maintenance fund, balance to general fund;
    c. For the 2013-2014 budget year, 75 percent to the maintenance fund, balance to general fund;
    d. For the 2014-2015 budget year, and subsequent payments/years until contract is fulfilled, one hundred 100 percent of the GVZM payment will be placed into the maintenance fund.

The language in Paragraph 1.a. through d. sunsets from this policy upon GVZM contract fulfillment.

Interest income from the fund shall be used to support the continued upkeep of district buildings and grounds. In an emergency maintenance situation, principle from the fund could be spent; this principle expenditure requires a four-fifths Board approval.

All available interest income shall be used only for maintenance of facilities and grounds.

This policy can only be abolished by a four-fifths vote of the full Board of directors.

END OF POLICY

Legal Reference(s):

ORS 294.305 - 294.565 OAR 150-294-352(8)

Clatskanie School District 6J

Code: **DFEA**
Adopted: 4/22/13
Orig. Code: DFEA

Admission to District Events

All spectators in the district will be assessed the uniform district rate for extracurricular activities. Spectators are defined as patrons who attend extracurricular activities for the purpose of entertainment.

Exceptions to the above are as follows:

1. Senior citizens will be admitted free with a Senior Citizen Pass;

2. Current league affiliation and Oregon High School Coaches Association passes will be honored;

3. Participants designated by the principal with special responsibility at extracurricular activities will~~would~~ be admitted free of charge. Participants would include, but not be limited to, students, staff, parents or district patrons;

4. Children under age six, accompanied by an adult, may be admitted free.

District employees and Board members will be assessed the uniform district admission rate. Such individuals may be admitted at no charge only when assigned specific duties and such admission is consistent with the provisions of Oregon Revised Statute (ORS)~~ORS~~ Chapter 244.

Board members may be reimbursed, when paid admission is required of the general public, for attending district sporting events and other activities as part of their responsibilities of being informed about district operations. The district will establish accounting procedures, including any possible income tax liability, consistent with this policy.

END OF POLICY

Legal Reference(s):

ORS Chapter 244 ORS 332.107

Clatskanie School District 6J

Code: DFG
Adopted: 4/22/13
Orig. Code: DFG

Income from Program-Related Sales and Services

Certain professional -technical activities allow students to charge the public for goods and services. These activities are designed for educational purposes and not to compete with community businesses.

Charges for work performed and goods sold through these activities will be kept current with costs for the service or item.

Money collected will be deposited in the [student body fund account within the] General Fund~~general fund~~.

END OF POLICY

Legal Reference(s):

ORS 294.305 to -294.565

Clatskanie School District 6J

Code: DGA
Adopted: 4/22/13
Orig. Code: DGA

Authorized Signatures

The Board will, at its annual organizational meeting following~~in~~ July 1 or at other times deemed necessary by the Board, authorize the district [clerk and/or deputy clerk or other individuals designated by the superintendent] to sign district checks. The Board may authorize the use of facsimile signatures by those persons authorized to sign district checks.

END OF POLICY

Legal Reference(s):

ORS 294.120 ORS 328.441 ORS 328.445

Clatskanie School District 6J

Code: DH
Adopted: 4/22/13
Orig. Code: DH

~~Bonded Employees and Officers~~Loss Coverage

~~The Board shall appoint a custodian of district funds who shall be bonded as provided by Oregon law. The Board may require bonds on such other school employees responsible for funds, fees, cash collections or inventory control as it may determine to protect the district against loss.~~

~~In compliance with Oregon Statutes and Administrative Rules, the superintendent, the director of business services and anyone who authorizes the expenditure of district funds, will have bond or other crime coverage. The district will pay the cost of such coverage.~~
The Board and designated district employees are responsible to safeguard the district against loss regarding funds, fees, cash collections and inventory. The Board shall designate the district employees responsible as custodians of such items. The district shall purchase bond coverage or equivalent crime coverage in an amount determined by the Board[, in consultation with the district's agent of record]. The district will pay the cost of such coverage.

END OF POLICY

Legal Reference(s):

ORS 328.441 ORS 332.525 OAR 581-022-2405

Clatskanie School District 6J

Code: DI
Adopted: 4/22/13
Orig. Code(s): DI

~~Accounting and Reporting~~Fiscal Accounting

Accounting procedures shall show a detailed and meaningful analysis of both receipts and expenditures. This analysis should be adequate for study and evaluation by the Board and school management, and will serve as a basis to make financial and related educational decisions, to formulate future plans, to safeguard public funds and to ensure adequate financial accountability.

Payment on all district accounts, including the general fund and special accounts, shall operate according to established accounting procedures.

All cash received is to be properly receipted and~~. Money received~~ shall be placed in deposit.

The [superintendent] shall be the lawful custodial officer of all district funds and shall demand receipt for, and safely keep according to law, all bonds, mortgages, notes, moneys, effects, books and papers belonging to the district. Funds may be commingled in the depository so long as they are budgeted and accounted for separately.

From time-to-time, funds may become available to the district prior to the time they are needed to offset current expenditures. The custodial officer shall forward all such receipts to the Local Government Investment Pool or other investment instrument as authorized by the district's investment policies. Funds that are not currently needed for the operation of the district will be invested with the interest from these funds being credited to the same account as that to which the invested funds revert.

END OF POLICY

Legal Reference(s):

ORS 294.305 to -294.565 OAR 581-023-0035

OR. DEP'T OF EDUC. PROGRAM BUDGET AND ACCOUNTING MANUAL.

Clatskanie School District 6J

Code: DIBA
Adopted: 4/22/13
Orig. Code: DIBA

Insurance Reserve Fund

The Board recognizes that the district incurs certain losses not covered by insurance policies; therefore, an insurance reserve fund will~~may~~ be established. The fund will cover, but is not limited to, the following incidents:

1. District property damage not in excess of current deductible;

2. Theft of district property not covered by insurance;

3. Theft and damage of personal property in excess of [$25] where said property is a condition of employment~~. Reimbursement will be at the discretion of the Board and will be made on a case by case basis~~;

4. Theft and damage to student personal property in excess of [$25] on school grounds where said property has been required for academic purposes, or property for school-sponsored fund-raising~~grasing~~ activities.

In cases where a claim is filed for theft, a report must have been made to local law enforcement officials before consideration.

Funding will be by appropriation as determined by the budgeting process.

END OF POLICY

Legal Reference(s):

ORS 30.310 to -30.400 ORS 332.437

Clatskanie School District 6J

Code: DIC
Adopted: 4/22/13
Orig. Code: DIC

Financial Reports and Statements

Appropriate staff member(s) will be available at any Board meeting, upon the Board's request, to respond to questions and to present current financial information. The [director of business services] will notify the Board at any time of substantial deviations in the anticipated revenues and/or expenditures.

The Board will receive ~~and accept~~ monthly financial reports that include estimates of expenditures for the major general fund accounts in comparison to budget appropriations, actual receipts in comparison to budget estimates and the district's overall cash condition. Supplementary reports on other funds or accounts will be furnished upon request of the Board or superintendent.

The Board will receive a pre-audit report recapping the year-end closure of financial statements prior to the annual audit by the district's authorized accountant.

END OF POLICY

Legal Reference(s):

ORS 294.155
ORS 294.311
ORS Chapter 297
ORS 328.465
ORS 332.105
OAR 162-010-0000 to -0330
OAR 162-040-0000 to -0160
OAR 581-023-0037

OR. DEP'T OF EDUC, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Clatskanie School District 6J

Code: DID
Adopted: 4/22/13
Orig. Code: DID

Property Inventories

The district will maintain a detailed inventory which lists all school sites, buildings and equipment with a value greater than $5,000. This inventory will be updated as necessary. The Board may authorize the employment of an appraisal company to assist with the inventory procedure.

To update these records, the district will keep current records of equipment disposed of and purchased.

END OF POLICY

Legal Reference(s):

ORS 332.155

OR. DEP'T OF EDUC. PROGRAM BUDGET AND ACCOUNTING MANUAL.

Clatskanie School District 6J

Code: DIE
Adopted: 4/22/13
Orig. Code: DIE

Audits

An audit of all district accounts will be made annually by an ~~authorized municipal~~ accountant selected by the Board from the roster of authorized municipal accountants maintained by the~~in accordance with~~ Oregon Board of Accountancy~~law~~. The audit examination will be conducted in accordance with minimum auditing standards established by the Secretary of State.

Every [three] years the Board will review the contract with the audit firm and, if necessary, solicit request for proposals from authorized municipal accountants.

The cost of the audit will be a charge against district funds.

A copy of the audit report will be presented to the Board. The superintendent will submit a copy of the audit report to the Oregon Department of Education and to the Oregon Secretary of State, Audit Division.

END OF POLICY

Legal Reference(s):

ORS 294.155
ORS Chapter 297
ORS 327.137
ORS 328.465
OAR 162-010-0020(11)
OAR 581-023-0037

Clatskanie School District 6J

Code: DJ
Adopted: 4/22/13
Orig. Code: DJ

District Purchasing

The function of district purchasing is to serve the educational program by providing the necessary supplies, equipment and services. Items commonly used in the various schools and their subdivisions will be standardized and be~~whenever~~ consistent with educational goals and in the interest of efficiency or economy.

The [director of business services] is appointed by the Board to serve as purchasing agent. They~~He/She~~ will be responsible for developing and administering the district's purchasing program.

No obligation may be incurred by any officer or employee of the Board unless that expenditure has been authorized in the budget or by Board action and/or Board policy. In all cases calling for the expenditure of district money, except payrolls, a requisition and purchase order system must be used.

No purchase [with the exception of a petty cash purchase] will be authorized unless covered by an approved purchase order. No bills will be approved for payment unless purchases were made with an~~on~~ approved purchase order~~orders~~.

The superintendent or designee is authorized to enter into and approve payment on contracts obligating district funds [not to exceed $150,000 for products, materials, supplies, capital outlay and services that are within current budget appropriations. [The superintendent will report to the ~~b~~Board at the next regularly scheduled meeting contracts and payments in excess of $50,000.] The Board shall approve all contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by district employees, such as custodial, food service and transportation services.

The [director of business services] will review bills due and payable for the purchase of supplies and services to determine if they are within current budget appropriations.~~amounts.~~ After ~~appropriate administrative~~ review, the [director of business services] will direct payment of the just claims against the district. The superintendent [and director of business services] are responsible for the accuracy of all bills and vouchers.

No Board member, officer, employee or agent of this district shall use or attempt to use their~~his/her~~ official position to obtain financial gain or for avoidance of financial detriment for themself~~himself/herself~~, a relative or a member of their household, or for any business with which the Board member~~, or a~~ relative or member of household is associated. [Acceptance of any gratuities, financial or otherwise, from any supplier of materials or services to the district by any Board member, officer or employee of the district is prohibited.]

END OF POLICY

Legal Reference(s):

ORS 244.040
ORS Chapters 279, 279A, 279B, 279C
ORS 294.311

ORS 328.441 to -328.470
ORS 332.075

OAR 125-055-0040

Clatskanie School District 6J

Code: DJ-AR
Revised/Reviewed: 4/01/13
Orig. Code: DJ-AR

Expenditure of District Funds for Meals, Refreshments and Gifts

The district recognizes there may be occasions when it is appropriate for Board members, administrators and others to expend district funds in the course of conducting district business to provide meals or refreshments (i.e.g., bakery goods, snacks, fruit, punch, coffee, tea, soft drinks, etc.). The purchase of gifts may also be approved, in certain situations. Such occasions may include, but are not limited to, various district and building level meetings, gatherings to celebrate district successes or recognize individual achievements, contributions or outstanding service to the district and other district and school-sponsored activities. Such expenditures may be made with prior superintendent approval only, subject to the provisions of this administrative regulation.

