



**Clatsop
Community
College**

Board of Education September 8, 2026 Board Packet



First Cohort of HVAC Skilled Trades Students After Completing Their Summer 2026 Course.

Clatsop Community College

1651 Lexington Avenue * Astoria, Oregon 97103 * (503) 338-2411

NOTICE OF MEETING

DATE: Tuesday, September 8, 2026
TIME: Regular Board Meeting, 5:30 pm
PLACE: Columbia 219 or Zoom
ZOOM: <https://clatsopcc.zoom.us/j/89824559188>

REGULAR BOARD MEETING

❖ CALL TO ORDER

- Roll Call
- Approval of Agenda

❖ PUBLIC FORUM

- **Public Comment** Note: This is an opportunity for brief comments for the Board. Individuals wishing to sign up for public comment during the meeting should do so by emailing Felicity Green at fgreen@clatsopcc.edu by no later than 12:00 noon on Tuesday, September 8. Public comments may not exceed 3 minutes unless approved otherwise by the Board Chair. Public comment will also be accepted by mail to: Felicity Green, Board Secretary, 1651 Lexington Avenue, Astoria, OR 97103, by close of business on Wednesday, September 7.

❖ TEN MINUTE PRESENTATION: *Ian Wilson, Student Success and Student Access Dashboards*

❖ APPROVAL OF MINUTES

- Regular Board Meeting, July 23, 2026
- Special Board Meeting, August 11, 2026

❖ VERBAL REPORTS / DISCUSSION ITEMS

- Report of the President
- Financial Report
- Report of the Board Chair

❖ WRITTEN REPORTS *will be accepted as submitted*

- Report from OCCA
- Report from CEDR
- Report from the CCC Foundation
- Report from Communications and Marketing
- Report from Instruction and Student Success
- Report from Human Resources

Clatsop Community College

1651 Lexington Avenue * Astoria, Oregon 97103 * (503) 338-2411

❖ OLD BUSINESS

- Approve Board Goals for 2026 – 27
- Approve Presidential Goals for 2026 – 27
- Discussion of Board Communications Committee
- Presentation of Formal Evaluation to President

❖ NEW BUSINESS

- Accreditation October Visit Update
- Budget Update
- BPs for First & Second Reading and Emergency Adoption
 - BP 3522 Immigration Enforcement Notification (*AP included for context*)
 - BP 7610 Federal / Out of State Law Enforcement Operations (*AP included for context*)
- Purchasing Policy and Local Vendors

❖ ANNOUNCEMENTS/COMMUNICATIONS

- Next Board Meeting: Tuesday, October 13, 2026 5:30 pm: Regular Board Meeting, South County Campus and Zoom
- Committee Meetings
 - Board Policy Committee Meeting: TBD

❖ BOARD FORUM

❖ ADJOURNMENT

Clatsop Community College

1651 Lexington Avenue * Astoria, Oregon 97103 * (503) 338-2411

2025 - 2026 Board Goals for the College

1) Board Self-Evaluation Aligned with Strategic Priority 3: Strengthen Our Reputation

By March 2026, the Board of Education will conduct a comprehensive 360-degree evaluation of its performance, gathering input from board members, college leadership, faculty/staff, and community stakeholders. The Board will review the results and prepare a summary report to inform continuous improvement and strengthen governance practices.

2) Institutional Effectiveness Aligned with Strategic Priority 4: Increase Organizational Effectiveness

Each quarter, during a regularly scheduled board meeting, the Board of Education will review the College's Strategic Plan Scorecard and Institutional Effectiveness Dashboard, ensuring progress and alignment with the College's mission, strategic priorities, and accreditation standards.

3) Board Communication Training Aligned with Strategic Priority 4: Increase Organizational Effectiveness

Prior to January 2026, the Board of Education will participate in an interactive Microsoft Outlook (mail and calendar) training session led by Tom Ank, designed to strengthen communication practices, improve meeting coordination, and enhance the effective use of digital tools.

Non-Discrimination Declaration: It is the policy of Clatsop Community College that there will be no discrimination or harassment on the grounds of race, color, sex, gender, marital status, religion, national origin, age, sexual orientation, gender identity or expression or disability in any educational programs, activities, or employment. Questions or complaints should be directed to Anita Jensen, Affirmative Action/Gender Equity (Title IX) Officer, Lower Library, Suite 102, ajensen@clatsopcc.edu (503) 338-2450; TDD : Oregon Relay- Dial 711. For Student Access Services, contact Faith Forster, Columbia Hall, Room 111, fforster@clatsopcc.edu (503) 338-2313.

Accommodations: Students having questions about or a request for classroom accommodations should contact Faith Forster, Columbia Hall, Room 111, fforster@clatsopcc.edu (503) 338-2313. Community members having questions about or a request for special needs and accommodation should contact Anita Jensen, Lower Library, Suite 102, ajensen@clatsopcc.edu (503) 338-2450; TDD: Oregon Relay- Dial 711. Please send special needs and accommodations requests here. Contact should be made at least two business days in advance of the event.

Declaración de no-discriminación: Es la política de Clatsop Community College que no habrá ningún tipo de discriminación o acoso por razón de raza, color, sexo, género, estado civil, religión, origen nacional, edad, orientación sexual, identidad de género o expresión discapacidad en los programas educativos, actividades o en la contratación. Preguntas o quejas deben ser dirigidas al Anita Jensen, Oficial de Acción Afirmativa / Título IX localizada en la biblioteca, oficina número 102 , ajensen@clatsopcc.edu número de teléfono (503) 338-2450, TDD (discapacidad auditiva) marcar 711 en su teléfono. Para servicios de acceso para estudiantes, comuníquese con Faith Forster localizada en Columbia Hall, oficina número 111, fforster@clatsopcc.edu (503) 338-2313.

Ayuda a personas discapacitadas: Estudiantes que tengan preguntas o una requieran solicitud de adaptaciones en el aula deben comunicarse con Faith Forster, localizada en Columbia Hall , oficina número 111, fforster@clatsopcc.edu (503) 338-2313. En cuanto a los miembros de la comunidad, se les pide que se comuniquen con Anita Jensen, localizada en la biblioteca, oficina número 102 , ajensen@clatsopcc.edu número de teléfono (503) 338-2450, TDD (discapacidad auditiva) marcar 711 en su teléfono. Haga el favor de notificar a la oficina para que se le pueda proporcionar apoyo. La comunicación debe tomar lugar por lo menos dos días de trabajo antes del evento por el cual se requiera tal ayuda. Para más información, vea la página Web de Clatsop Community College bajo Información en Español.

Minutes



Clatsop
Community
College

Board of Education

MINUTES OF THE JULY 23, 2026
BOARD OF EDUCATION
Regular Board Meeting

Board Members Present: Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk, Mitra Vazeen

Others Present: Kevin Leahy, Jim Alegria, Beth Van Elswyk, Bill Meck, Jennifer Carlson, Tina Kotson, "RWB", "DA", President Jarrod Hogue and Recording Secretary Felicity Green

CALL TO ORDER

Ed Johnson called the meeting to order at 5:30 pm.

Roll was called. Bill Montero, Sheila Roley, Ed Johnson and Ashley Flukinger were present at roll call. Lloyd Mueller, Mitra Vazeen and Jody Stahancyk arrived at 5:38 pm.

Bill Montero **moved to approve the agenda as presented.** Sheila Roley seconded the motion. **Bill Montero, Sheila Roley, Ed Johnson and Ashley Flukinger voted Aye. Lloyd Mueller, Mitra Vazeen and Jody Stahancyk were absent. The motion carried.**

PUBLIC FORUM

There was no public comment.

APPROVAL OF MINUTES

Sheila Roley **moved to approve both the Minutes of the June 18 Board Retreat and the Minutes of the June 18, 2026 Public Hearing on the Budget and Regular Board Meeting as presented.** Ashley Flukinger seconded the motion. **Bill Montero, Sheila Roley, Ed Johnson and Ashley Flukinger voted Aye. Lloyd Mueller, Mitra Vazeen and Jody Stahancyk were absent. The motion carried.**

REPORT OF THE PRESIDENT

President Hogue thanked all the staff who are volunteering at the county fair, including some who would ordinarily be attending the meeting.

The seven-year institutional effectiveness report is due to NWCCU at the end of the summer. This is the culmination of the accreditation cycle and is extremely important. He is blocking out full days on his calendar to work on this report. He is looking forward to sharing the completed report with the Board in September. The next step after the report is submitted will be the peer review and accreditation visit in October.

The Living Machine at MERTS had been mothballed for over a decade but the College is now partnering with OSU, ColPac and the Industrial Symbiosis work group to use it for research into wastewater treatment for breweries and fish processing. The wastewater will be funneled through earthworm beds to remove contaminants, a process which has been productive for wineries. The hope is that the processed water can be reintroduced into the Columbia. CCC science students will be working with OSU on the project.

The College entry at the Warrenton 4th of July parade won the Mayor's Choice award. President Hogue pulled the float, which was the College lifeboat, gave kudos to all the other volunteers and said he was impressed by the number of people, particularly young families, who attend the parade.

He spoke about the HVAC training grant, which he has been watching closely. It is a foundational trades program which quickly gets students into jobs. He said former Board member Tim Lyman originally alerted him to the possibility of a specific grant for HVAC workforce training. President Hogue put the program together in partnership with Diamond Heating. The College had originally planned the program for 12 students in the first of three cohorts, but 60 applied. There are 24 in the program right now and two cohorts still to come. The students, who transition from the classroom into what are essentially internships, receive training stipends as they complete sections of the course. Several have already been offered full time jobs.

President Hogue went on to talk about the Forerunner. Several experts have assessed the vessel, culminating in a \$435,000 repair estimate from WCT Marine. He thinks spending this much money on a 60-year-old fishing vessel would be a bad investment. However, he values the maritime program and wants to make sure that the students get the experience they need. He has been exploring options, including sourcing a new vessel and partnering with Tongue Point, who are in the process of purchasing a new vessel. He has also spoken with WCT Marine about renting a tugboat on occasion and they may be willing to partner with the College and offer special pricing.