The use of district funds, as used in this regulation, means the use of money in any of the general accounts of the district. This includes the General Fund, Food Service Fund and others. It also includes money in student body accounts held at each school that are derived from any student activity or from parent organizations. Exceptions are funds collected from staff members or others for the specific purpose of providing gifts or parties. It is also recognized that buildings may have established a "social fund" or "sunshine fund" to which each staff member may voluntarily contribute. Such funds are generally used for birthday recognition, bereavement and illness acknowledgment activities, etc. These funds are also exempt from the following requirements.

Meals and Refreshments

District funds may be used to pay for individual or group meals only if official district business is being conducted during the time in which the meal is provided and only if the meal provides a particularly practical time or setting for the discussion, consistent with Board policy and the following:

1. Meals may be provided by the district to recognize the contributions of staff, through retirement dinners or other recognition events;

2. Meals may be provided by the district as a part of Board or administrative work sessions, at district or building-level committee meetings or other district-approved activities.

Meals not directly business related may be provided to staff or others at the individual's expense only.

Board members, principals and other district administrative staff may use district funds to provide refreshments for staff, parents or others at meetings, in-service programs or other similar district or school-sponsored activities, [not to exceed [$] per participant and] subject to the following additional requirements:

1. The purchase of alcoholic beverages with district funds is strictly prohibited;

2. The use of district funds for parties is prohibited.

Gifts

There are numerous occasions that may arise whereby Board members, administrators or other district staff may feel the need to recognize employees (i.e., Administrative Professional's Day, teacher appreciation week~~Secretaries' Day~~, classified employees' week, birthday, etc.). A Board member, administrator or other district employee may provide such recognition at their~~his/her~~ expense only, unless as otherwise permitted below:

1. The district may provide a small token of appreciation for a Board member's or employee's retirement and years of service and other related activities utilizing district funds, as approved in advance. For example, the Board generally proclaims special recognition for classified employees' week and teacher appreciation week;

2. Administrators may use district funds to provide an appropriate token of appreciation on behalf of the Board. The value of this item may not exceed [$50] per person;

3. No other expenditure of district funds for gifts is permitted without prior authorization from the Board or superintendent.

Clatskanie School District 6J

Code: DJB
Adopted: 4/22/13
Orig. Code: DJB

Petty Cash Accounts

In order to expedite refunds and minor purchases, revolving petty cash accounts may be established in building locations. Expenditures against these funds must be itemized and accounted for with appropriate records and receipts. Budget codes along with approving signatures of individuals authorized to expend district funds must be included on a petty cash accounting report.

Each building administrator or designee will be responsible for accurate record keeping of expenditures and will periodically submit to spot audits by the [director of business services] [or ~~one of the accounting staff~~designee].

Detail of expenditures will be submitted to the [director of business services] upon request for reimbursement of cash expended.

All petty cash funds will be closed at the end of the fiscal year: the remaining funds returned to the business office.

Petty cash will not be used to thwart or circumvent established purchasing procedures. It is a convenient accommodation to facilitate immediate acquisition of low-cost goods and services in an efficient manner.

END OF POLICY

Legal Reference(s):

ORS 294.311

OR. DEP'T. OF EDUCATION, PROGRAM BUDGET AND ACCOUNTING MANUAL.

Clatskanie School District 6J

Code: DJC
Adopted: 4/28/14
Orig. Code: DJC

Bidding Requirements

The Board is the Local Contract Review Board (LCRB) for the district. All public contracts shall be invited in accordance with applicable competitive procurement provisions of the Oregon Revised Statutes and the adopted public contracting rules.

The Board, ~~(~~acting as its own LCRB,~~)~~ adopts{[1]} the Oregon Attorney General's Model Public Contract Rules, Oregon Administrative Rule (OAR) Chapter 137, Divisions 046 through 049.

The district shall procure the construction manager/general contractor services in accordance with model rules the Attorney General adopts under Oregon Revised Statute (ORS)~~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.

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

The district shall review its rules each time the Attorney General adopts a modification of the model rules, as required by ORS 279A.065(6~~(5)~~(b), to determine whether any modifications need to be made to district rules to ensure compliance with statutory changes. Modifications will be made only following review by the district's legal counsel. New rules, as necessary, 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.

The Board, acting as the LCRB, may enact a resolution that authorizes the district to designate a public improvement as a community benefit contract per the requirements included in ORS 279C.300 to 279C.470.

~~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.~~

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

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[1] {Public Contracts shall be governed by ORS Chapter 279, 279A, 279B and~~, or~~ 279C. Additionally, the Board may, as provided by ORS 279A.065, adopt the Oregon Attorney General's Model Public Contract Rules, OAR Chapter 137 governing purchasing/bid procedures. The Board may also adopt the Oregon Department of Administrative Services rules governing Public Contract Exemptions, OAR Chapter 125. The Board may adopt portions of those rules or adopt its own rules. A Board that 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.}

END OF POLICY

Legal Reference(s):

ORS Chapters 279, 279A, 279B and 279C

OAR Chapter 125, Divisions 246-249

OR. DEP'T OF JUSTICE, OR. ATT'Y GENERAL'S PUBLIC CONTRACTS MANUAL.

Clatskanie School District 6J

Code: DJC-AR
Revised/Reviewed: 6/20/16
Orig. Code(s): DJC-AR

Special Procurements and Exemptions from Competitive Bidding

SPECIAL PROCUREMENTS

The district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement and circumstances that justify the use of a special procurement under the standards as follows: the special procurement is unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts and, (A) is reasonably expected to result in substantial cost savings to the district or to the public, or (B) otherwise substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules. Public notice of the approval of a special procurement must be given in the same manner as provided in ORS 279B.055(4). If the district intends to award a contract through special procurements that calls for competition among prospective contractors, the district shall award the contract to the contractor it determines to be most advantageous to the district. When the LCRB approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for a special procurement.

1. **Brand Names or Products, "Or Equal," Single Seller and Sole Source**

   a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
   b. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections c. and d. of this rule.
   c. The district may specify a particular brand name or equal specification when the use of a brand name or equal specification is advantageous~~advantages~~ to the district, because the brand name describes the standard of quality, performance, functionality and other characteristics of the product needed by the district.

      (1) The district is entitled to determine what constitutes a product that is equal or superior to the product specified, and any such determination is final;
      (2) The district is not prohibited from specifying one or more comparable products as examples of the quality, performance, functionality or other characteristics of the product needed by the district;
      (3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:

(a) The use of a brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
(b) Specification of the brand name, mark or product would result in cost savings to the district; or
(c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
(d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.

d. The district may award a contract for goods or services without competition when the LCRB determines in writing that the goods or services, or the class of goods or services, are available from only one source. The determination of the source must be based upon written findings that shall include:

(1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
(2) Description of the product or service to be purchased; and
(3) The reasons the district is seeking this procurement method, which shall include any of the following:

(a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services; or
(b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source; or
(c) That the goods or services are for use in a pilot or an experimental project; or
(d) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.

e. The district may specify a product or service available from only one manufacturer but available through multiple sellers after complying with subsection c. above documenting the procurement file with the following information:

(1) If the total purchase is over $10,000 but does not exceed $150,000, and a comparable product or service is not available under an existing Mandatory Use Contract, the district must obtain informal competitive quotes, bids or proposals and document this process in the procurement file;
(2) If the purchase does not exceed $150,000, and the supplies or services are not available under an existing price agreement for information technology with competing products or Mandatory Use Contract, the district must first request and obtain prior written authorization from the LCRB to proceed with the acquisition.

f. If the district intends to make several purchases of brand name-specific supplies and services from a particular manufacturer or seller for a period not to exceed five years, the district must so state this in the procurement file and in the solicitation document, if any, or a public notice of a solicitation. If the total purchase amount is estimated to exceed $150,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law (OAR 125-247-0275)

The district shall submit a written request to the local contract review board that describes the contracting procedure, goods and services subject of the special procurement and the circumstances that justify the use of the special procurement.

a. It is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and is reasonably expected to result in substantial cost savings to the district which could not be realized under ORS 279B.055, 279B.060, 279B.065 or 279B.070 as required by ORS 279B.085(4).
b. Public notice of the approval must be given in the same manner as provided in ORS 279B.055(4).
c. This rule requires the districts to make a good faith effort to determine that no other sources are available for the specified products.
d. The district maintains open lists from which vendors are contacted for quotations and utilizes electronic means of determining new vendors on an ongoing basis.
e. The awarding of a contract as described in this special procurement should result in substantial cost savings by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.
f. When the local review board approves a class special procurement the district may award contracts to acquire goods and services within the class of goods and services in accordance with the terms of the approval without making a subsequent request for procurement.

2. **Advertising Contracts, Purchase of**

a. The district may purchase advertising in any media, regardless of a dollar amount, without competitive bidding.
b. The Board acting as the LCRB of the district must use competitive methods whenever possible to achieve best value and must document in the procurement file the reasons why a competitive process was deemed impractical and the resulting contract must be in writing.
c. If the anticipated purchase exceeds $10,000 and a competitive method is used, the district must post notice on the OregonBuys.gov.~~Oregon Procurement Information Network (ORPIN).~~

Findings of Fact

The district traditionally purchases advertising in newspapers. The following findings relate primarily to newspapers and written publications; however, the district may also purchase advertising for student activities or educational programs in other media, such as radio or television, where these findings apply:

a. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves;
b. Competition to furnish advertising space in daily newspapers of general, trade or business circulation in the vicinity of the district is limited;
c. Cost savings are difficult to quantify where the sources are unique and not interchangeable;
d. Advertisements may be placed to satisfy legal notice or Board policy requirements;

e. Other published advertisements or notices, such as routine public notices, personnel recruitment information, etc., are placed in one or more of the publications of general circulation in the local area and other publications, as appropriate;
f. The communities served by the district rely upon its use of the local daily newspaper as a central source of news and information regarding district activities;
g. It is unknown whether contracts for advertisements placed with radio, television or other broadcast media are going to result in cost savings if not placed for competitive bid or request for proposal (RFP). If possible savings could be obtained through competitive means, the district would attempt to obtain competitive quotes or bids, as appropriate.

Conclusion of Compliance with Law

Due to limited competition and unique nature of sources, it is unlikely that this class special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Further, any contracts awarded under this class special procurement would result in a cost savings available to the district where the district can achieve volume savings through contracts for advertising with a particular media source, or otherwise substantially promote the public interest.

3. **Advertising Contracts, Sale of**

The district may sell advertising for district publications and activities, regardless of a dollar amount, without competitive bidding, including school newspapers, yearbooks, athletic programs, drama or music programs and the like.

Findings of Fact

Sales of advertising for student activities are generally other fund revenues, where student groups solicit advertisements from local businesses to help with the cost of the activity itself. A common example is the sale of advertising in school newspapers and yearbooks. The circulation of the newspaper and yearbook is limited to the students, teachers, parents and interested members of the community associated with the activities of that particular school. Due to the limited circulation and audience, the businesses that participate by purchasing advertising do so partly in the spirit of good will. Any business is welcome to place an advertisement in the school newspaper or yearbook; all it needs to do is to contact any district school department which publishes one. The district itself would not achieve any increased revenue to the General Fund by seeking competitive bids or proposals for such advertising. This holds true for other student activities, such as athletics, drama or music events and the like.

Conclusion of Compliance with Law

These findings indicate that it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts. Any business or individual who wishes to advertise in this manner may do so by simply contacting the student group responsible for the activity.

The sale of advertising for student activities such as school newspapers, yearbooks, athletic, drama or music programs would not benefit from competitive procurement. Such a requirement would

place an unnecessary burden on the student group's activity and there is no financial advantage to the district in doing so. Consequently, the cost savings test is not an issue.

4. **Equipment Repair and Overhaul**

a. The district may enter into a public contract for equipment repair or overhaul without competitive bidding, subject to the following conditions:

(1) Service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
(2) Service or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source; and
(3) The purchase is made within the limits and pursuant to the methods in subsection b. of this rule.

b. The following limitations apply to this rule:

(1) If the contract is less than or equal to $150,000, the school or department shall submit in writing to the superintendent or designee the reasons why competitive bids or quotes are deemed to be impractical. The superintendent or designee will accordingly document in its procurement file and may enter directly into the contract;
(2) If the school or department official thinks the contract may exceed $150,000, they~~he/she~~ shall submit in writing to the superintendent or designee the reasons why competitive bidding is deemed to be impractical and a description of the cost savings to be obtained by ~~a~~an special procurement. The superintendent or designee may prepare a specific request for the anticipated contract to be obtained through special procurement procedures to submit to the LCRB for approval.

Findings of Fact

a. The need for equipment repair or overhaul cannot be anticipated by district staff. If a piece of equipment is broken or not working properly, the district incurs cost of downtime, possible replacement equipment rental fees, staff time and other inconveniences or liabilities to its programs.
b. 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 district 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.
c. The dollar limits on the use of this special procurement procedure ensure that when the cost of the equipment repair or overhaul is expected to exceed $150,000, the district will either seek formal competitive bids or, if that is not practical or cost effective, obtain a specific special procurement procedure from 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 procedure will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts because the dollar limits incorporated into this special procurement when the anticipated costs exceed $150,000, insure the district will seek formal competitive bids and proposals. If the formal process is not practical, the district will obtain a specific exemption from the LCRB to proceed with the purchase of the needed repair or overhaul.

The awarding of public contracts under this special procurement will result in a cost savings to the district, as required by ORS 279B.085, because the district 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 district and does not provide for the purchase of new equipment. The district must be able to purchase necessary services and parts as quickly as possible in order to minimize equipment downtime and potential costs during that downtime.

5. **Copyrighted Materials**

The district may, without competitive bidding and regardless of a dollar amount, purchase copyrighted materials where there is only one known supplier available for such goods. Examples of copyrighted materials covered by this special procurement procedure may include, but are not necessarily limited to, newly adopted textbooks/instructional materials, workbooks, curriculum kits, reference materials, audio and visual media and non-mass-marketed software from a particular publisher or their designated distributor.

Findings of Fact

a. By their nature, copyrighted materials are protected for the use of a single owner. Copyrighted materials may not be duplicated by others without the copyright owner's permission or license. Copyrights are established and regulated under federal law.
b. Often, copyrighted materials are produced by only one supplier who may be the owner of the copyright or their~~his/her~~ licensee. Textbooks/Instructional materials are examples of copyrighted materials that the district purchases through a sole source. Textbooks/Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education. A textbook/instructional material adoption defines the various materials which the district will purchase for use in its educational programs.

The district purchases its textbooks/instructional materials through the Northwest Textbook Depository. This practice enables the regional textbook depository to purchase and warehouse textbooks/instructional materials in conformance with adoptions made in the states of their region. The result is that savings are achieved through the depository's combined purchases on behalf of member districts. Freight costs for individual districts are reduced by the bulk purchases of the depository and the depository takes on the cost of stocking and warehousing enough to meet each member district's needs.

The system of textbook/instructional materials distribution enables the district to participate in the largest possible bulk purchasing activity of adopted textbooks/instructional materials in the region. This ensures a cost savings to the district. A~~, a~~ savings that would be jeopardized if the district was to act as an individual purchaser.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in the awarding of public contracts. The production and distribution of copyrighted materials is controlled by the owner of the copyright and may only be permitted through a sole source. The district has no control over this.

The awarding of contracts pursuant to this special procurement will result in a cost savings to the district when it needs to purchase copyrighted materials and there is only one known supplier for such goods, or otherwise substantially promote the public interest.

6. **Product Prequalification**

a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:

(1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and

(2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.

b. If the district denies an application for including a product on a list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial and include the reason for denial. The applicant may submit a written appeal within seven~~7~~ calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.

Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.

In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.

b. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.

c. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.

d. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.

e. Subsection b., of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts or diminish competition for such contracts. There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will result in a cost savings to the district because the normal method of product selection is too cumbersome and costly to pursue, or otherwise substantially promote the public interest.

7. Requirements Contracts (Blanket Purchase Orders, Price Agreements)[1]

[1] OregonBuys.gov ~~The Oregon Procurement Information Network (ORPIN)~~ allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized OregonBuys~~ORCPP~~ members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of

a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among school and departments and reducing lead time for ordering.

b. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is led by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.

c. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.

d. School and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.

e. Under the authority of ORS 279A.025 and 279B.085, the district may use the requirements contracts~~contract~~ entered into by another Oregon public agency when:

   (1) The original contract met the requirements of public contracting code; and
   (2) The original contract allows other public agency usage of the contract; and
   (3) The original public contracting agency concurs and this is documented by a written interagency agreement between the district and the agency.

f. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise permitted under the public contracting code.

Findings of Fact

a. This rule permits the district to enter into a requirements contract~~contracts~~, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine and repetitive. For example, school, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.

b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools and departments and reducing lead time for ordering.

c. The district establishes a requirements contract~~contracts~~ as a result of open competitive bidding or RFP processes, unless otherwise permitted under the public contracting code.

d. The district limits the term of a requirements contract~~contracts~~, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise permitted under the public contracting code.

e. The district may use the requirements contracts established by other public agencies, subject to certain conditions of state law, Board policy and administrative regulation.

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goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc.,- is available. Counties, cities, schools, municipalities or their public corporate entities having local governing authority, a United States governmental agency or American Indian tribe or agency are eligible to participate.

Conclusion of Compliance with Law

It is unlikely that this special procurement will result in favoritism in the awarding of public contracts or diminish competition for such contracts. The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will result in a cost savings to the district, or otherwise substantially promote the public interest. It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

8. **Used Personal Property or Equipment, Purchase**[2]

a. Subject to the provisions of this rule, the district may purchase used property or equipment without obtaining competitive bids or quotes, if the district has determined that the purchase will result in cost savings to the district and will not diminish competition or encourage favoritism. "Used personal property or equipment" is property or equipment which has been placed in its intended 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 district purchase. Used personal property or equipment generally does not include property or equipment if the district was the previous user, whether under a lease, as part of a demonstration, trial or pilot project or similar arrangement.

b. For purchases of used personal property or equipment costing less than or equal to $150,000, the district shall, where feasible, obtain three competitive quotes unless the district has determined and documented that a purchase without obtaining competitive quotes will result in cost savings to the district and will not diminish competition or encourage favoritism.

c. For purchases of used personal property or equipment totaling $150,000 or more, the district shall attempt to obtain three competitive quotes. The district will keep a written record of the source and amount of quotes received. If three quotes are not available, a written record must be made of the attempt to obtain quotes.

Findings of Fact

a. The district is responsible to manage expenditures in the best interests of the public. Cost savings can be achieved through the procurement of used property and equipment. The district purchases used property and equipment when it meets the district's needs and is cost effective. Considerations include type, quality, quantity and estimated useful life of the used item.

b. Used equipment and property becomes available sporadically and without notice. Used equipment and property is generally sold on a first-come, first-served basis. When used property or equipment does become available, the district must be able to respond immediately in order to obtain the property or equipment.

c. Some types of property or equipment may not be readily available in the new goods market. The district may have to look for used items to fill the need.

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[2] When contracting with another governmental entity, a district has a statutory exception under ORS 279A.025. The district may purchase state/federal surplus property through the Department of Administrative Services, State Services Division for Surplus Property. For more information on this program, contact DAS at 503-378-4714.

d. Competition to provide used property and equipment may be very limited and inconsistent, depending on the type of product.
e. The district maintains vendor lists which include information on whether a vendor provides used property or equipment. These lists are open to all vendors.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts. The purchase of used property or equipment depends on an inconsistent, sporadic market. When a used item is available, there is often little competition available. Sources for used items of the type, quality and quantity required by the district are inconsistent. This rule requires the district to attempt to obtain and document quotes as appropriate to the dollar amount of the purchase. If the anticipated purchase is over $150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. The cost of used equipment or property is generally substantially less than that of new. Savings of 20 percent to 50 percent are not uncommon. Used equipment can provide good value to the district and help ensure the continuation of district services and programs.

9. **Information Technology Contracts**

The district may enter into a contract to acquire information technology hardware and software without competitive bidding subject to the following conditions:

a. If the contract amount does not exceed $150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
b. If the contract amount exceeds $150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules, and shall solicit written proposals in accordance with the requirements of the *Attorney General's Model Public Contract [~~and LCRB~~] Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award;
c. If the amount of the contract is estimated to exceed [$150,000], the district shall provide proposers an opportunity to review the evaluation of their proposals before final selection is made.

Findings of Fact

a. Rapid changes in technology make it necessary for the district to be able to purchase needed computer equipment quickly.
b. Pricing for high-technology equipment also changes rapidly. It is frequently possible to take advantage of frequent price changes in the marketplace in the purchase of computer equipment.
c. There is generally sufficient competition among vendors of information technology hardware and software for district business.

d. The district will follow rules governing special procurements and obtain at least three informally solicited quotes for purchases less than or equal to $150,000.
e. If the district requires a brand name or sole source product, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure it.

Conclusion of Compliance with Law

It is unlikely that this special procurement will encourage favoritism in the award of district contracts or substantially diminish competition for district contracts. The purchase of information technology hardware and software will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over $150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of information technology hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

10. **Telecommunications Systems - Hardware and Software Contracts**

a. The district may enter into a contract to acquire telecommunications system hardware and software, without competitive bidding, subject to the following conditions:

(1) If the contract amount does not exceed $150,000, the district shall attempt to obtain three competitive quotes pursuant to the rules governing Intermediate Procurements. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.
(2) If the contract amount exceeds $150,000, the district shall determine and use the best procurement method, pursuant to the public contracting code and these rules and shall solicit written proposals in accordance with the requirements of Chapter 137, Divisions 047 and 049 of the *Attorney General's Model Public Contract* [~~and LCRB~~] *Rules*. The district shall document the evaluation and award process, which will be part of the public record justifying the award.

b. The telecommunications solicitation authorized in subsection 10.a.(1) of these rules shall:

(1) State the contractual requirements in the solicitation document;
(2) State the evaluation criteria to be applied in awarding the contract and the role of any evaluation committee. Criteria that would be used to identify the proposal that best meets the district's needs may include, but are not limited to, cost, quality, service and support, compatibility, product or system reliability, vendor viability and financial stability, operating efficiency and expansion potential;
(3) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition.