There was a question about students who need sea time. Time on the Forerunner is not part of any specific Coast Guard licensing program. Coast Guard license upgrade students make up most of the College's maritime students. Sea time is a requirement for 2-year degree seeking students to get their initial Coast Guard licensure but it does not necessarily have to be on a vessel owned by the College.

Jody Stahancyk **recommended that the Board appoint Mitra Vazeen to be the point person from the Board to assist President Hogue in putting out a position paper and looking at this issue.** Ashley Flukinger seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

President Hogue concluded his report by saying that the College continues to do well in the student survey. The net promoter score increased again in the Spring 2025 survey and students are overall very satisfied. He would like to see higher scores in course availability and times; the College is trying to be more flexible even if they can't offer 12 sections like bigger schools.

REPORT OF THE BOARD CHAIR

Ed Johnson, in his last report as Board Chair, thanked everyone for allowing him to be the Board Chair for the last couple years. He thinks the Board has accomplished a lot, including hiring a new president. He thanked Jody Stahancyk for leading that process and making a fantastic choice. He expressed his appreciation for faculty and staff and said that the College had an excellent year. He feels the College has made great strides. Hearing students evaluate their experiences is very important to him and hearing Fiona Hackett speak about the changes the college has made in her life at graduation was very meaningful. He enjoyed one on one interviews with students; he spoke with one student who took a class they were afraid of but ended up loving. That is a credit to faculty and staff. He also mentioned a

nursing student who started out in the GED program and ended up as an RN. He credited Percy for all her work on this student's success.

Jody Stahancyk said that she is sure she speaks for all Board members when she says that at the time Ed Johnson agreed to take this job, it was dicey and there was a lot of unrest. She thanked him for doing a phenomenal job of moving things through and making sure everyone feels heard.

Mitra Vazeen thanked Ed Johnson for his leadership and his time.

PRESIDENT'S EVALUATION AND GOALS

Bill Montero said that Jarrod has created goals for next year. There was some discussion of whether a self-evaluation was sufficient. Most Board members agreed that there should be a more formal evaluation, with several commenting that it is a critical part of the process for education professionals as well as being important for accreditation. The committee has created a survey. They will send it out to the Board for responses and Lloyd Mueller will compile it for discussion by the Board.

APPROVE PAUSE ON HISTORIC PRESERVATION AND RESTORATION, AUTOMOTIVE TECHNICIAN and CADD PROGRAMS

President Hogue explained that these programs must be formally suspended by the Board and that action reported to the HECC. New students will not be enrolled in suspended programs. Current degree seeking students will have an opportunity to complete their degrees. It will be a little more difficult for students who are not on a formal path to graduation or degree completion but have only taken a few classes here and there, but the College is committed to doing everything they can.

Any classes in these programs that are listed in the fall schedule are completion classes for continuing students. The College will be creating teach out plans and opportunities for all affected students. Financial Aid will be contacting all the students individually. The decision to suspend the programs was based on long time enrollment and completion numbers.

Jody Stahancyk **moved to suspend Historic Preservation and Restoration Programs as outlined by the President in his recent comments.** Sheila Roley seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

Jody Stahancyk **moved to suspend the Automotive Technician Program but to allow the College to assess the viability of such a program consistent with the number of students, the classwork and the cost.** Ashley Flukinger seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

Jody Stahancyk **moved to suspend the CADD Technician Program consistent with the College looking to see what is appropriate in terms of the financial ramifications, the number of students and the viability of finding teachers and programs.** Ashley Flukinger seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

ELECTION OF BOARD OFFICERS

Ashley Flukinger **nominated Bill Montero as Board Chair**. Mitra Vazeen seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

Mitra Vazeen **nominated Lloyd Mueller as Board Vice Chair**. Ashley Flukinger seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

APPOINTMENT OF BOARD COMMITTEE REPS FOR ACADEMIC YEAR 2026-27

Jody Stahancyk **recommended Mitra Vazeen for Foundation Board liaison**. Ashley Flukinger seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

Jody Stahancyk **moved that Lloyd Mueller be the head of the Presidential Evaluation Committee**. Ed Johnson seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

Ashley Flukinger **nominated Jody Stahancyk as the Board Policy Committee Chair**. Ed Johnson seconded the nomination. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

Ashley Flukinger **nominated Jody Stahancyk as the Chair of the Board Policy Committee**. Ed Johnson seconded the nomination. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

Jody Stahancyk **nominated Ed Johnson as the Board representative to CEDR**. Ashley Flukinger seconded the nomination. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

Jody Stahancyk proposed establishing a new Board committee on communications and marketing.

Jody Stahancyk **nominated Sheila Roley as the Board representative to OCCA**. Ashley Flukinger seconded the nomination. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

Jody Stahancyk resigned as Chair of the Board Policy Committee.

Jody Stahancyk **recommended Ashley Flukinger as Chair of the Board Policy Committee**. Mitra Vazeen seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

Jody Stahancyk moved that the Board create a Communications and Marketing Committee. Sheila Roley seconded the motion. Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.

Ashley Flukinger nominated Jody Stahancyk as the Chair of the Communications and Marketing Committee and Mitra Vazeen to be the Vice Chair. Sheila Roley seconded the motion. Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.

SET BOARD MEETING DATES, TIMES AND LOCATIONS

There was some discussion of possible days for regular monthly Board meetings.

Jody Stahancyk moved that Board meetings from this point forward take place on the second Tuesday of each month and that the Board continues to alternate between South County and the main campus. Ashley Flukinger seconded the motion. Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.

Bill Montero moved that the Board have an Executive Session for the Presidential Evaluation on Tuesday, August 11 in South County. Jody Stahancyk seconded the motion. Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.

APPOINTMENT OF CLERK, DEPUTY CLERK AND BOARD SECRETARY

Bill Montero read the recommendation: that the Board appoint President Jarrod Hogue as the Clerk of the College; Jennifer Carlson, Chief Financial Officer, as Deputy Clerk of the College; and Felicity Green, Executive Coordinator to the President and Board of Education, as Board Secretary. Ed Johnson so moved. Jody Stahancyk seconded the motion. Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.

AUTHORIZE FISCAL YEAR SIGNATURES

Ed Johnson moved that the Board authorize the Clerk (the President), the Deputy Clerk (the Chief Financial Officer) and the Provost / Vice President for Instruction and Student Success be authorized to sign orders and other transactions. Jody Stahancyk seconded the motion. Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.

APPOINTMENT OF BUDGET OFFICER

Ed Johnson moved that the Board appoint Chief Financial Officer Jennifer Carlson as the Budget Officer. Jody Stahancyk seconded the motion. Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.

DESIGNATE DEPOSITORY OF FUNDS FOR FISCAL YEAR 2026-27

Bill Montero read the recommendation: that the Board adopts the list of qualified depositories in Clatsop County for public funds for FY26-27 as designated by the Oregon State Treasury. Ed Johnson

so moved. Jody Stahancyk seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

SET 2026-27 BOARD GOALS

Jody Stahancyk **moved that this item be set over until the August 11 Work Session.** Ashley Flukinger seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

BOARD FORUM

Ashley Flukinger thanked Ed Johnson for being chair for two years and Bill Montero for agreeing to be chair for 26/27.

Bill Montero said tongue in cheek that he's up for election next year and he's still deciding if he will run.

Lloyd Mueller said that he had used the Idealab twice this week and it was great. The students are really helpful and it is a really nice place.

Ed Johnson asked if students would be participating in the Regatta parade. Tina Kotson said that 12 nursing students were signed up to march.

The meeting was adjourned at 6:25 pm.

**MINUTES OF THE AUGUST 11, 2026
BOARD OF EDUCATION
Special Board Meeting**

Board Members Present: Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk, Mitra Vazeen

Others Present: President Jarrod Hogue and Recording Secretary Felicity Green

Bill Montero called the meeting to order at 5:29 pm.

Ashley Flukinger **moved to add an Executive Session in accordance with ORS 192.660(2)(i) to review and evaluate the employment related performance of the President to the agenda.** Jody Stahancyk seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

The Board entered executive session at 5:30 pm.

The executive session ended at 6:18 pm and the Special Board Meeting was called to order.

SET 2026 – 27 PRESIDENTIAL GOALS

President Hogue **asked that this item be moved to the September Board meeting for him to incorporate the feedback he received in the evaluation.** Jody Stahancyk **so moved.** Ashley Flukinger seconded the motion. **Ashley Flukinger, Ed Johnson, Bill Montero, Lloyd Mueller, Sheila Roley, Jody Stahancyk and Mitra Vazeen voted Aye. The motion carried.**

SET 2026 – 27 BOARD GOALS

The Board discussed the proposed Board Goals. Some Board members expressed concerns about **Goal 1: Support the Strategic Plan**, saying that they were not sure what they could do to support it. The President explained that accreditation standards require that the Board is regularly updated on the strategic plan and progress towards plan goals and that the Board is being asked to monitor progress. Several Board members added that they appreciate staff reports based around the goals, but also expressed an interest in shorter board reports. There was some discussion of creating a quarterly progress report for Board policies to ensure that they are moving through the process to adoption in a timely manner.

Board members also discussed **Goal 2: Participate in Board Development.** There was some discussion of Board members possibly attending the OCCA Conference in early November in Sunriver. There was also some discussion of Board members attending Legislative Days in Salem, either as part of the OCCA contingent or on their own.

Chair Bill Montero commented that **Goal 4, Support and Evaluate the President** was achieved today.

The Board agreed to keep the proposed goals and add a communication-based goal.