Findings of Fact

a. Rapid changes in technology make it necessary for the district to be able to purchase needed telecommunications hardware and software quickly.
b. Since deregulation, there is generally adequate competition among vendors of telecommunication hardware~~hard-ware~~ and software to allow the district to make competitive purchases.
c. Pricing for telecommunications hardware and software also changes frequently. It is important for the district to take advantage of price competition in the marketplace.
d. The district will follow procedures governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases over $10,000 but less than or equal to $150,000.
e. If a purchase of telecommunications hardware or software is expected to cost more than $150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract [~~and LCRB~~] Rules*.
f. There are also times when the district needs to purchase specific items that are compatible with current equipment. On these occasions, the district will follow its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to make the purchase.

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. The purchase of telecommunications hardware and software will be made in accordance with other competitive bidding rules herein. If the anticipated purchase is over $150,000, the district will advertise its need.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur.

11. **Telecommunications Services**

a. The district shall secure the most competitive, cost-effective telecommunications services of the quality needed to meet all service performance requirements while minimizing administrative and service delivery costs. The district will use routine purchasing procedures whenever possible, but if necessary, the district can consider alternative procurement methods in accordance with this rule.

   The district will generally follow the normal competitive procurement processes in obtaining telecommunications services. This process will only be used if necessary where there is a lack of sufficient competition to furnish needed services.
b. In determining the appropriate procurement method for telecommunications services, the district shall comply with the requirements of ORS 291.038 and determine whether competition exists. In determining whether competition exists, the district may consider the following factors:

(1) The extent to which alternative providers exist in the relevant geographic and service market; the greater area of Columbia County;

(2) The extent to which alternative services offered are comparable or substitutable in technology, service provided and performance. For example, if the district requires digital services, analog services are not comparable or substitutable. If the district requires fiber optic technology, then copper, microwave or satellite transmission technology may not be comparable or substitutable;

(3) The extent to which alternative providers can respond to the district's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting district liability. For example, to be considered as the district's long-distance service provider, any long-distance service vendor must be able to meet, support and interface with the district's centralized automated billing requirements. The district must document for the record, its findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the district may solicit the information either through informal telephone or written contacts or through a formal solicitation such as ~~an~~ RFP.

c. If the district determines that competition does not exist in the area for the relevant service, the district may proceed to secure the service on a sole source basis, as described in the district's rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements.

Findings of Fact

a. Since deregulation, there is generally adequate competition among vendors of telecommunication services to allow the district to make competitive procurements.

b. Since there is competition, price competition exists in the marketplace. It is important for the district to take advantage of existing competition.

c. The district will follow its rules governing special procurements and document reasonable efforts to obtain at least three informally solicited quotes for purchases less than or equal to $150,000. The district shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the district shall make a written record of the effort made to obtain the quotes or proposals.

d. If a purchase of service is expected to cost more than $150,000, the district will use a formal competitive bidding or proposal process in accordance with these rules and the *Attorney General's Model Public Contract [~~and LCRB~~] Rules*.

e. There may be occasions where there is limited competition that can furnish telecommunications services of the quality and extent required by district operations. In such instances, the district will follow this rule and also its rule governing Brand Names or Products, "Or Equal," Single Seller and Sole Source, Section 1. under Special Procurements, to procure needed services from the sole source.

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. Routinely, the purchase of telecommunications services will be made in accordance with other competitive bidding rules contained in this administrative regulation. If the anticipated purchase is over $150,000, the district

will advertise its need, issue a written solicitation document and invite written bids or proposals to be furnished in response.

There may be circumstances, however, where sufficient competition does not exist in the relevant geographic and service market area. In such cases, the district will follow this rule in determining whether sufficient competition exists to make a competitive procurement.

The use of this special procurement will result in a cost savings to the district, or otherwise substantially promote the public interest. Competition will be encouraged at all dollar levels of purchase of telecommunications hardware and software. This rule gives the district some flexibility in selecting the method of competitive procurement but requires adherence to the rule on brand name or sole source acquisitions if those situations occur. The rule also states the steps to be taken to document situations where sufficient competition may not exist and a sole source purchase needs to be made.

12. **Hazardous Material Removal; Oil Cleanup**

a. The district may enter into public contracts without competitive bidding, regardless of a dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted to the Oregon Department of Environmental Quality (DEQ) under ORS Chapter 466, especially ORS 466.605 through 466.680. In exercising its authority under this exemption, the district shall:

(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 and services;
(2) Make written findings describing the circumstances that require the cleanup or maintain a copy of the DEQ order for the cleanup;
(3) Record the measures taken under A.1. of this rule to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor to whom award is made.

b. The district shall not contract pursuant to this special procurement in the absence of an order from the DEQ to clean up a site which includes a time limit that would not allow the district to hire a contractor under normal competitive bidding procedures. Goods and services to perform other hazardous material removal or cleanup will be purchased in accordance with normal competitive bidding procedures as described in Board policy with this administrative regulation.

Findings of Fact

a. When the 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 district would be liable for any delay in responding to DEQ orders to perform hazardous material removal or cleanup.
b. This exemption 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 district maintains open lists of vendors who are interested in providing

hazardous material removal and cleanup services. Whenever it needs hazardous material removal or disposal, the district makes use of these lists to solicit quotes, bids or proposals as needed, in addition to advertising the procurement as required.

c. Cost savings are achieved through this exemption because the district can be liable for DEQ penalties and fines if it does not timely remove hazardous materials or oil as ordered. There is also serious risk in these situations, that property damage or personal injury could result if the district is slow to act.

Conclusions 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). If it is under DEQ order to act immediately, the district 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 district 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 special procurement will result in a cost savings to the district in these situations~~situation~~, as required by ORS 279B.085 (3)(b), because the district must comply with the law and avoid and minimize risk to persons and property. Where possible, it will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible bidder.

13. **Renegotiation of Existing Contracts with Incumbent Contractors**

a. The district may amend or renegotiate contracts with existing vendors, service providers or other parties subject to the limitations of this rule.
b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this special procurement procedure.
c. The renegotiated contract falls within a current special procurement procedure, but if not the LCRB must approve a separate special procurement.
d. The district may renegotiate certain terms, but they must not unreasonably alter the scope of the original contract.

Findings of Fact

a. The LCRB may amend contracts when it is in the best interest of the district. The superintendent and/or other designee, acting on behalf of the LCRB, may renegotiate certain provisions, including:

(1) Price;
(2) Term;
(3) Delivery and shipping;
(4) Order size;
(5) Substitution;
(6) Warranties;
(7) Online ordering systems;
(8) Price adjustments;
(9) Product availability;
(10) Product quality;

(11) Reporting requirements; or
(12) Discounts.

Any contract amendment will be supported by legal consideration when necessary to validate the amended provision.

e. The amended terms must be within a reasonable scope of the original contract, but not fundamentally alter the agreement or nature of goods or services. Districts may, however, request functionally equivalent substitutes for goods or services in the original contract.

f. The contract as a whole must be more favorable to the individual needs of the district to justify renegotiation. Cost may be a factor in determining what is a favorable change to the original contract, but the district may use factors other than cost that demonstrate that the amended contract is more favorable to the unique needs of the district.

Conclusion of Compliance with Law

This special procurement will not encourage favoritism or substantially diminish competition in awarding public contracts because it already exists as a contract awarded in compliance with the district's special procurement and public contracting code.

The awarding of contracts under this special procurement will result in cost savings to the district when it needs~~need~~ to renew its original contract with vendors, service providers or other parties, or otherwise substantially promote the public interest.

EXEMPTIONS FROM COMPETITIVE BIDDING

All public contracts shall be based upon competitive bids or proposals, except the following:

1. Contracts which have been specifically exempted under ORS 279A.025 and 279C.335; and

2. Contracts covered by the class exemptions in the following set of rules developed pursuant to ORS 279C.335 (2) and (5) and based on Oregon Administrative Rules, Chapter 137, Divisions 46 through 49.

The Board, acting as the Local Contract Review Board (LCRB) for the district, has made the findings required by ORS 279C.330, ORS 279C.335 and ORS 279C.345, and determined that awarding a contract under this exemption is unlikely to encourage favoritism or substantially diminish competition for the public contract and will likely result in a substantial cost savings and other substantial benefits to the district.

In approving a finding under this section, the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

1. How many persons are available to bid;

3. The construction budget and the projected operating costs for the completed public improvements;

4. Public benefits that may result from granting the exemption;

5. Whether value engineering techniques may decrease the cost of the public improvement;

6. The cost and availability of specialized expertise that is necessary for the public improvement;

7. Any likely increases in public safety;

8. Whether granting the exemption may reduce risks to the district or the public that are related to the public improvement;

9. Whether granting the exemption will affect the sources of funding for the public improvement;

10. Whether granting the exemption will better enable the district to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;

11. Whether granting the exemption will better enable the district to address the size and technical complexity of the public improvement;

12. Whether the public improvements involves new construction or renovates or remodels an existing structure;

13. Whether the public improvement will be occupied or unoccupied during construction;

14. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and

15. Whether the district has or has retained under contract, and will use district personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the district will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

Only these findings are required for each class or individual contract exemption, unless the LCRB specifically excludes a finding or includes an additional finding.

Promulgation of these exemptions can only occur after public notification and a public hearing to receive testimony pertaining to the draft exemptions and findings, pursuant to ORS 279C.335.

1. Brand Names or Products, "Or Equal," Single Seller and Sole Source

   a. The district may purchase brand names or products from a single seller or sole source without competitive bidding subject to the limitations of this rule.
   b. The district has determined that value engineering, specialized expertise required, public safety and technical complexity, generally do not apply to this exemption.
   c. Solicitation specifications for public contracts of the district shall not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections d. and e. of this rule.
   d. The district may specify a particular brand name, make or product suffixed by "or equal," "or approved equal," "or equivalent," "or approved equivalent" or similar language if there is no other practical method of specification after documenting the procurement file with the following:

(1) A brief description of the solicitation(s) to be covered, including contemplated future purchases;
(2) Description of the brand name, mark or product to be specified; and
(3) A brand name specification may be prepared and used only if the district determines for a solicitation or class of solicitations that only the identified brand name specification will meet the needs of the district based on one or more of the following written determinations:

(a) The use of the brand name specification is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; or
(b) Specification of the brand name, mark or product would result in substantial cost savings to the district; or
(c) There is only one manufacturer or seller of the product of the quality, performance or functionality required; or
(d) The efficient utilization of existing goods requires the acquisition of compatible goods and services.

(4) The district shall make reasonable effort to notify all known suppliers of the specified product and invite such vendors to submit competitive bids or proposals.

e. The district may purchase a particular product or service available from only one source, after documenting the procurement file with the district's findings of current market research to support the determination that the product is available from only one seller or source. The district's findings shall include:

(1) A brief description of the contract or contracts to be covered, including contemplated future purchases;
(2) Description of the product or service to be purchased; and
(3) The reasons the district is seeking this procurement method, which shall include any of the following:

(a) That the efficient utilization of existing equipment, supplies or services requires the acquisition of compatible equipment, supplies or services; or
(b) That the goods or services required for the exchange of software or data with other public or private agencies are available for only one source; or
(c) That the goods or services are for use in a pilot or an experimental project; or
(d) Other findings that support the conclusion that the goods or services are available from only one source.

(4) To the extent reasonably practical, the contracting agency shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency.

f. The district may specify a product or service available from only one manufacturer but available through multiple sellers, after documenting the procurement file with the following information:

(1) If the total purchase is over $10,000 but does not exceed $100,000, and a comparable product or service is not available under an existing state cooperative purchasing

contract, competitive quotes shall be obtained by the district and retained in the procurement file; or

(2) If the amount of the purchase exceeds $100,000, the product or service shall be obtained through competitive bidding unless a specific exemption is granted by the LCRB.

g. If the district intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed five years, the district will so state in the solicitation file and in the solicitation document, if any. Such documentation shall be sufficient notice as to subsequent purchases. If the total purchase amount is estimated to exceed $100,000, this shall be stated in the advertisement for bids or proposals.

Findings of Fact/Conclusion of Compliance with Law

It is unlikely that this process will encourage favoritism in the award of public contracts or substantially diminish competition for such contracts, as required by ORS 279C.335 (2)(a).

This class exemption applies only to contracts under a limited dollar amount, and then, only after efforts to obtain competitive quotes are made, or other methods have been employed to ensure that competitive means are used if available. The district maintains open lists from which vendors are contracted for quotations. In addition, as required by ORS 279C.335 (2)(b) award of a public contract subject to the above described exemption should likely result in substantial cost savings or other substantial benefits to the district by virtue of the ability to reduce solicitation costs when it is known that comparable products are not available, or when specifying another product solely to meet a competition requirement might lead to lower initial cost but longer lifetime cost.

2. Product Prequalification

a. When specific design or performance specifications must be met or such specifications are impractical to create or reproduce for a type of product to be purchased, the district may specify a list of approved or qualified products by reference to the prequalified product(s) of particular manufacturers or vendors in accordance with the following product prequalification procedure:

(1) The district will make reasonable efforts to notify all known manufacturers and vendors of competing products of the district's intent to compile a list of prequalified products. The notice will explain the opportunity manufacturers and vendors of competing products will have to apply to have their product(s) included on the district's list of prequalified products. At its discretion, the district may provide notice by advertisement in a trade paper of general statewide circulation or other appropriate trade publication; or instead of advertising, the district may provide written notice to those manufacturers and vendors appearing on the appropriate list maintained by the district; and

(2) The district will accept manufacturer and vendor applications to include products in the district's list of prequalified products up to 15 calendar days prior to the initial advertisement for bids or proposals for the type of product to be purchased, unless otherwise specified in the advertisement or in the district's written notice.

b. The district has determined that special expertise required, generally, does not apply to this rule.

c. If the district denies an application for inclusion of a product on its list of prequalified products, the district shall promptly provide the applicant with a written notice of the denial

and include the reason for denial. The applicant may submit a written appeal within seven~~7~~ calendar days to the district business manager to request review and reconsideration of the denial.

Findings of Fact

a. There are occasions when the district needs to establish a list of prequalified products before it invites bids or proposals to furnish the products. The district may have a specific performance or design need, but it is impractical for the district to create a specification for the type of products to be purchased. An example is audiovisual equipment. There is a tremendous variety of audiovisual products offered in the market. The equipment technology is complex and constantly changing. It would be very burdensome and time consuming for the district to generate nonbrand name, generic performance specifications for such equipment every time it wants to make a purchase.
b. Also, competition would be poorly served because bidders and proposers would not know in advance whether their offered product would meet the general specification substantially enough to be considered a responsive offer. The decision to make an award would be slow, because each product offered would have to be analyzed against the district's specification. Slowdown in the award process affects both bidders, who are asked to hold their bids open until award is made, and district programs, because staff are not able to order the equipment they need until the contract is awarded.
c. In this case, it might be more cost effective and efficient for the district to prequalify products and establish a list of approved products before invitations to bid are sent out. The prequalification process can be done some time before the need for a new contract. Once the prequalified product list is established, the bidding and contract award process can go quickly and smoothly.
d. A second occasion when prequalification of products will be useful is when the specific design or performance specifications for a product are so exacting that the district must have time to carefully consider what is offered in the market that may or may not meet the specifications and, if necessary, reconsider its options before issuing an invitation to bid.
e. This rule sets out a process of prequalification which requires the use of advertisement or other appropriate means to notify vendors of competing products of their opportunity to submit items for prequalification. The district maintains vendor mailing lists which are open to all interested vendors. The district uses these lists routinely to notify vendors of its intentions to prequalify products or to invite bids on products.
f. This includes a 15-day time limit between the closure of a prequalification list and a related invitation to bid. This time factor ensures that vendors have a reasonable time to apply to include their products on a prequalified product list.
g. Subsection c. of this rule provides vendors with an appeal process to follow if their application for prequalification is denied.

Conclusion of Compliance with Law

Where prequalification of products is appropriate, it is unlikely that this exemption will encourage favoritism in the awarding of public contracts or diminish competition for such contracts as required by ORS 279C.335 (2)(a). There are several safeguards in the rule to prevent this, including notice, advertising, time and appeal process requirements to ensure that vendors are given a fair and open opportunity to participate in the prequalification process.

The prequalification of products process is a time-consuming effort for the district. It is not a shortcut procurement method. The district would use this method only after balancing cost-saving considerations, such as the ability of the district to create or generate nonbrand name generic specifications for types of products or the need for lengthy product evaluation prior to a contract award. If the prequalification method is chosen, it will likely result in a substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b) because the normal method of product selection is too cumbersome and costly to pursue.

3. Requirements Contracts (Blanket Purchase Orders, Price)[3]

   a. The business manager, on behalf of the district, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, combining district requirements for volume discounts, standardization among schools and departments and reducing lead time for ordering.
   b. The district has determined that value engineering, specialized expertise required and technical complexity, generally, do not apply to this rule.
   c. The district may enter into a requirements contract (also known as a blanket purchase order or price agreement) whereby it is agreed to purchase goods or services for an anticipated need at a predetermined price or price discount from a price list, provided the contract is let by a competitive procurement process pursuant to the requirements of the public contracting code and these rules.
   d. Once a requirements contract is established, schools and departments may purchase the goods and services from the awarded contractor without first undertaking additional competitive solicitation.
   e. Schools and departments shall use requirements contracts established by the district, unless otherwise specified in the contract, allowed by law or these rules or specifically authorized by the superintendent or designee.
   f. Under the authority of ORS 279A.025 and 279C.335, the district may use the requirements contracts~~contract~~ entered into by another Oregon public agency when:

      (1) The original contract met the requirements of the public contracting code; and
      (2) The original contract allows other public agency usage of the contract; and
      (3) The original public contracting agency concurs, and this is documented by a written interagency agreement between the district and the agency.

   g. The term of any district requirements contract, including renewals, shall not exceed five years unless otherwise exempted pursuant to ORS 279C.335.

Findings of Fact

   a. This rule permits the district to enter into requirements contracts, in which the vendor agrees to provide specified goods and services over the term of the contract at the bid price or discount rate. A requirements contract is useful when the purchase of the goods or services are routine

[3] The OregonBuys.gov ~~The Oregon Procurement Information Network (ORPIN)~~ allows authorized members to utilize the state's price agreement/contracts to purchase goods and services. Authorized OregonBuys~~ORCPP~~ members can legally attach to a state price agreement and forego the competitive bid process. Access to hundreds of competitive price contracts for a wide variety of goods and services: vehicles, computers, furniture, copiers, fax machines, travel, pharmaceuticals, office products, etc., is available.

and repetitive. For example, school, building, office, custodial and facilities maintenance supplies are customarily purchased through requirements contracts.

b. Requirements contracts are a common method of minimizing paperwork, achieving continuity of product, securing a source of supply, reducing inventory, obtaining volume discounts, standardizing usage among schools~~school~~, buildings and departments and reducing lead time for ordering.

c. The district establishes requirements contracts as a result of open competitive bidding or RFP processes, unless otherwise exempted.

d. The district limits the term of a requirements contract~~contracts~~, including all renewal options, to a maximum of five years before competitive rebidding must be done, unless otherwise exempted.

e. The district may use the requirements contracts established by other public agencies, subject to **certain conditions of state law, Board policy and administrative regulation.**

Conclusion of Compliance with Law

It is unlikely that this exemption will result in favoritism in the awarding of public contracts or diminish competition for such contracts, as required by ORS 279C.335 (2)(a). The district will only enter into requirements contracts which result from open competitive bidding processes. This condition applies also to the use of requirements contracts established by other public contracting agencies.

The awarding of district requirements contracts will likely result in a substantial cost savings and other substantial benefits to the district, as required by ORS 279C.335 (2)(b). It would be costly and inefficient to make routine, repetitive purchases of goods and services through individual transactions. Also, the guaranteed volume of a requirements contract allows the district to get better prices from bidders.

4. Waiver of Bid Security Requirements (Public Improvement Contracts under $100,000)

The LCRB may, at its discretion, waive the bid security requirements of ORS 279C.390, if the amount of the contract for the public improvement is less than $100,000. Although the bid security requirements of ORS 279C.390 are waived for public improvement contracts under $100,000, the district may impose a bid or quote security requirements for projects under $100,000, when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive bid security requirements for certain public improvement contracts. Waiver of the bid security is provided for by statute without a requirement for findings.

5. Waiver of Performance and Payment Security Requirements (Public Improvement Contracts under $100,000)

The LCRB may, at its discretion, waive the performance/payment security requirements of ORS 279C.390 if the amount of the contract for the public improvement is less than $100,000. Although the performance/payment security requirements of ORS 279C.390 are waived for public improvement contracts less than $100,000, the district may impose a performance/payment security requirement for projects less than $100,000 when deemed to be in the best interest of the district.

Findings of Fact/Conclusion of Compliance with Law

This rule allows the LCRB to waive performance/payment security requirements for certain public improvement contracts. Waiver of the performance/payment security is provided for by statute without a requirement for findings.

6. Projects with Complex Systems or Components

   a. For contracts for public improvements with significant components that are inherently complex and are also complex to procure through competitive bid, the district may, at its discretion, use RFP competitive procurement methods subject to the conditions described in ORS 279C.400 and conditions enumerated in this exemption.
   b. Definitions. For purposes of this exemption only: "Complex Systems" are defined as those systems which incorporate the procurement of materials or other components which are difficult, if not impossible, to create in an "equal" specifications basis for competitive bid. Examples of such systems include but are not limited to, contracts for supplying and installing computerized controls for building heating, venting, air conditioning systems; and contracts for artificial surface outdoor multipurpose athletic fields. "Significant" is intended to mean something more than de minimus, but not necessarily the majority of the project as determined by cost.

Finding of Fact/Conclusion of Compliance with the Law

It is unlikely that this exemption will encourage favoritism in the awarding of the public contracts or substantially diminish competition for such contracts as required by ORS 279C.335 (2)(a). Contracts for public improvements occasionally incorporate the procurement of systems, materials, or other components (complex systems) for which it is extremely difficult to design bid specifications. In these situations, utilization of ~~aan~~ RFP process where each of the systems can be evaluated utilizing a number of factors, in addition to price, will likely result in substantial cost savings and other substantial benefits to the district as required by ORS 279C.335 (2)(b).

ORS 279C.400 enumerates how RFP's are to be used if authorized by the LCRB. These~~This~~ criteria, ensures that competitive means will be used, and selection will be fair and impartial. As a result, 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 279C.335 (2)(a). The awarding of contracts pursuant to this process will result in optimal value to the district based on selection by the district of the best competitive proposal that meets the stated evaluative criteria.

This class exemption is intended to be used for the types of procurements describe in the findings, where the specific system, materials or components represent a significant portion of the project. This class exemption is not intended to be used for construction manager/general contractor (CM/GC)~~CM/GC~~ projects or other methods of alternative procurement unless these projects meet the requirements of this class exemption. The CM/GC and others, not meeting the requirements of this class exemption, may still be procured by RFP, provided that a project or~~r~~ contract specific exemption is promulgated by the LCRB.