There was some discussion of creating a Board matrix of skills. There was also some discussion of Inservice, which will be occurring September 14 – 16 this year. Some Board members expressed a desire to attend. The Board also discussed the possibility of creating some form of protocol for staff and faculty to follow when Board members attend events. There was also discussion of which email list includes Board and methods to make sure the Board are included in event emails. One Board member asked about mandatory reporting trainings; they are required annually. Bill Montero asked the Board to print out their training certificates and bring them to the next meeting.

Chair Bill Montero spoke to the Board about a change in the way Board agendas are created. Rather than a monthly meeting, Felicity Green will email the Board asking for any items to be added to the agenda, add them as they are submitted and then email the agenda to Bill Montero for his approval.

Tom Ank thanked Bill for his generous donation to the IdeaLab.

Sheila Roley said that she thought this was a good meeting with good outcomes and feels that it's time to move on.

The meeting was adjourned at 6:51 pm.

President's Report



Clatsop
Community
College

Board of Education

President's Report to the Board

September 2026

1. Accreditation Update

(Strategic Priority: Improve Institutional Effectiveness)

Clatsop Community College's Year Seven Evaluation of Institutional Effectiveness (EIE) site visit is scheduled for October 14–16. A meeting with Board representation tentatively scheduled for Wednesday the 14th. The NWCCU will be sending six peer evaluators.

2. Facilities Updates

(Strategic Priority: Improve Student Access)

With the closing of the Campus Store, First Stop staff and services will move into that space, providing additional room to better serve students. First Stop is the College's central point of contact for admissions, registration, financial aid questions and documents, student forms, identification cards, account access, and referrals to other services. Associated Student Government (ASG) will move into the former First Stop location, which was originally designed for ASG when Columbia Hall was built. This move will give ASG a more visible and accessible presence for students on campus.

3. MERTS Capital Project

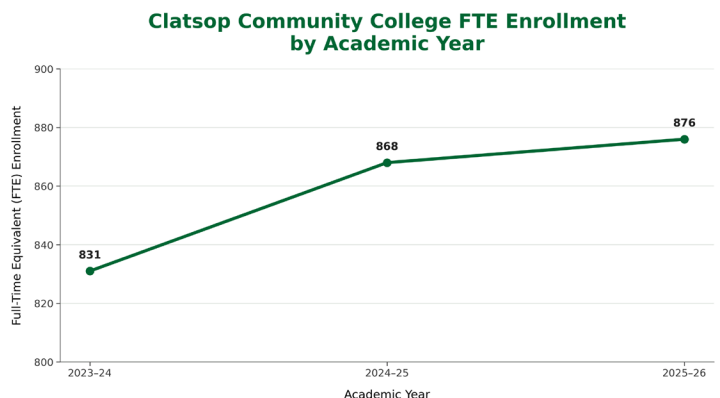
(Strategic Priority: Build and Sustain Partnerships)

Summary of visit by Saltchuk Family of Companies (report due prior to visit)

4. Enrollment

(Strategic Priority: Improve Student Access)

FTE enrollment increased by approximately 1% in 2025–26. Our most consistent growth has been in Medical Assisting, where expanded programming and strong regional demand have generated considerable student interest.



Source: Clatsop Community College Institutional Effectiveness Dashboard. Values rounded to the nearest whole FTE.

Important Activities/Meetings:

Week of July 27

- CEDR Board Meeting
- Career Pathways Grant Meeting
- EIE Report!

Week of Aug 3

- Oregon President's Council Retreat at Blue Mountain CC (Aug 2-5)

Week of August 10

- EIE Report

Week of August 17

- Oregon Career Pathways Reporting
- Budget Meeting w/ Bill and Jennifer
- MERTS Cleanup
- Meeting with Port of Astoria to discuss partnership
- Astoria-Warrenton Area Chamber Board Meeting

Week of Aug 24

- Cabinet Retreat
- Transfer Partnership Discussion with Western Governors University
- Meeting with Northwest Regional ESD
- S&P Report
- Phlebotomy Program Discussion with CMH
- Saltchuk Visit

OCCA



Clatsop
Community
College

Board of Education

OCCA Update for College Boards – August 2026

Community College Current Service Level Update

The Higher Education Coordinating Commission (HECC) will meet August 13 to approve its Agency Request Budget for submission to the Governor. As part of that decision, the Commission will determine whether to forward the Department of Administrative Services Chief Financial Office (DAS-CFO) current service level estimate of a 13.7% increase for the Community College Support Fund (CCSF). The DAS estimate remains above the 7.5% CCSF increase developed and requested by Oregon's community colleges.

The DAS current service level is a technical state budget calculation—not a final funding recommendation and not a determination that every college would have enough funding to maintain current services. It also does not account for the \$167 million colleges are using from reserves in the current biennium to support ongoing operations, or fully reflect locally negotiated compensation and other college-specific cost pressures.

OCCA has met with both HECC staff and the Legislative Fiscal Office to discuss the difference between the DAS calculation and the community colleges' request. OCCA emphasized that the 7.5% request was built from projected college operating costs, while the DAS CSL applies statewide budget methodology and assumptions. OCCA will continue working with state budget partners to ensure policymakers understand what each number represents as the 2027–29 budget is developed.

BOARD MEMBER ACTION:

- Let your college president know about major local cost pressures or service-level concerns that should be reflected in OCCA's ongoing budget discussions, and continue to reinforce that the 13.7% DAS CSL is a budget calculation—not an expected funding level.

September 8–10 Oregon Legislative Days

The Oregon Legislature will hold its next round of Legislative Days September 8–10. OCCA and community college representatives are preparing to meet with legislators during this period to discuss the 2027–29 Community College Support Fund request, the workforce and economic impact of community colleges, and the need to sustain programs and student services as costs continue to rise.

The House has also re-established a Higher Education policy committee, chaired by Rep. Lisa Fragala, a former Lane Community College board member. The committee is expected to consider higher education policy issues that may emerge from the HB 4124 workgroup examining the structure of Oregon higher education. OCCA will closely follow the committee's work and assess potential effects on community colleges, local governance, statewide coordination, and funding policy.

BOARD MEMBER ACTION:

- Watch for updates from OCCA before and during Legislative Days, and be prepared to help communicate how state investment decisions affect students, workforce programs,

and services in your local community.

September Economic and Revenue Forecast

The September Economic and Revenue Forecast will be released August 26. This forecast will establish the fiscal backdrop for the September Legislative Days and early development of the 2027–29 budget. The direction of General Fund and lottery revenues could affect expectations for the Community College Support Fund, financial aid, workforce programs, capital requests, and any 2027 budget reductions or additions.

BOARD MEMBER ACTION:

- Review OCCA’s forecast summary when it is released and consider how changes in the state revenue outlook could affect your college’s budget planning and advocacy.

Oregon Government Ethics Commission and Public Meetings Law

OCCA joined the League of Oregon Cities, Association of Oregon Counties, and Special Districts Association of Oregon in a letter to the Oregon Government Ethics Commission (OGEC) raising serious concerns about the Commission’s approach to interpreting and administering Oregon’s public meetings law. The letter raised issues about our deteriorating relationship and raised concerns about the veto of HB 4177, as well as guidance that local government organizations believe has expanded the law beyond legislative intent.

HB 4177 was a 2026 bill intended to clarify when communications among governing body members outside a public meeting constitute prohibited serial deliberations, identify communications that would remain outside public meetings requirements, and improve OGEC training, complaint, and enforcement processes. The Legislature passed the bill, but Governor Kotek vetoed it and directed OGEC and stakeholders to work urgently and openly toward clearer, workable guidance before the 2027 session.

OCCA Board President Pat Fahey and Executive Director Abby Lee have been asked to attend OGEC’s August 14 meeting, along with representatives of the other local government organizations that signed the letter, to discuss these concerns and a path forward. OCCA supports strong transparency requirements, while also seeking clear rules that allow elected board members to carry out routine and necessary governance work without fear that innocuous communications will be treated as violations.

BOARD MEMBER ACTION:

- Let your college president know about instances where OGEC’s current interpretation (or directly given advice) has made it difficult to carry out board operations in a commonsense manner. Examples may include receiving factual information from a president or staff member; asking a clarifying question without deliberating toward a decision; discussing meeting schedules, attendance, or logistics; speaking individually with community members or the news media; or having one-on-one conversations that are not used to involve a quorum or reach agreement outside a public meeting.

2026 OCCA Conference Call for Presentations

The annual OCCA Conference is set for November 4–6 at Sunriver Resort in Central Oregon. This year’s theme highlights how “Community Colleges Work for Oregon” and the critical role board

members, college leaders, and partners play in that success.

OCCA has issued a call for breakout session proposals and invites dynamic, engaging proposals for breakout sessions that showcase innovative practices, effective strategies, and meaningful outcomes that demonstrate how community colleges are working for students, communities, and the state. Breakout session tracks will include how Community Colleges Work for:

- Board Leadership & Governance
- Student Success & Institutional Effectiveness
- Oregon's Economy & Communities
- Advocacy & Investment

OCCA encourages proposals that highlight innovative approaches across all topic areas, including the use of emerging technologies such as artificial intelligence, new service delivery models, and creative strategies that improve outcomes, strengthen governance, and advance community impact.

Conference session proposals are due by August 14 and must be submitted using OCCA's online form. Find more information about proposal submissions by visiting OCCA's Conference web page: <https://occa17.com/conference/>

BOARD MEMBER ACTION:

- Work with your president to consider submitting a proposal for a conference breakout session highlighting your college's innovative work, successful program or other lesson learned. Be sure [proposals are submitted](#) by 5:00 p.m. Pacific time on August 14.

2026 Howard Cherry Awards Nominations

The annual OCCA Howard Cherry Awards are now accepting nominations for Outstanding Board Member, Outstanding Advocate, and Outstanding Administrator. The awards will be presented during the OCCA Conference on November 5 at Sunriver Resort in Sunriver, OR.

All submissions must be made using OCCA's online nomination form no later than August 14. For more information on nomination requirements and submission details, visit OCCA's website: <https://occa17.com/conference/>.