Clatskanie School District 6J

Code: DJCA
Adopted: 4/22/13
Orig. Code: DJCA

Personal Services Contracts

The district may enter into personal services contracts with qualified professionals as provided by Oregon Revised Statute (ORS) 279A.055. "Personal services contracts," as used in this policy, means contracts 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. The district may enter into a personal services contract with a current district employee only when the individual meets independent contractor status in accordance with state, Public Employees Retirement System (PERS) and Internal Revenue Service (IRS) requirements.

Selection of a personal services contractor will be based primarily on qualifications and performance history, expertise, knowledge and, creativity and the ability to exercise sound professional judgment.

All personal services contracts shall be based on demonstrated qualifications and competence to perform the required services, encourage competition, discourage favoritism and obtain services at a fair and reasonable price.

Contracts for personal services in excess of [$150,000] shall require prior Board approval. [Contracts in excess of $50,000 will be reported to the Board by the superintendent at the next regularly scheduled meeting.]

The superintendent will develop administrative regulations as necessary to implement this policy.

END OF POLICY

Legal Reference(s):

ORS Chapters 279
ORS Chapters 279A, 279B and 279C
ORS 332.107
ORS 670.600
OAR 459-010-0030

INTERNAL REVENUE SERVICE, PUBLICATION 1779: INDEPENDENT CONTRACTOR OR EMPLOYEE (Rev. 3-2012).

Clatskanie School District 6J

Code: DJCA-AR
Revised/Reviewed: 4/01/13
Orig. Code(s): DJCA-AR

Personal Services Contracts

1. Personal Services Contracts Defined

   a. Personal services contracts include, but are not limited to~~:~~ a contract or member of a class of contracts, that the local contracting agency's Local Contract Review Board (LCRB) has designated as a personal services contract pursuant to Oregon Revised Statute (ORS) 279A.055. Personal services include, but are not limited to, the following:

      (1) Contracts for services performed as an independent contractor in a professional capacity (e.g., services of an accountant, attorney, data processing consultant, etc.);
      (2) Contracts for services as an artist in the performing or fine arts (e.g., photographer, painter, etc.);
      (3) Contracts for services that are specialized, creative and research oriented;
      (4) Contracts for services as a consultant;
      (5) Contracts for educational consulting services.

   b. Personal services contracts may include: (1) public contracts for architectural, engineering or~~and~~ land surveying and related services;~~,~~ or (2) other public contracts for nonconstruction services.

2. Eligibility

   The district will follow ORS 670.600, Public Employees Retirement System (PERS) rules Oregon Administrative Rule (OAR)~~OAR~~ 459-010-0030 and Internal Revenue Service (IRS) Ruling 87-41 in determining whether the individual or business entity qualifies as an independent contractor or is an employee of the district. A valid independent contractor must meet all eight of the following points:

   State requirements[1]:

   a. The contractor must be free from the direction and the control of the employer;
   b. The contractor must obtain required business licenses;
   c. The contractor must furnish necessary tools and equipment;
   d. The contractor has authority to hire and fire employees;
   e. The contractor is paid on completion of portions of projects or on a retainer basis;
   f. The construction contractor must be registered under ORS Chapter 701 (For more information call the Construction Contractors Board at 503-378-4621 in Salem.);
   g. The contractor must file appropriate business tax returns;
   h. The contractor must represent to the public that the labor or services are provided by an independent business.

[1] See ORS 670.600 for complete listing.

PERS requirements:

In determining whether an individual is an employee or independent contractor for PERS contribution purposes, the district will consider the following factors:

a. Instructions. An employee must comply with instructions about when, where and how to work. Even if no instructions are given, the control factor is present if the employer has the right to control how the work results are achieved;
b. Training. An employee may be trained to perform services in a particular manner. Independent contractors ordinarily use their own methods and receive no training from the purchasers of their services;
c. Integration. An employee's services are usually integrated into the business operations because the services are important to the success or continuation of the business. This shows that the employee is subject to direction and control;
d. Services rendered personally. An employee renders services personally. This shows that the employer is interested in the methods as well as the results;
e. Hiring, supervising and paying assistants. An employee works for an employer who hires, supervises and pays workers. An independent contractor can hire, supervise and pay assistants under a contract that requires him/her to provide materials and labor and to be responsible only for the result;
f. Continuing relationship. An employee generally has a continuing relationship with an employer. A continuing relationship may exist even if work is performed at recurring although irregular intervals;
g. Set hours of work. An employee usually has set hours of work established by an employer. An independent contractor generally can set their~~his/her~~ own work hours;
h. Full-time required. An employee may be required to work or be available full-time. This indicates control by the employer. An independent contractor can work when and for whom they choose~~he/she chooses~~;
i. Doing work on employer's premises. An employee usually works on the premises of an employer, or works on a route or at a location designated by an employer;
j. Order or sequence set. An employee may be required to perform services in the order or sequence set by an employer. This shows that the employee is subject to direction and control;
k. Oral or written reports. An employee may be required to submit reports to an employer. This shows that the employer maintains a degree of control;
l. Payment by hour, week, month. An employee is generally paid by the hour, week or month. An independent contractor is usually paid by the job or on a straight commission;
m. Payment of business and/or traveling expenses. An employee's business and travel expenses are generally paid by an employer. This shows that the employee is subject to regulation and control;
n. Furnishing of tools and materials. An employee is normally furnished significant tools, materials and other equipment by an employer;
o. Significant investment. An independent contractor has a significant investment in the facilities they use~~he/she uses~~ in performing services for someone else;
p. Realization of profit or loss. An independent contractor can make a profit or suffer a loss;
q. Working for more than one employer at a time. An independent contractor is generally free to provide their~~his/her~~ services to two or more unrelated persons or firms at the same time;
r. Making service available to general public. An independent contractor makes their~~his/her~~ services available to the general public;

s. Right to discharge. An employee can be fired by an employer. An independent contractor cannot be fired so long as they produce~~he/she produces~~ a result that meets the specifications of the contract;

t. Right to terminate. An employee can quit their~~his/her~~ job at any time without incurring liability. An independent contractor usually agrees to complete a specific job and is responsible for its satisfactory completion, or is legally obligated to make good for failure to complete it.

IRS requirements:

Additionally, in determining employee or independent contract status for purposes of the Federal Insurance Contributions Act (FICA), the Federal Unemployment Tax Act (FUTA) or for federal income tax withholding from wages, the district will consider:

a. Behavioral control. A worker is an employee when the district has the right to direct and control the worker;

b. Financial control. A worker is an independent contractor if they~~he/she~~ can realize a profit or incur a loss. The individual may also be an independent contractor if they are~~he/she is~~ not reimbursed for some or all business expenses, especially if those expenses are high or if they have~~he/she has~~ a significant investment in their~~his/her~~ work;

c. Relationship of the parties. Facts weighed by the district will include any written contracts describing the relationship the parties intended to create; the extent to which the worker is available to perform services for other similar businesses; whether the district provides the worker with employee-type benefits, such as insurance, vacation pay or sick pay; and the permanency of the relationship.

3. Personal Services Contracts - Procurement Requirements

a. Contracts for personal services less than $25,000 within a 12-month period, shall, where practical, be based on written or verbal quotes or may be procured through direct negotiations with the contractor.

b. Contracts for personal services greater than $25,000 that do not exceed $75,000 may be based on three written or verbal quotes, or response to a request for proposal (RFP) as deemed appropriate by the superintendent or designee.

c. Contracts for personal services greater than $75,000 shall be based on written solicitations, request for qualifications, or the ~~request for proposal (~~RFP~~)~~ process.

d. The district may enter into a personal services contract when the amount of the services does not exceed $150,000 without obtaining quotes or utilizing the RFP process when only one contractor or sole source provides the services as follows:

(1) The superintendent or designee shall make the following written findings for inclusion in the contract file:

(a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services;

(b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;

(c) That the goods or services are for use in a pilot or an experimental project; or

(d) Other findings that support the conclusion that the goods or services are available from only one source.

e. If the cost of the services is more than $150,000, the district may award a contract on a sole source basis, only with Board approval and if prior to the award:

(1) Notice of the district's intent to contract for the services, including the general specifications of the intended contract, is advertised in at least one newspaper or trade journal of general circulation in the area where the services are to be performed;
(2) The advertised notice is published at least 14 days before award of contract to allow prospective contractors a reasonable opportunity to submit a protest of the district's intent to contract through the sole source process unless the superintendent gives prior written approval to reduce the number of days based on extraordinary circumstance that do not meet the criteria for an Emergency Procurement pursuant to OAR 137-047-0280; and
(3) The protest shall be submitted in writing to the district by the closing date and time of the advertisement notice. It shall state the reason the contract should be competitively solicited.

Protests shall be heard by the Board, whose decision shall be final.

4. ITB/RFP Requirements

a. An invitation to bid (ITB) or ~~(~~RFP~~)~~ will be used as a formal competitive solicitation that describes the specific services to be performed within a defined period of time. The solicitation will set forth criteria and methods for screening, selecting and ranking the most qualified proposal(s). The solicitation document may result in contracts with more than one provider.
b. The solicitation document must provide that the district is not responsible for any cost incurred while submitting proposals and that all proposers who respond do so at their own expense.
c. The solicitation document must, at a minimum, address the following:

(1) Requirements for solicitation documents under ORS 279B.055 (2) and 279B.060 (2):

(a) A time and date by which the bids or proposals must be received and a place at which bids must be submitted, and may, in the sole discretion of the contracting agency, direct or permit the submission and receipt of bids or proposals by electronic means;
(b) The name and title of the person designated for receipt of bids or proposals and the person designated by the contracting agency as the contact person for the procurement, if different;
(c) A procurement description;
(d) A time, date and place that prequalified applications, if any, must be filed~~filled~~ and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120;
(e) A statement that the contracting agency may cancel the bid or procurement, or reject any of all bids in accordance with ORS 279B.100;
(f) A statement that "Contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document." if the invitation to bid is issued by a state contracting agency;

(g) A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710; and

(h) All contractual terms and conditions applicable to the procurement.

(2) Requirements for solicitation documents under OAR 137-047-0255 (2) and OAR 137-047-0260 (2):

(a) General Information~~.~~

(i) Notice of any pre-offer conferences as follows:

a) The time, date and location of any pre-offer conferences;~~ and~~

b) Whether attendance at the conference will be mandatory or voluntary; and

c) A provision that provides that statements made by the contracting agency's representatives at the conference are not binding upon the contracting agency unless confirmed by written addendum.~~;~~

(ii) The form and instructions for submission of proposals and any other special information, (e.g., whether proposals may be submitted by electronic means);

(iii) The time, date and place of opening;

(iv) The office where the solicitation document may be reviewed;

(v) For bidders, a statement whether the bidder is a "resident bidder," as defined in ORS 279A.120 (1);

(vi) Contractor's certification of nondiscrimination in obtaining required subcontractors in accordance with ORS 279A.110 (4); and

(vii) How the contracting agency will notify proposers of addenda and how the contracting agency will make addenda available.

(b) Contracting Agency Need~~.~~

The character of the goods and services the contracting agency is purchasing including, if applicable, a description of the acquisition, specifications, delivery or performance schedule, inspection and acceptance requirements.

(c) Bid/Proposal and Evaluation Process~~.~~

(i) The anticipated solicitation schedule, deadlines, protest process~~,~~ and evaluation process;

(ii) The contracting agency shall set forth selection criteria in the solicitation document in accordance with the requirements of~~or~~ ORS 279B.060 (2)(h)(E).

(iii) If the contracting agency intends to award contracts to more than one proposer~~prosper~~ pursuant to OAR 137-047-0600 (4)(d), the contracting agency must identify in the solicitation document the manner in which it will determine the number of contracts it will award.

(d) Applicable preferences described in ORS 279A.125 (2) and 282.210.

(e) For contracting agencies subject to ORS 305.385, contractor's certification of compliance with the Oregon tax laws in accordance with ORS 305.385.

(f) All contract terms and conditions, including a provision indicating whether the contractor can assign the contract, delegate its duties, or subcontract the goods or services without prior written approval from the contracting agency.

d. Bids or proposals must be advertised at least once in a newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as may be necessary or desirable to achieve adequate competition unless the contracting agency uses electronic advertising.

d. Unless otherwise specified in rules adopted pursuant to ORS 279A.065, the LCRB will give notice at least seven days before the solicitation closing date.

e. All advertisements shall describe at minimum the requirements under OAR 137-047-0300 (3):

(1) Where, when, how~~,~~ and for how long the solicitation document may be obtained;

(2) A general description of the goods or services to be acquired;

(3) The interval between the first date of notice and closing, which will be at least seven days, unless a shorter period is in the public interest and it will not substantially affect competition;

(4) The date that persons must file applications for prequalification if prequalification is a requirement and the class of goods or services is one for which persons must be prequalified;~~.~~

(5) The office where contract terms, conditions and specifications may be reviewed;

(6) The name, title and address of the individual authorized by the contracting agency to receive offers;

(7) The scheduled opening; and

(8) Any other information the contracting agency deems appropriate.

5. Screening and Selection Procedures

a. The superintendent or designee shall review, score and rank all responsive proposals according to the evaluation criteria in the ITB or RFP and applicable law. The contracting agency will award the contract to the lowest responsible bidder or proposer or multiple responsible bidders or proposers in accordance with ORS 279B.055 (10) and 279B.060 (10), and OAR 137-047-0600.

b. To determine whether the bidder or proposer has met the standards of responsibility under ORS 279B.110 (2) and OAR 137-047-0640 (1)(c)(F), the LCRB will consider whether the bidder or proposer has:

(1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain the resources and expertise, necessary to indicate the capability of the bidder or proposer to meet all contractual responsibilities;

(2) A satisfactory record of performance.[2] The contracting agency will document in the solicitation file its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;

[2] A contracting agency should review carefully the offeror's record of contract performance if the offeror~~offer or~~ is or recently has been materially deficient in contract performance. In reviewing the offeror's performance, the contracting agency should determine whether the offeror's deficient performance was expressly excused under the terms of the contract, or whether the

(3) A satisfactory record of integrity.[3] The contracting agency will document its basis for determining that the offeror is not responsible because the offeror does not meet this requirement;
(4) Qualified legally to contract with the contracting agency;
(5) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the contracting agency concerning responsibility, the contracting agency shall base the determination of responsibility upon any available information, or may find the bidder or proposer not to be responsible; and
(6) Not been debarred by the contracting agency under ORS 279B.130.

c. Final ranking will be based on all information obtained during the evaluation process. Price will be considered, but will not necessarily govern selection of the contractor(s).
d. Contracts entered into 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.

6. Documentation

Documentation providing evidence of competition shall be maintained by the district for all contracts entered into by the district.

7. Fingerprinting

If the scope of the work performed by a contractor(s) or their~~his/her~~ employee(s) may result in direct, unsupervised contact with students, they~~he/she~~ will be required to submit to fingerprinting and criminal records checks as required by law.

8. Payment

Payment will be made only upon completion of the performance of specific portions of the project or on the basis of an annual or periodic retainer as specified by the district in the personal services contract.

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offeror took appropriate corrective action. The contracting agency may review the offeror's performance on both private and public contracts.

[3] A contracting agency may determine that an offeror lacks integrity because of a lack of business ethics such as a violation of environmental laws or false certification made to the contracting agency. A contracting agency may find that an offeror is not responsible based on a lack of integrity of a person having influence or control over the offeror.

Clatskanie School District 6J

Code: DJFA
Adopted:

[Credit] [Procurement] Cards

The Board authorizes the superintendent to hold a bank [credit] [procurement] card in the name of the district and to issue such cards to designated employees. Approved card holders will be held responsible for maintaining sole possession and security of issued cards at all times. Such cards shall have a maximum limit of [$750].

[Credit] [Procurement] cards issued to employees may only be used to purchase items authorized by the adopted district budget.

Purchase slips and receipts must be turned in to the business office within [15] days of the transaction. [The business office shall pay in full the [credit] [procurement] card balance no later than the due date so that finance charges will not be incurred.]

District-issued [credit] [procurement] cards shall be subject to the following:

1. Personal items shall not be charged on district-issued cards. If a personal item is inadvertently purchased on a district-issued card in violation of this policy, repayment by the employee must be made immediately. Failure to make the required payment may result in an automatic deduction from the individual's next payroll disbursement. Accordingly, the district will require individuals issued such cards to sign a written authorization for payroll deduction in the event of such personal use;

2. The purchase of alcoholic beverages is strictly prohibited. The purchase of any item [over [$]] [without prior superintendent or designee authorization] is strictly prohibited. The purchase of gasoline for a privately-owned vehicle is also prohibited without prior authorization;

3. Leaving a gratuity that exceeds [15 percent] is prohibited;

4. Airline tickets may be purchased with a district-issued [credit] [procurement] card only with prior superintendent or designee approval. If the issued card provides for purchase incentives (i.e., points, discounts or airline mileage credits), such incentives shall only be redeemed for authorized district business.

Violation of the provisions of this policy may result in the revocation of the [credit] [procurement] card and/or discipline up to and including dismissal.

END OF POLICY

Legal Reference(s):

ORS 332.107 ORS 652.610(3)

OR. GOV'T STANDARDS AND PRACTICES COMM'N, Advisory Opinion 01A-1007 (Aug. 29, 2001).

PROPOSED

Clatskanie School District 6J

Code: DJFA-AR
Revised/Reviewed:

Authorization for Payroll Deduction

Pursuant to Board policy DJFA - [Credit] [Procurement] Cards and Oregon Revised Statute (ORS) 652.610(3) I, _____, hereby authorize the district to withhold from my paycheck any charges made on a district-issued [credit] [procurement] card without prior written approval from my supervisor, or any charges not authorized by the adopted Board policy.

_____ _____
Signature Date

PROPOSED

Clatskanie School District 6J

Code: DJG
Adopted: 4/22/13
Orig. Code: DJG

Vendor Relations

The district welcomes business and bids from all eligible vendors. Preferential~~Preferred~~ treatment will not be extended to any vendor. Orders will be placed on the basis of quality, price and delivery, with past services being a factor if other considerations are equal.

Sales representatives or agents may not solicit staff members during hours when students are present. [Principals] may allow sales representatives or agents of educational products to contact staff members at times that will not interfere with the educational program.

Advertising is not allowed in the district ~~buildings~~ unless it is approved by the [superintendent] [building administrator]. No district employee will receive compensation of any kind from any vendor for the sale of supplies or services.

END OF POLICY

Legal Reference(s):

ORS 244.040 ORS Chapters 279A, 279B and 279C ORS 332.107

Clatskanie School District 6J

Code: DL
Adopted: 4/22/13
Orig. Code: DL

Payroll

Preparation of payroll, including time schedules and payroll periods, will be done in accordance with each employee's ~~group~~ collective bargaining agreement/group agreement with the district. Employee~~Subject to the terms of the employee collective bargaining agreements~~ health, accident, dental and other types of insurance may be purchased on behalf of district employees, subject to the terms of the employee's employment with the district ~~employees~~. Mandatory payroll deductions will be withheld as required by state and federal law.

No other automatic deductions~~,~~ except those required by law~~,~~ will be made from an employee's pay without authorization of the Board.

Regular monthly payroll will be issued [on the last working day of each month]. A change to this schedule must be approved by the [superintendent][business manager].

END OF POLICY

Legal Reference(s):

ORS 243.650(10), (16)
ORS 243.666
ORS 243.820 to -243.830
ORS 332.505
ORS 332.534
ORS 652.110
ORS 652.120
ORS 652.610

Clatskanie School District 6J

Code: DLB
Adopted: 4/22/13
Orig. Code: DLB

Salary Deductions

Authorized payroll deductions will be made upon an appropriately submitted written request from the employee.

Subject to standard~~normal~~ accounting procedures, employees may authorize modification of their salary or withholdings to include deductions such as:

1. Tax-sheltered annuities (TSA), as authorized by the Internal Revenue Service and approved by the Board;~~:~~
2. Insurance premiums in excess of district contributions to Board-approved programs;
3. Labor organization dues (or Fair Share);
4. Credit unions;
5. United Way;
6. CARE; and
7. Others as approved by the Board.

District-approved TSA companies shall be required to provide employees a maximum exclusion allowance (MEA) prior to the initial withholding, or any changes in withholdings, from employee's earnings. The employee is responsible for filing a copy of the MEA with the district prior to any district withholding.

No other automatic deductions except those required by law will be made from an employee's pay without Board authorization.

END OF POLICY

Legal Reference(s):

ORS 243.650(10), (16)
ORS 243.666
ORS 332.505
ORS 652.110
ORS 652.120
ORS 652.610

I.R.C. 26 U.S.C. § 403 (2012).
29 C.F.R. § 541.603 (2016).

Clatskanie School District 6J

Code: DLC
Adopted: 4/22/13
Orig. Code: DLC

Expense Reimbursements

The district will reimburse employees for authorized expenses incurred for professional growth and/or job requirements in accordance with administrative regulations developed by the superintendent and consistent with Internal Revenue Service requirements subject to terms of an applicable~~as per the~~ collective bargaining agreement.

END OF POLICY

Legal Reference(s):

ORS 294.155 ORS 332.107 OAR 581-022-2260

I.R.C. § 162 (2006); Business Expenses, 26 C.F.R. 1.162-1 (2006).
INTERNAL REVENUE SERVICE, PUBLICATION 463: TRAVEL, ENTERTAINMENT, GIFT AND CAR EXPENSES.

Clatskanie School District 6J

Code: DLC-AR
Revised/Reviewed:

Staff Expense Reimbursement

Expense reimbursement for staff traveling on approved district business will be governed by the following procedures. Travel expenses include travel fares, meals and lodging and expenses incident to travel. Only travel expenses as are ordinary and necessary in the conduct of approved travel for district business purposes and directly attributable to it will be reimbursed. As used in this regulation an "ordinary" expense means one that is common and accepted in the profession; a "necessary" expense means one that is essential and appropriate in order to conduct district business. [Reimbursement procedures established by the district will also apply to Board members traveling on [Board-approved] district business, as applicable.]

In-District Travel – Use of Private Vehicles

1. Staff will use district-owned vehicles, whenever possible, in conducting district business that requires travel within district boundaries.

2. Private vehicles may be used in conducting district business only with prior [principal] approval. In-district travel approval may be granted by the [principal] for individual trips or by blanket approval, as deemed appropriate.

3. Travel in a private vehicle for the purpose of conducting district business may be approved when:

   a. A district vehicle is not available;
   b. The destination is not conveniently accessible by commercial carrier;
   c. Various points must be visited and commercial carrier schedules are such that the use of commercial carrier transportation is not practical;
   d. Carrying articles by commercial carrier would not be feasible;
   e. Commercial travel is deemed to be less economical.