BOARD MEMBER ACTION:

- Consider making a nomination and [submitting it](#) by August 14.

OCCA Digest e-newsletter

The *OCCA Digest* is a monthly e-newsletter that highlights updates during the legislative session, important events, news, and announcements. It is a great way to stay connected with information important to community colleges in Oregon and learn how you can take action to support colleges and students. The newsletter is published the first Thursday of each month, *except during a legislative session, at which time it becomes a weekly publication that comes out*



260 13th Street NE
Salem, OR 97301
503.399.9912
<https://www.occa17.com>

on Thursdays.

To sign up to receive this free e-newsletter, visit <https://occa17.com/resources/newsletter/> and click the “Sign Up” button. The OCCA Digest will come from OCCA Executive Support Specialist Laura Crook at laura@occa17.com, so be sure to add her email to your contacts to ensure the email arrives in your inbox and not your spam folder.

###

The Oregon Community College Association was founded in 1962 with the purpose of providing support to the colleges before policymakers and partners whose actions affect the well-being of community colleges across the state. OCCA represents the 17 publicly chartered community colleges and their locally elected board members. Leading with racial equity, we advocate, communicate, and collaborate to strengthen community colleges for the benefit of Oregonians, particularly those historically underserved or systemically marginalized in higher education. Have questions about OCCA and our work to support Oregon’s community colleges? Contact occa@occa17.com.

CEDR & SBDC



Clatsop
Community
College

Board of Education

BOARD REPORT – September 8, 2026

CEDR

Clatsop Center for Business, Community & Professional Development

Clatsop WORKS & Cooperative Work Experience

CEDR

Submitted by: Kevin Leahy, CEDR Executive Director & CCC Associate Vice-President

- Attended the NW Innovation Hub Regional Partner meeting on 8/3 after a sit-down meeting in Astoria on 7/21 with OEN (Oregon Entrepreneurs Network) Director Cara Turano, Business Oregon Regional Development Officer Melanie Olson and Col-Pac Executive Director Sarah Lu Heath discussing how to make this a strong partnership between CCC & the SBDC.
- Attended the Clatsop WORKS Interns final session on 8/5; each intern gave an oral summary of their internship experience. Every year, this is a highlight!
- Hosted the Child Care Advisory Board Meeting at our South County Center on 8/11.
- Drove to meetings in Columbia County on 8/12 to meet with the NW Innovation Hub key partners mentioned above, as well as Director Jason Moon to further discuss how to collaborate and not duplicate current efforts. Positive meeting.
- Drove to Scappoose on 8/12 after the Innovation Hub meeting to meet with Scappoose City Manager and Community Development Manager to discuss the SBDC client opportunity with Columbia County now that we are servicing that county from Clatsop. They were both very open to the conversation, and Meyer Freeman will be traveling there in September to meet with the direct contact when she returns from maternity leave.
- Attended the Col-Pac Board meeting on 8/13.
- Presented our fall SBDC Boot Camp and SBM programs at the Astoria-Warrenton Chamber monthly meeting on 8/25. Note: Will also be sharing updates and recruiting businesses at the ADHDA meeting on 9/4, hosting “Good Morning Seaside” Seaside Chamber meeting at South County on 9/9, SDDA meeting on 9/10, and am hosting a “Cannon Beach Business Forum” on 9/15 from 4:30-6:00 pm for the Cannon Beach Business Community. This community has not had the number of SBDC business clients it should have over the years, so we are making a special push here. The agenda includes program overviews, a panel discussion led by CEDR Board member and Cannon Beach business leader Tamara Roberts, Q & A, with Food & Beverages provided.

CENTER FOR BUSINESS, COMMUNITY & PROFESSIONAL DEVELOPMENT

- Our fall Start-up Boot Camp will begin on October 20th – we’re looking to have another strong cohort after having 13 take the spring class.
- Attended the Regional Partner meeting with NW Innovation Hub on 8/3
- The first cohort of the HVAC program has concluded. All students who participated in the job shadow placements have completed their assignments.
- Community Education classes for Fall term are open for registrations via CourseStorm.

- All Summer term student registrations for Community Ed and Professional Development have been entered into Colleague
- Working with HR to finalize onboarding new Community Ed instructors for 2026/27

Clatsop WORKS Paid Internship Program & CCC Cooperative Work Experience

Submitted by Misty Bateman, Program Manager

Clatsop WORKS

- Our Clatsop WORKS student internship program set new records this year! We had a record number of registered employers, hiring employers, student applicants, students interviewed, and hired interns:
 - 44 employers registered for SU26 (9 withdrew)
 - 35 employers hired student interns
 - 140 students applied for an internship opportunity
 - Employers sent out 251 interview requests
 - 84% of the applicants were contacted by at least one employer for an interview
 - 60 students were hired (4 withdrew)
 - 56 students completed a paid summer internship (students were from CCC and all five Clatsop County high schools)
- As of now, ten of this summer's student interns have been hired by internship employers for ongoing employment!
- Student interns in the Clatsop WORKS program attended eight Career Exploration / Professional Development sessions over the summer in addition to working their internships. Career Exploration Hosts this year were CCC IdeaLabs, Astoria Aviation, MERTS Maritime, Sou'Wester Lodge & Historic Travel Trailer Resort, ODFW Jewell Wildlife Meadows, and Haystack Rock Awareness Program. At the final session, each intern gave an oral summary of their internship experience.
- I visited each intern at their worksite for a check-in and met with their workplace supervisors to discuss the interns' performance and receive their performance evaluations.

Cooperative Work Experience (CWE)

- We have four students completing CWE280 work experiences this summer term, one in welding with the Port of Astoria boatyard, one in Business/Accounting with Urgent Care NW Astoria, one in Computer Sciences with the CCC Computer Services department, and one in Fire Science with Cannon Beach Fire Dept.
- As of now, I have received one registration for CWE280 for fall term, for an automotive student who will be hosted by Astoria Ford for the work experience.

Foundation



Clatsop
Community
College

Board of Education

Clatsop Community College Foundation

Board of Education Report • August 2026

Updated August 26, 2026

1. Increase Student Access

- **Automotive Employer Workforce Survey — being developed**
 - Once in hand, results will directly shape equipment purchases, which certificates get built first, and who joins the rebuilt Advisory Committee
- **Scholarship Universe — Configuration Continues**
- **Free Bus Access — MOU begins with Fall Term** Year-round, 24/7 access for students and faculty with CCC ID continues countywide via Sunset Empire Transportation District

2. Student Success

- **Roundhouse Foundation CTE Grant — FY 2026–27 Budget Finalized at \$22,500** Fall/Winter/Spring terms at \$7,500 each; funds Maritime, First- and Second-Year Nursing, Historic Preservation & Restoration, Medical Assisting, EMT/Advanced EMT, and Fire Science/Maritime Fire student supply reimbursements
 - Builds on a strong FY 2025–26 close: \$22,253 spent supporting five CTE programs against the award

3. Strengthen Reputation / Community Outreach

- **Maritime Simulator — Industry Coalition Lunch, late August**

4. Increase Organizational Effectiveness

- **Endowment Policy — Complete**
 - Sets a 5% maximum annual distribution, \$25,000 minimum to establish a new endowed fund, UPMIFA-aligned permanent/temporary fund types, and quarterly reporting to the Board
- **Gift Acceptance Policy — Updated Policy**

5. Build & Sustain Partnerships

Grants

- **Roundhouse Foundation — FY 2026–27 Grant Finalized at \$22,500** Maritime, First- and Second-Year Nursing, Historic Preservation, Medical Assisting, EMT/Advanced EMT, and Fire Science/Maritime Fire
- **Murdock Trust** No new development this period; decision still expected September 2026, ongoing Beth/Jarrod stewardship continues

CTE Industry Partnerships

- **Maritime — Industry Leadership Convening late August** The single biggest coalition-building moment yet for the campaign with a finalized guest list spanning industry, elected officials, and education partners
- **Automotive — Employer Survey**
- **Welding — X-tool set up and faculty will be extending offerings**

Alumni

- Friends of the Foundation reactivation remains on track for a Fall 2026 relaunch, per Andrew Fick and Katie Watson's charter work

Communications and Marketing



Clatsop
Community
College

Board of Education

Communications and Marketing Report for Tuesday, Sept 8th, 2026, BOE Meeting

Submitted by Julie Kovatch

Communications – Internal collaborations and messaging to CCC community

- Website-
 - Website use: July 5.4K Aug 8.3K
 - Highest visited pages for month: Homepage, Catalog, Canvas, Employee Portal, Schedules and Calendar, Areas of Study
- Collaborated with Registrar to create CCC Catalog and make ADA accessible.
- Accreditation: Created the initial template for the EIE Accreditation Report along with SharePoint organization for linked documents. Once the content for the report was all in, I then ensured the content was formatted to the NWCCU standards, the links were all correct and working, and the final formatting and layout was done by the deadline of Aug. 14.
- Met with Meyer Freeman of SBDC on his request to talk about promoting “success stories” from the SBDC and if that fits with my efforts to promote student success stories. We are moving forward with a trial of selecting an SBDC story and creating a success story to feature to see how it goes.
- Summer Student Survey was live from Aug. 10-24. Report is being compiled and will be available in September.
- ASG advisor duties: Collaborating with ASG on office changes, new student orientation needs and beginning of fall term activities.

Communications – External collaborations and messaging to public

- Press releases and announcements: Nursing receiving 100% passing rate on NCLEX, Collaboration with OSU using our Living Machine building for worm study, ClatsopWorks successes, HVAC Student Success press release, and Au Naturel submissions and first gallery art show of the year.
- Assisted with getting the required legal notice for the upcoming accreditation visit posted on the website and in the Astorian.
- Astoria Rotary Meeting Presentation at CCC- I arranged for Astoria Rotary to have their meeting up at CCC in the Services Building on July 6th and have a presentation and tour of the new IDEALab space that is open to students and the community. The group had a great time learning about the opportunities
- I interviewed 4 students, 2 industry leaders and the program staff and took photos for a story I created about the HVAC program.
- Movie Director Tour- toured movie director and crew around CCC for possible film locations for an upcoming movie.
- Attended the bi-weekly College Advocacy Coordinator meetings and the monthly Oregon Community College Marketing Public Relations Group meetings. OCCA also held retreats for the CAC and OCCMPR Groups in July but it was during the county fair that I committed the college to having a booth to so I did not attend in person and only made ½ of the meeting via Zoom.
- Attended area community meetings as schedule allowed: AWACC, Rotary, and ADHDA groups.

Communications and Marketing Report for Tuesday, Sept 8th, 2026, BOE Meeting

Submitted by Julie Kovatch

Marketing – Printed Media, Radio, and Publications, Marketing events

- **Coast Guard Welcome Packet** were put together on August 4th. CCC contributed to the packets with a schedule, list of services and some CCC swag. I assisted with the assembly of the 86 packets that will be distributed to the new Coast Guard personnel coming to our area.
- **Fall schedule** print and mailing was completed on July 10th. This is a month sooner than we have published in the past. After discussions with Admissions and Community Education, we determined to up the date of publication to see if early distribution assists late deciders in getting through the admission and registration steps successfully before Fall term starts.
- **Warrenton 4th of July Parade Participation:** CCC participate in the parade with the Maritime Program's Lifeboat as the main float feature. A small group of volunteers decorated it up with garland, flags and inflatable life rings that have our academic programs on them. It was very eye catching and we were honored with the Mayor's Choice Award for our entry.
- **Column Centennial Event:** I organized a booth at the community event for the centennial. Thanks to the Admissions team who staffed it the majority of the day. We set the booth up with prizes and interactive questions to engage with the many attendees. The booth was a hit and we had a steady flow of visitors the entire event that did even include some inquiries into academic programs.
- **Clatsop County Fair:** CCC was a fair sponsor this year which had us promoted on all their advertising and allowed us a booth at the fair. CCC volunteers staffed the booth for 4 days from 11a.m. to 10-p.m. interacting with area residents and engaging with youth, families, alumni, students, and more. Our booth offered informational material but also featured a "spin to win" prize wheel and drawing for a free class. I had the volunteers tally the number of interactions we had at the booth and the **final count was 842!** Thank you to all who volunteered.
- **Astoria Regatta Parade:** I coordinated efforts for CCC to participate in the Astoria Regatta Parade on Aug. 8th. We used the Maritime program lifeboat as our main focus for the float and decorated it in a nautical theme with a nod to the theme of "raised on the river". Thank you to all who participated and showed off their school spirit to our community.
- **Social Media- Audience-**
July #'s-
 - Facebook followers: July-3,807(up 34) Aug- 3,813 (up 6)
 - Instagram Followers: July- 1,516(up 6) Aug- 1,519 (up 3)
 - Organic post views
 - July #'s Facebook: 7.9K Instagram: 5.2K
 - Aug. #'s Facebook: 9.8K Instagram: 1.8K

Events – Recent and Upcoming

- CCC event details and important dates can be seen on the CCC Calendar at:
<http://www.clatsopcc.edu/events/>

Instruction and Student Success



Clatsop
Community
College

Board of Education

September Report to the Board
Office of Instruction and Student Services
Prepared by Provost Teena Toyas: BS, MA
Prepared on August 24, 2026

The September Report to the Board continues to provide updates for the Office of Instruction, Student Services, and Patriot Hall. We are striving to achieve and implement goals across the five priority areas of the Clatsop Community College Strategic Plan.

Strategic Priority I-Improve Student Access

Office of Instruction and Student Services

1. Summer term ended on August 28, 2026, with good enrollment for lower division transfer classes. Fall enrollment in courses is doing well and additional sections of writing have been added to meet enrollment needs.
2. The Dual Credit Team of Teena Toyas and Rinda Johansen met with Warrenton High School's new principal to discuss dual credit courses for the 2026-27 academic year. Course outlines are being sent to high school instructors for the impending dual credit courses. Clatsop will be partnering with Clatskanie, Knappa, Astoria, Warrenton, Jewell, and Seaside for dual and sponsored dual credit courses.
3. We continue to be committed to our partnerships with the various local high schools and provide dual and sponsored dual credit courses to qualifying students.

Strategic Priority II-Increase Student Success

Office of Instruction and Student Services:

1. Director of Admissions and Enrollment, Kasey White, is leading the efforts to prepare for the 2026 New Student Orientation. The event will be on September 15, 2026. We are expecting over 100 students to attend.
2. Student Services is preparing for students to return in the fall. They are relocating First Stop and look forward to assisting students with questions, registrations, and other needs.

Strategic Priority III-Strengthen Our Reputation

Office of Instruction and Student Services

1. Office of Instruction and Student Services staff continue to meet with local high schools and other stakeholders to strengthen our partnerships and collaboration.
2. The Office of Instruction and Student Services staff participated in the 4th of July Parade, the Regatta Parade, Clatsop County Fair, and other community events.

Strategic Priority IV-Increase Organizational Effectiveness

Office of Instruction and Student Services

1. The Office of Instruction and Student Services staff participated in the preparation of the Evaluation of Institutional Effectiveness seven-year accreditation report. The Registrar, Jamie Swick collaborated with Russ Dickerson, Publications and Web Developer and other staff, to prepare and publish the 2026-27 Clatsop academic catalog.

Strategic Priority -Build and Sustain Partnerships

Office of Instruction and Student Services

1. All areas of academic instruction and community education continue to collaborate with stakeholders and community partners to build and sustain collaborative partnerships and opportunities.

2. Patriot Hall continues to provide opportunities for Clatsop academic students, community education students, college staff, and the community at large. Open gym opportunities, which include basketball, pickleball, and volleyball, are scheduled during the week. The facility is open Monday-Thursday, 7:00 AM to 7:00 PM for the summer term and will add one bonus week. When students return to campus September 21, 2026, Patriot Hall will be open 6:30 AM to 8:00 PM Mondays through Fridays and 9:00 AM to 2:00 PM on the weekends..

Summer Activities

- Lead hiring committees for positions related to reorganization, new staff hires will be starting in September.
- Statewide affiliation group participation throughout the summer.
- Evaluation of Institutional Effectiveness report for NWCCU completed and submitted on August 14, 2026.
- Dual Credit work with the Oregon Higher Education Coordinating Commission and local high schools
- Continued planning for the fall 2026 new student orientation on September 15, 2026.
- Annual report information was completed and submitted to NWCCU before the August 1, 2026, deadline.

TRIO Student Support Services (SSS):
(Prepared by Christine Riehl, TRIO SSS Director)

This report demonstrates how TRIO SSS and Advising work aligns with the five areas of the new CCC Strategic Plan.

Improve Student Access

1. Throughout July and August, the advising team has been meeting with new students and helping them register and get ready for the fall quarter. These students have also registered for New Student Orientation, which will be on Sept. 15.
2. The TRIO SSS/Advising staff has been participating in the New Student Orientation (NSO) planning meetings. NSO will be very similar to last year. There will be some small adjustments to the agenda to better serve the new Clatsop students. Orientation will still be focused on initiating a strong relationship between faculty advisors and their new advisees. The agenda will provide time for faculty to meet with their new advisees. Students will have an opportunity to learn and access their student portal and will participate in an in-depth campus tour, a resource fair and attend a free lunch.

Increase Student Retention and Success

1. The TRIO SSS/Advising office has been open throughout the summer providing support to students attending summer quarter classes and registering students for fall quarter.
2. In August the Advising team identified and reached out to all the students that were registered for spring quarter, were not registered for fall quarter and did not graduate.
3. Late spring quarter and throughout the summer the TRIO SSS staff and one of the TRIO student Ambassadors have been working to create events for TRIO SSS participants focusing on community building. These events will occur predominately in the fall quarter with fewer in the winter quarter. The goal is to provide opportunities for TRIO SSS students to get to know each other and to build a sense of belonging and community. We hope this will lead to increased retention and graduation rates for TRIO SSS participants.

Increase Organizational Effectiveness

1. Shaun Ford, one of the TRIO SSS/Advising coordinators has been working on creating "How To" information sheets. These will cover how to register/drop a class, set up direct deposit, what to look for in their financial aid, how to add their cell phone to bandit alerts and how to interpret their Progress (degree audit).

Build and Sustain Academic and Workforce Partnerships

1. TRIO SSS and Advising depend on partnerships throughout the college to best serve students. Throughout summer quarter we:
 - a. Worked closely with the Admissions team to efficiently enroll students in fall quarter.