Out-of-District Travel (In-state) – Use of Private Vehicles

1. Staff will use district-owned vehicles, whenever possible, in conducting approved district business that requires in-state travel outside district boundaries.

2. Private vehicles may be used only with prior approval from the [superintendent] [principal] [business manager]. Out-of-district travel approval may be granted by the [superintendent] [principal] [business manager] for individual trips or by blanket approval, as deemed appropriate.

Out-of-State Travel

Out-of-state travel requires prior approval from the [Board] [superintendent].

PROPOSED

Insurance Coverage

1. Insurance costs are included as part of the mileage reimbursement for employees authorized to use a private vehicle to conduct district business. It is the responsibility of the owner or driver of the vehicle to be certain that the vehicle is adequately covered by insurance.

2. The responsibility of the district for damages resulting from vehicle accidents is not the same as set forth in the district's general liability insurance policy. The employee's insurance coverage provides primary coverage when the employee is driving the employee's own vehicle on approved district business.

3. All district employees operating private vehicles on approved district business are required to complete and maintain on file with the district verification of vehicle liability insurance that meets or exceeds Oregon statutory minimum limits. This verification is required [annually] [prior to any district approval to conduct district business in a private vehicle]. Employees are required to update their verification of vehicle liability information maintained on file with the district upon **any** change in the employee's vehicle insurance coverage.

Meals and Meetings

1. Reimbursement will be made for ordinary and necessary meal expenses incurred in the course of approved travel for district business. Meals include amounts spent for food, beverage, taxes and related gratuities. Alcoholic beverages will not be reimbursed by the district. See **Expense Reimbursement Request and Accounting Procedures** below.

2. Expenses in excess of the district's established limit are ordinarily the responsibility of the employee and may be reimbursed only with approval from the superintendent. Receipts for all meal expenses must be secured and attached to the claim.

Travel Advances

1. A travel advance may be requested when the estimated cost for meals, lodging, etc., exceeds [$50]. The travel advance may be requested by completing the form provided by the district.

2. The cost of commercial travel tickets will not be included in a cash advance request.

3. In the event of loss, the employee is personally responsible for cash advances issued and for any third party use of a district-provided credit card.

4. At least [15] working days are required for processing an advance check after the approved request is received by the business office.

5. Only one cash advance may be outstanding to any employee at any time.

PROPOSED

Reservations, Commercial Carrier and Lodging

1. Travel must be conducted in the most expeditious and cost-effective manner, as determined by the district.

2. Each employee is responsible for making their own reservations by obtaining a purchase order number from the business office and furnishing that number to the local travel agency or commercial carrier.

3. [Individuals traveling on approved district business by a carrier offering travel credits (i.e., frequent flyer mileage, etc.) are required to account for credits received and may use the credits for future approved district travel purposes only.] [The district prohibits the accrual of travel credits for individuals traveling on approved district business.]

Vehicle Rentals

1. Rental vehicles may be used only when use will affect a savings or otherwise be more advantageous to the district or when the use of other transportation is not feasible.

2. Rental of a compact vehicle is recommended when suitable for approved district business because of the lower initial rate and the guaranteed rate. Certain rental agencies guarantee the compact rate in all owned stations and in most licensee stations, which means that if a reservation for a compact vehicle is accepted and one is not available, a standard-sized vehicle will be substituted at the compact rate.

3. Rental vehicles will be used only for official travel or in lieu of taxi for necessary travel. Any additional costs incurred for other usage will be the personal responsibility of the traveler.

4. Employees will be informed if the district carries the rental car endorsement as part of its insurance coverage. In the event the district does not carry the rental car endorsement the employee will be authorized to purchase insurance coverage from the rental agency.

Cancelled Trips

1. If an employee cannot leave at the scheduled time, it is the employee's responsibility to call the travel agency or carrier and arrange to have the tickets cancelled or exchanged.

2. Commercial carrier reservation cancellations must be made at least 24 hours before departure time, whenever possible.

3. Lodging reservations must be cancelled by the employee as soon as possible to avoid a cancellation charge.

4. If a trip is cancelled after an advance and/or tickets have been issued, the advance and tickets must be returned to the business office immediately.

PROPOSED

Personal Travel Combined with District Business Travel

1. If an individual traveling on approved district business engages in both business and personal activities, travel expenses incurred will be reimbursed only for expenses that are ordinary and necessary in the conduct of district business. Expenses incurred as a part of personal business are the sole responsibility of the traveler.

2. When personal travel is combined with approved district business travel and the individual is traveling by less than the most expeditious and cost-effective manner, any additional costs must be paid by the traveler.

3. Time away from work caused by traveling by less than the most expeditious means available for personal purposes must be charged to vacation or other appropriate leave.

4. Vacation or other personal leave may be taken in conjunction with approved district travel subject to the following:

   a. Time delays related to approved district business are charged as working time even if no work is performed;
   b. If the employee travels by less than the most cost-effective manner, as determined by the district, for approved district business or for personal travel combined with travel for district business purposes, the employee must pay the additional cost (e.g., increased fare, meals, lodging expenses, etc.) incurred as a result of the personal travel;
   c. All subsistence and local transportation (e.g., taxi, vehicle fare) while on vacation status or other appropriate leave must be paid by the employee;
   d. The traveler will not be required to pay any of the basic transportation costs incurred as a part of the approved district business, even though the traveler spends a substantial part of the total time away from home on vacation or other personal leave, provided the employee was traveling on approved district business;
   e. A traveler who decides on their own to conduct district business without prior approval, while on vacation or other personal leave, cannot then use this as a justification to have the district pay basic transportation cost from the district to the location visited, or submit a request for other expense reimbursement.

Expense Reimbursement Request and Accounting Procedures

1. Reimbursement requests detailing actual expenditures must be submitted on the district's travel expense form and approved by the [superintendent] in writing. Receipts and supporting documentation must accompany all expense reimbursement requests. This includes, but is not limited to, receipts for transportation, lodging, meals, registration, conference and workshop fees. All requests must be submitted to the district office within [10] working days of the conclusion of the trip.

   a. If the completed travel expense report totals less than the travel advance, the difference must be returned within [10] working days to the business office with the report.
   b. Reimbursement for expenditures in excess of a travel advance, or where no travel advance has been requested, will be made within [30] working days after the approved travel expense report is received by the business office.

PROPOSED

2. Expenses which consist primarily of the cost of furnishing meals for others will be reimbursed upon submission of a travel expense report which includes:

   a. Names of guests;
   b. Organizations involved;
   c. Full explanation of the district business purpose of the meeting.

3. In the event a vehicle was rented, a copy of the rental agreement must be attached to the travel expense report. The rental charge should be paid from the amount advanced, as applicable. Purchase of gas and oil which have been deducted from the rental charge by the rental agency must be included.

4. Any claim for mileage reimbursement only may be submitted at the end of each month in which reimbursement is to be claimed. A claim must be submitted no later than [90] calendar days of incurring the expense. Reimbursement claims later than [90] calendar days of the expense will be denied.

5. Mileage for approved district business travel in a private vehicle will be reimbursed at the current rate per mile established by the district, collective bargaining agreement or Internal Revenue Service (IRS), as applicable. Reimbursement that exceeds the IRS rate will be included as income to the employee in accordance with IRS regulations.

6. Meal expenses for approved district business travel purposes may be reportable as income to the employee in accordance with IRS regulations. Generally, meal expenses incurred for approved district business purposes in which district business is conducted with at least one or more other persons or that is incurred on approved district business for a trip that is overnight, or long enough that the individual needs to stop for sleep or rest to properly perform assigned duties, as defined by the IRS, will not be reportable as income to the employee.

7. In the event the total of the amount charged to, and/or received from, the district by the employee as advances, reimbursement or otherwise, exceeds the ordinary and necessary business expenses, the excess must be reported as income in accordance with IRS requirements.

Reimbursable Expense Limitations

1. [Meal expenses may be reimbursed subject to the following limitations:

Allowance:	Breakfast	[$11]
	Lunch	[$12]
	Dinner	[$23]]

OR

1. [1][The district may establish a daily per diem rate [not to exceed the IRS recommendations] that covers all meal expenses.]

PROPOSED

[1] [If this option for Item #1 is chosen, delete #2 that follows and renumber the remaining items.]

2. Gratuities must not exceed [15] percent and must be included as a part of the receipt. Gratuities in excess of [15] percent are the responsibility of the employee and will not be reimbursed by the district.

3. Other expenses such as toll charges, parking fees, valet services, cleaning, pressing and laundry may be reimbursed if length of trip or circumstances demand.

4. Mileage reimbursement for actual miles traveled on district business, may be approved subject to the following limitations:

   a. In-district mileage reimbursement will not be granted to an employee, other than a district-approved tutor, for traveling from the employee's residence to the place where work begins for the day or for returning home from the last place worked during the day;
   b. Reimbursement will be made only for those miles actually traveled in the course of completing approved district business. When chauffeured, mileage for two round trips and short-term parking will be reimbursed if not greater than the cost of one round trip plus economy parking;
   c. Group travel may be requested on one travel request form for a group traveling together as long as advance and reimbursement is payable to one person who has complete responsibility for reporting expenses;
   d. In the event a private vehicle is approved for use from home, to or from airport or railroad station, mileage for one round trip and economy parking will be reimbursed. Parking receipts are required;
   e. Individuals requesting reimbursement for use of a private vehicle on approved district business must meet insurance requirements. See **Insurance Coverage** above.

5. Lodging will be reimbursed at reasonable commercial rates.

6. Local taxi, shuttle, bus fares and vehicle rentals may be reimbursed, subject to the district's requirement that travel selected is by the most expeditious, cost-effective manner, as determined by the district.

PROPOSED

Clatskanie School District 6J

Code: DM
Adopted: 4/22/13
Orig. Code: DM

Cash in District Buildings

All personnel are required to use common precautionary measures, including strict accounting, when handling funds for which they are responsible.
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All money entrusted to employees by students or others is the responsibility of the employee receiving it until deposited with the school office or financial institution.

Daily deposit of all money in the school office or organizational account is required for school lunch funds and ~~urged~~ for other activities. All amounts over $20 accumulated from other activities must be deposited in the school office or financial institution at the end of the day, unless arrangements have been made with the principal.

Money will not be left at work stations or classrooms over weekends or other days school is not in session.

END OF POLICY

Legal Reference(s):

ORS 332.107

Clatskanie School District 6J

Code: DN
Adopted: 12/14/15
Orig. Code: DN

Disposal of District Property

The [director of business services] may dispose of all obsolete, surplus, unwanted and/or excessively damaged equipment and supplies owned by the district in accordance with the following procedures:

1. The Board will pass a resolution declaring the property surplus;

2. Items estimated by the [director of business services] to have a value of less than $[1,000] may be sold by the [director of business services] at prices estimated to be the market values of the items. All sales by the [director of business services] will be recorded by item, price and buyer;

3. Property or materials estimated by the [director of business services] to be $[5,000] or greater may be declared surplus and may be sold by the [director of business services] through a bidding procedure. If public sales fail to produce any interested buyers or bidders, remaining unsold materials may then, at the superintendent's discretion, be disposed of as scrap or junk or be donated to appropriate charitable or educational agencies.

If the district property was purchased with state, federal or private grant funds disposal of the property shall be made as outlined in the grant or by state or federal regulations.

END OF POLICY

Legal Reference(s):

ORS 279B.055 ☐ ORS Chapters 279A, 279B and 279C ☐ ORS 332.155

EDUCATION, TITLE 34 C.F.R. PART 80 § 80.32(e)