Nursing, Allied Health, EMT & Fire Science
Report for 09/08/2026 Meeting of the CCC Board of Education
Respectfully submitted by Tina Kotson, AVP Nursing, Allied Health & Public Safety

Priority #1: IMPROVE STUDENT ACCESS:

- **NURSING:** This fall, the Nursing Program is welcoming 24 new students and 3 re-entry students to the first-year cohort as well as 17 returning students to the second-year cohort. This brings the Program to 44 students, on par with the past three academic years. The program will be supported by six full-time and three part-time faculty members as well as our fabulous administrative specialist.
- **NURSING:** 100% of the June 2026 graduates are working RNs, with 90% of them already working as nurses in the local area at CMH, Providence Seaside Hospital, Ocean Beach Hospital, Virtue at the Pointe, Fresenius Dialysis, and Tongue Pointe Job Corp.
- **MEDICAL ASSISTING:** Holly Tumbarello notes that this fall, the MA Program is welcoming its largest class in more than 7 years to campus. Twenty-seven new students have been accepted into the Fall 2026 cohort. Several local healthcare agencies are offering full scholarships to ease the cost of certification.
- **NURSING ASSISTANT:** 10 NA students and five nursing students successfully completed NA training this summer at the college. State testing was arranged to be offered at CCC for interested students to minimize the cost of taking the written and practical exams. Several students have already earned their state certification as Certified Nursing Assistants (CNAs); a handful are working locally at Clatsop Care Health & Rehabilitation.
- **EMT:** As many as 20 potential entry-level students are being onboarded and considered for the 2-part EMT training program that is scheduled this year in fall and winter terms (EMT 151 and 152). Four local EMTs and paramedics, as well as three local emergency physicians, will support these students' learning throughout the training program.
- **FIRE SCIENCE:** The fire science classroom at MERTS is being “retooled” into a Hyflex classroom to better serve students who cannot attend all classes in person. Additionally, the Foundation has identified funding to build a permanent storage unit for fire suits, hoses, and other valuable equipment used to teach firefighting in the Burn Building.
- **RECRUITMENT:** Plans are underway for CCC nursing, MA, and fire science advisors to meet with local high school students interested in healthcare careers this fall, so junior and senior students can plan to take CCC courses alongside high school classes before graduation. With careful planning, former high school students can complete EMT, CNA, or MA programs within one year of graduation and become RNs or firefighters within three years. The long-term goal is to prepare and retain a skilled local workforce to meet the growing healthcare and public safety needs of our community.

Priority #2: INCREASE STUDENT SUCCESS:

- **NURSING:** All six full-time faculty and the Director will be working closely with nearly 150 pre-nursing and nursing advisees to ensure they have access to pertinent student services such as financial aid, counseling, tutoring, accommodations, and the Food Pantry. These supports create a safe learning environment so students can thrive in the academic setting.

Nursing, Allied Health, EMT & Fire Science
Report for 09/08/2026 Meeting of the CCC Board of Education
Respectfully submitted by Tina Kotson, AVP Nursing, Allied Health & Public Safety

- **MEDICAL ASSISTING:** CCC has signed a job-share agreement with CMH that allows a medical assistant from the hospital to serve as an instructional assistant at CCC to support the growing cohort of MA students in skills labs this year. This MA will assist Holly Tumbarello in teaching students essential hands-on skills to ensure safe and competent performance.

Priority #3: STRENGTHEN OUR REPUTATION:

- **FIRE SCIENCE/EMT:** Tony Como continues to coordinate community-based events this summer for local firefighters who must complete annual competency training and practice. Additionally, Tony and our FT fire instructor Wade Mathews, as well as several PT EMT instructors, including Josh Feller, have been fighting wildfires across Oregon all summer as volunteers.
- **NURSING & MEDICAL ASSISTANT:** Holly Tumbarello, Tina Kotson, Kathy Laughman and several nursing and medical assistant students participated in the Regatta Parade. We were part of the larger CCC float and were proud to represent Nursing & Allied Health to our local community.



Priority #4: INCREASE ORGANIZATIONAL EFFECTIVENESS:

- **NURSING:** A systematic evaluation of the first year of the department's Strategic Plan is underway to assess progress toward established goals and priorities. Additionally, faculty are collectively reviewing Program Outcomes in preparation for the upcoming academic year and identifying opportunities for continued improvement.
- **NWCCU Accreditation:** Tina collaborated with CCC leadership to complete the 7-Year NWCCU Accreditation report in preparation for the October visit.
- **NURSING:** The Program has received notification of Candidacy Eligibility from ACEN. This is the first of 4 steps required for national accreditation. During the next year, the department will develop a comprehensive Candidacy Presentation which must be submitted by July 2027.

Priority #5: BUILD & SUSTAIN PARTNERSHIPS:

- **NURSING:** CCC faculty are meeting this summer with nursing leaders at CMH and PSH as well as with several community-based agencies to plan next year's clinical rotations. These collaborative planning sessions ensure that students have opportunities to achieve the required learning outcomes across a variety of healthcare settings as they prepare for graduation.

Human Resources



Clatsop
Community
College

Board of Education

To: **Board of Directors**

Prepared By: Anita Jensen

Date: September 8, 2026

Subject: **New Hires, Job Postings, Separations, Position Changes,
Recruitment News**

NEW HIRES

- **Ryan Waltemate, IT Help Desk Support Specialist**

Ryan Waltemate joins Clatsop Community College with a Bachelor of Science in Computer Science from Oregon State University, completed in June 2026. He brings experience with Windows and Linux environments, networking, databases, programming, and troubleshooting. His technical background includes Python, C/C++, C#, JavaScript, SQL, GitHub, and Visual Studio Code. Ryan has also gained hands-on experience through technical projects involving server configuration, Docker containers, network services, and collaborative software development.

NEW JOB POSTINGS

- Nothing to report.

SEPARATIONS

- Nothing to report.

POSITION CHANGES

- Nothing to report.

RECRUITMENT EFFORT UPDATE STATEMENT

- Maritime Program Specialist – ongoing.

Old Business



Clatsop
Community
College

Board of Education

Draft Board Goals for 2026-27
September 8, 2026

1. Support the Strategic Plan

By June 30, 2027, review at least three updates on progress toward the College's 2025-2030 Strategic Plan.

2. Ensure Fiscal Stewardship

By June 1, 2027, adopt a balanced budget and review regular financial reports to monitor the College's financial health.

3. Participate in Board Development

By July 30, 2027, participate in at least one Board development activity.

4. Support and Evaluate the President

By August 30, 2027, establish annual goals for the President and complete the President's annual evaluation.

5. Communication *(At the August 11 Special Meeting, the Board expressed a desire to include Communication in their goals but did not specify the wording.)*

Old Business

Next Item

President's Proposed Goals 2026-27

Updated, August 2026

1. Accreditation Standards Updates

Goal: By March 2027, the President will present to the Board a written action plan addressing any Recommendations or required follow-up identified by NWCCU following the College's Evaluation of Institutional Effectiveness and outlining the College's transition to the revised 2027 Standards for Accreditation.

(Strategic Priority: Increase Organizational Effectiveness)

2. Financial Sustainability

Goal: By April 2027, the President will propose a balanced budget for FY 2027–28 that includes an ending General Fund balance of at least 12.5% of General Fund operating expenditures, as identified in the College's Strategic Plan (General Fund ending fund balance ÷ General Fund operating expenditures, excluding the ending fund balance, × 100).

(Strategic Priority: Increase Organizational Effectiveness)

3. Enrollment Growth

Goal: By end of academic year 2027, Clatsop Community College will increase full-time equivalent (FTE) enrollment by approximately 3% compared with the prior year.

(Strategic Priorities: 1. Improve Student Access; 2. Increase Student Success)

4. Communication

Goal: By the next annual presidential evaluation, the Board's consensus assessment will indicate that the President met or exceeded expectations for providing relevant, timely, and transparent communication to the Board.

(Strategic Priority: 4. Improve Organizational Effectiveness)

5. Strategic Plan Updates

Goal 5: During FY 2026–27, the President will provide the Board with at least quarterly updates on progress toward the College's Strategic Plan, including updates to key dashboard indicators.

(Strategic Priorities: 1-5. All five priorities)

Old Business

Next Item



August 22, 2026

Jarrold Hogue, President
Clatsop Community College
1651 Lexington Avenue
Astoria, OR 97103

Dear President Hogue:

On behalf of the Board of Education of Clatsop Community College, I am writing to formally summarize our annual performance review for the 2025-2026 academic year and to thank you for your continued dedication and leadership.

The board met in executive session with you on August 11, 2026, to review an evaluation survey by the board and your performance progress of the adopted 2025-2030 Strategic Plan, Vision Fulfillment Mission, and 2025-2026 Presidential Goals.

Impact Summary

- The organization's culture has been noticeably strengthened through the review and streamlining of administrative processes, academic programs, and staffing.
- Addressed key shortfalls to help ensure college maintains accreditation, developed a data dashboard, and implemented results-oriented metrics for strategic planning.
- Highly attentive to the college's fiscal situation, has made necessary (sometimes unpopular) budget reductions when required, focused on long-term sustainability, and developed a balanced 2026-2027 budget.
- Collaborates effectively with other county organizations, and maintains a strong, visible presence both within the college and throughout the community.

Key areas for Development

- Improve communication with the board.
- Clarify the President/Board relationship and respective roles.
- Strengthen accountability for faculty and staff.

- Further expand MERTS and other academic programs while developing effective fundraising strategies and securing matching funds.
- Continue strong fiscal management and focus on accreditation.
- Increase enrollment and public engagement on campus.
- Continue addressing deferred maintenance and ongoing facility's needs.
- Provide more specific, measurable presidential goals with timelines.

We are deeply grateful for your continued commitment to our students, faculty, and the overall mission of Clatsop Community College. You have accomplished a substantial amount in the last two years, and we have confidence in your leadership and your ability to make difficult decisions while moving the college forward. We appreciate your leadership and look forward to partnering with you in the coming year.

Sincerely,

William S. Montero
Chair, Board of Education Clatsop Community College

New Business



Clatsop
Community
College

Board of Education

Evaluation of Institutional Effectiveness (EIE) Visit Schedule

Times are listed in the time zone of the institution being evaluated

Start	End	Team member 1 (Chair)	Team member 2 (Standard 1)	Team member 3 (Standard 1)	Team Member 4 (Standard 2)	Team Member 5 (Standard 2)	NWCCU Liaison
		Day before visit					
4:00p	6:00p	Meeting: Pre-visit meeting Location: Hotel conference room (to be reserved by NWCCU)					
		Day 1					
8:00a	8:15a	Peer evaluation team set up in team room Location: Team room					
8:15a	9:00a	Meeting: Welcome meeting (typically includes breakfast) Attendees: CEO and other institutional invitees Location:					
9:15a	10:00a	Meeting: Mission fulfillment/strategic planning, executive level (1A, 1B) Attendees: CEO, members of leadership team, relevant committee(s) Location:			Meeting: Human resources Attendees: HR director, others as appropriate for employee Location:		Meeting: Attendees: Location:
10:15a	11:00a	Meeting: Strategic/institutional planning, operational level (1B) Attendees: Deans and directors responsible for development and assessment of plans connected to strate Location:			Meeting: Library resources Attendees: Library director/dean, librarians Location:		Meeting: Attendees: Location:
11:15a	12:00p	Meeting: Board of Trustees Attendees: Board member representatives Location:	Meeting: Assessment of institutional effectiveness, student Attendees: Institutional effectiveness leadership, institutional research Location:		Meeting: Facilities Attendees: Facilities director/staff Location:		Meeting: Attendees: Location:
12:00p	12:50p	Lunch					
1:00p	1:50p	Meeting: General education and institutional learning outcome assessment (1C) Attendees: Assessment leadership / committee(s) Location:			Meeting: PRFR Finding(s) Attendees: Relevant to PRFR finding Location:		Meeting: Attendees: Location:
2:00p	2:50p	Meeting: Faculty forum Attendees: Faculty only Location:					
3:00p	3:50p	Meeting: Student learning assessment (1C) Attendees: Representative selection of faculty who participate in assessment of programmatic or instituti Location:			Meeting: PRFR Finding(s) Attendees: Relevant to PRFR finding Location:		Meeting: Attendees: Location:
4:00p	4:50p	Meeting: Team time Location: Team room					

Start	End	Team member 1 (Chair)	Team member 2 (Standard 1)	Team member 3 (Standard 1)	Team Member 4 (Standard 2)	Team Member 5 (Standard 2)	NWCCU Liaison
		Day 2					
8:00a	8:50a	Meeting: ALO meeting Attendees: ALO Location:			Meeting: Site visit(s), if relevant to the institution Location(s):		Meeting: Attendees: Location:
9:00a	9:50a	Meeting: CEO meeting Attendees: CEO Location:	Meeting: Faculty Senate leadership Attendees: Faculty Senate or similar body leadership (regarding govern Location:				Meeting: Attendees: Location:
10:00	10:50	Meeting: Student forum Attendees: Students only					

a	a	Location:					
11:00 a	11:50 a	Meeting: Staff forum Attendees: Employees (should not include individuals in high-level supervisory roles) Location:					
12:00 p	12:50 p	Lunch					
1:00p	1:50p	Meeting: Academic Leadership team Attendees: Academic affairs leadership team Location:			Meeting: Student support, advising, financial aid (1B, 1D) Attendees: Directors/advisors Location:		Meeting: Attendees: Location:
2:00p	2:50p	Meeting: Student affairs leadership Attendee: Student affairs leadership team Location:			Meeting: Student Leadership Attendees: Representatives from Student Leadership Location:		Meeting: Attendees: Location:
3:00p	3:50p	Meeting: Union leadership Attendees: Faculty/classified union leadership, if applicable Location:			Meeting: Distance education Attendees: Individuals who can verify distance education processes Location:		Meeting: Attendees: Location:
4:00p	4:50p	Meeting: Team time Location: Team room					
Start	End	Team member 1 (Chair)	Team member 2 (Standard 1)	Team member 3 (Standard 1)	Team Member 4 (Standard 2)	Team Member 5 (Standard 2)	NWCCU Liaison
Day 3							
8:00a	9:30a	Meeting: Team time Location: Team room					
9:30a	10:15 a	Meeting: Pre-exit meeting with CEO Attendees: CEO					Meeting: Pre-exit meeting with CEO Attendees: CEO
10:30 a	11:00 a	Exit meeting					

New Business

Next Item

Clatsop Community College
Regular Board Meeting
September 8, 2026
Submitted by: Jarrod Hogue

Title: Emergency Board Policies for 1st and 2nd Reading and Adoption

What: BP 3522, Immigration Enforcement Notification and BP 7610 Federal / Out of State Law Enforcement Operations

Why: HB 4138 and HB 4079, passed in 2026, require all public bodies in Oregon to adopt policies related to assistance with federal and out-of-state law enforcement operations. These go into effect on September 30, 2026.

These policies, which the College received from OCCA in late May, were not approved for 1st Reading by the Board Policy Committee in June. Due to the summer break, neither the Board Policy Committee nor the staff and faculty Policies and Procedures Committee has met to review policies or procedures. As this is so time sensitive, the President requests that the Board move on this matter at the September 8 meeting.

Recommended Action: In order to remain compliant with Oregon law, the Board approve BP 3522, Immigration Enforcement Notification and BP 7610 Federal / Out of State Law Enforcement Operations for first and second reading and adoption.

BP 3522 Immigration Enforcement Notification

References:

Chapter 48, Oregon Laws 2026
ORS 180.805
ORS 181A.822

NOTE: This policy is *legally required*.

The Board of Education is committed to a safe and secure work and learning environment for all students and employees. To that end, the **President** shall establish procedures related to confirmed federal immigration enforcement activities on campus in compliance with the requirements of state and federal law.

The **President** shall ensure that the procedures include the designation of the person/persons responsible for confirming the presence of immigration authorities on property owned and controlled by **Clatsop Community College** and providing notice of such activities to students and employees.

The procedures will be posted on the college's website in any languages that are regularly used to communicate effectively with students at the campus and included in any other locations where the college provides information related to immigration or campus emergencies.

Adopted:

NEW 5/26

AP 3522 Immigration Enforcement Notification

References:

Chapter 48, Oregon Laws 2026
ORS 180.805
ORS 181A.822

NOTE: This procedure is *legally required*.

Clatsop Community College shall notify all students, faculty, staff, and other campus community members who work on campus when a federal immigration authority is confirmed to have entered the college's campus for immigration enforcement, to the fullest extent consistent with state and federal law. This procedure establishes a framework for providing such notice.

Designated Official

The **Director of Computer Services and Information Security** or their designee is responsible for:

- Confirming whether a federal immigration authority has entered the campus for purposes of immigration enforcement, and
- Providing notice pursuant to this policy when a federal immigration authority is confirmed to have entered the campus for immigration enforcement.

The **Director of Computer Services and Information Security** or their designee will follow **Clatsop Community College** protocols on notification activities pursuant to this procedure.

Notification Requirements

When a federal immigration authority is confirmed to be on campus for immigration enforcement, notice will be provided to:

- Students enrolled at the campus where the federal immigration authority is present.
- Employees of the campus where the federal immigration authority is present.

The notice must include, at a minimum, the following information:

- The general location of the federal immigration authority on campus.

BOARD POLICY AND PROCEDURE PROGRAM

- Whether classes or campus operations are affected by the presence of the federal immigration authority.

The notice must not disclose personally identifiable information or any other information that may not be legally disclosed. In addition, information disclosed in the notice must not threaten the health or safety of students or employees; or otherwise be prohibited by a court order.

Notice must be provided as expediently as possible using existing methods typically employed by the college to deliver electronic communications.

Notice is not required when a federal immigration authority enters campus solely to accompany a patient for medical care.

Notice is not required when the federal government conducts routine visits regarding compliance with employment laws requiring legal ability to work in the United States or verification of compliance with the Student Exchange Visitor Program (SEVP).

Notice to Individual Students

The Lead Student Services Officer [**insert designated official such as Vice President for Student Affairs**] or their designee is responsible for the following notification:

Unless otherwise prohibited by law or a court order, the college will make reasonable efforts to provide notice to a student when the college has provided information related to that student to a federal immigration authority. Nothing in this notice requirement changes the college's obligations under the Family Educational Rights and Privacy Act (FERPA) or alters its routine compliance with the SEVP.

Training Requirements

Clatsop Community College will provide training at least once every two years to the **Director of Computer Services and Information Security** and their designee, if applicable, including at a minimum information regarding the requirements of this policy, and any applicable model policies published by the Attorney General under ORS 180.810.

Definitions

"Campus" for the purpose of this procedure, means the [**fill in #**] contiguous acres of the **Clatsop Community College** campus, **including the Lexington campus, the MERTS campus and the South County campus** as shown in official **Clatsop**

BOARD POLICY AND PROCEDURE PROGRAM

Community College maps and which may be amended from time to time to include additional acreage.

“Federal immigration authority” means the U.S. Department of Homeland Security, the U.S. Immigration and Customs Enforcement, the U.S. Citizenship and Immigration Services, the U.S. Customs and Border Protection or a successor agency, any other federal immigration agency or official, or any other entity to which a federal immigration agency delegates or assigns the authority to detect, investigate or enforce violations of immigration law.

“Immigration enforcement” means any activity that has as a purpose the apprehension or identification of an individual in order to:

- a. Subject the individual to civil immigration arrest, civil immigration detention, removal or deportation proceedings or removal or deportation from the United States; or
- b. Criminally prosecute the individual for offenses related to federal laws regarding immigration status.

Approved:

NEW 5/26

BOARD POLICY AND PROCEDURE PROGRAM

BP 7610 Federal/ Out-of-State Law Enforcement Operations

References:

Chapter 66, Oregon Laws 2026

NOTE: *This policy is **legally required**. HB 4138 (2026) requires all public bodies in Oregon to adopt policies related to assistance with federal and out-of-state law enforcement operations.*

Except as permitted by state or federal law, **Clatsop Community College** employees and agents are prohibited from intentionally assisting or intentionally cooperating with, or intentionally allowing any time, money, facilities, property, equipment, personnel or other resources to be used to assist, cooperate with or facilitate, any operation executed in whole or in part by a federal law enforcement agency or a law enforcement agency of another state, if the person is aware that the operation is intended to:

- (a) Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business or partnership based on participation in activities protected by Article I, section 8 or 26, of the Oregon Constitution, or the First Amendment to the United States Constitution;
- (b) Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business or partnership based on membership in, or support of a person based on the person's membership in, a class of persons protected under the Oregon or United States Constitution or other state or federal law, including classes based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, disability or age; or
- (c) Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business or partnership based on political, religious or social views, associations or activities.

The **President** shall develop procedures for implementing these restrictions consistent with existing college procedures used to evaluate and respond to external information or assistance requests from outside entities, including governmental requests for information or assistance.

Adopted:

NEW 5/26

BOARD POLICY AND PROCEDURE PROGRAM

AP 7610 Federal/ Out-of-State Law Enforcement Operations

References:

Chapter 66, Oregon Laws 2026

NOTE: *This procedure is **legally required**. HB 4138 (2026) requires all public bodies in Oregon to adopt policies related to assistance with federal and out-of-state law enforcement operations.*

All requests made to **Clatsop Community College** employees for assistance or cooperation by a federal law enforcement agency or a law enforcement agency of another state related to investigating, apprehending or arresting individuals shall be referred to **the President**.

The President will determine the nature of the request for assistance or cooperation and whether the action or conduct requested is required by state or federal law, required by a judicial subpoena issued as part of a court proceeding or other compulsory court-issued process, or relates to the provision of information which is available to the general public and may be provided under the same terms and conditions as the information is available to the public.

All requests for assistance will be evaluated consistent with existing college procedures used to evaluate and respond to external information or assistance requests from outside entities, including governmental requests for information or assistance.

NOTE: *This language is **optional** if the college adopts a process for obtaining an attestation when assisting or cooperating with federal or out-of-state law enforcement agencies.* The college may adopt attestation requirements for assistance or cooperation provided to federal or out-of-state law enforcement agencies unrelated to the prohibitions in state law at its discretion.

Approved:

NEW 5/26

Enrolled House Bill 4138

Sponsored by Representatives CHAICHI, TRAN, Senator MANNING JR, Representatives ANDERSEN, CHOTZEN, JAVADI, MCLAIN, MUNOZ, NELSON, NOSSE, WISE, Senators CAMPOS, FREDERICK, PHAM K, PROZANSKI; Representatives FRAGALA, GAMBA, GOMBERG, GRAYBER, HUDSON, ISADORE, KROPF, MARSH, MCDONALD, NATHANSON, NGUYEN D, RUIZ, SOSA, WALTERS, Senators GELSER BLOUIN, GOLDEN, JAMA, NERON MISSLIN, PATTERSON, REYNOLDS, SOLLMAN (Presession filed.)

CHAPTER

AN ACT

Relating to limitations on the actions of public employees; creating new provisions; amending ORS 399.035; and declaring an emergency.

Whereas the Legislative Assembly affirms that law enforcement agencies in Oregon are committed to the principles of transparency, accountability and public trust; and

Whereas Oregonians expect to feel safe when interacting with law enforcement officials; and

Whereas law enforcement officers rely on trust to build legitimacy within their communities, which is accomplished by allowing the public the ability to identify officers and communicate with them openly; and

Whereas facial coverings and masks, which conceal facial identity and expression, can undermine that trust; and

Whereas interaction with law enforcement officers whose faces are visible can reduce fear and anxiety during stressful encounters; and

Whereas Oregonians expect all law enforcement agencies and officers who operate within this state to abide by the principles of transparency, accountability and public trust; and

Whereas it shall be the policy of the State of Oregon that all law enforcement officers operating in Oregon must not wear masks or any facial coverings, except for specific, limited exceptions including undercover operations, Special Weapons and Tactics (SWAT) operations, fire protection, health and safety and other necessary uses; now, therefore,

Be It Enacted by the People of the State of Oregon:

LAW ENFORCEMENT IDENTIFIABILITY REQUIREMENTS (Identification Requirements)

SECTION 1. (1) A law enforcement agency operating within this state shall ensure that, while on duty and actively engaged in official law enforcement activities, each law enforcement officer wears a uniform clearly and visibly displaying:

- (a) The last name of the officer or a unique identifying number associated with the officer in an agency record;**
- (b) The name of the employing agency; and**
- (c) An officially issued badge.**

- (2) This section does not apply to a law enforcement officer who:
- (a) Is engaged in undercover duties as part of the regular performance of the officer's official duties.
 - (b) Is engaged in security or escort details as part of the regular performance of the officer's official duties.
 - (c) Responds to exigent circumstances, if the officer is responding to those circumstances while off duty.
 - (d) Is a detective assigned to and actively engaged in investigative duties, including interviewing victims and witnesses.
- (3) Nothing in this section preempts a local government from enacting an ordinance requiring law enforcement agencies operating within the local government's jurisdiction to adopt requirements that are more stringent than the requirements of this section, so long as the requirements include the exceptions described in subsection (2) of this section.
- (4) As used in this section:
- (a) "Clearly and visibly displaying" means to wear externally in a size and location such as to be reasonably visible to a member of the public with whom the officer interacts.
 - (b)(A) "Law enforcement activities" means activities involving patrol, investigation, arrest, detention or other direct enforcement of criminal laws.
 - (B) "Law enforcement activities" does not include appearances for testimony, training or community engagement.
 - (c) "Law enforcement agency" includes:
 - (A) A law enforcement agency that employs a peace officer as defined in ORS 133.005.
 - (B) A federal law enforcement agency.
 - (C) A law enforcement agency of another state.
 - (d) "Law enforcement officer" means an individual employed or contracted as an officer of a law enforcement agency.

(Facial Covering Prohibition)

SECTION 2. As used in sections 3 and 4 of this 2026 Act:

- (1)(a) "Facial covering" means any opaque mask, garment, helmet, headgear, balaclava, tactical mask, gaiter, ski mask or other item that conceals or obscures the facial identity of an individual.
- (b) "Facial covering" does not include:
- (A) A medical-grade mask or respirator, including an N95 medical mask, worn to protect against the transmission of disease or infection, or any other mask, helmet or device, including air purifying respirators, full or half masks or self-contained breathing apparatuses, necessary to protect against exposure to any toxin, gas, smoke, flame or extreme or severely inclement weather.
 - (B) A mask, helmet or device, including a self-contained underwater breathing apparatus, for use under water.
 - (C) A motorcycle or bicycle helmet when worn by a law enforcement officer utilizing a motorcycle, bicycle or other vehicle that requires a helmet for safe operation while in the performance of the officer's duties.
 - (D) A fire helmet when worn during an arson investigation.
 - (E) Eyewear necessary to protect the eyes from physical objects or the use of retinal weapons, including lasers.
 - (F) A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with the employing law enforcement agency's policy.
- (2) "Law enforcement agency" includes:
- (a) Any law enforcement agency that employs a peace officer as defined in ORS 133.005.
 - (b) Any federal law enforcement agency.

(c) Any law enforcement agency of another state.

(3) "Law enforcement officer" means an individual employed or contracted as an officer of a law enforcement agency.

SECTION 3. (1) A law enforcement agency operating within this state shall maintain and publicly post a written policy on the use of facial coverings by all sworn law enforcement officers performing official duties for the agency.

(2) The policy must include, at a minimum, the following:

(a) A restriction on the use of facial coverings to specific, clearly defined and limited circumstances;

(b) A requirement that all sworn law enforcement officers performing official duties for the agency not wear a facial covering while performing official duties; and

(c) A list of narrowly tailored exceptions from the facial covering prohibition as described in section 4 (2) of this 2026 Act.

(3) A supervisor may not knowingly allow a law enforcement officer under the supervisor's supervision to violate state law or agency policy limiting the use of facial coverings.

(4) A member of the public, a law enforcement oversight body or a local governing authority may object to a policy adopted under this section, on the grounds that the policy does not conform with the requirements of this section, by submitting a written objection to the head of the law enforcement agency. The agency shall have 180 days to correct any deficiencies in the policy. If, after 180 days, the agency fails to adequately address the objection, the objecting party may seek an injunction against the law enforcement agency, in the circuit court for any county in which an office of the agency is located, to restrain an actual or threatened violation of the requirements of this section.

(5) Nothing in this section or section 4 of this 2026 Act preempts a local government from enacting an ordinance requiring law enforcement agencies operating within the local government's jurisdiction to adopt a policy that is more stringent than the requirements of this section, so long as the policy includes the exceptions from the facial covering prohibition as described in section 4 (2) of this 2026 Act.

SECTION 4. (1) A law enforcement officer may not wear a facial covering that conceals or obscures the officer's facial identity while performing official duties except as described in subsection (2) of this section.

(2) Subsection (1) of this section does not apply to a law enforcement officer:

(a) Engaged in undercover duties in the regular performance of the officer's official duties.

(b) Assigned to a tactical response team, while actively performing tactical duties, if a facial covering is necessary to protect the officer's face from physical harm while performing such duties. For purposes of this paragraph, "tactical response team" includes:

(A) A Special Weapons and Tactics (SWAT) team.

(B) A hazardous device, bomb or explosive ordnance disposal unit.

(C) A chemical, biological, radiological, nuclear or explosive (CBRNE) response unit.

(D) A tactical K-9 unit assigned to support high-risk warrant service, hostage rescue, armed barricade response or active shooter response.

(c) Working in extreme or severely inclement weather, including freezing temperatures, high wind or highly dusty conditions.

(3) Notwithstanding subsection (2) of this section, during any time period in which votes for any state or federal election are being collected or tabulated, a law enforcement officer may not, under any circumstances, wear a facial covering while performing official duties within 250 feet of:

(a) A place of deposit for ballots cast in an election described in ORS 254.470;

(b) A compartment, shelf or table for the marking of ballots described in ORS 254.472;

or

(c) A voting booth provided under ORS 254.474.

SECTION 5. A law enforcement agency, as defined in section 2 of this 2026 Act, operating within this state shall adopt the policy described in section 3 of this 2026 Act no later than 180 days after the effective date of this 2026 Act.

SECTION 6. Section 4 of this 2026 Act becomes operative 180 days after the effective date of this 2026 Act.

ASSISTANCE WITH FEDERAL OR OUT-OF-STATE LAW ENFORCEMENT OPERATIONS

SECTION 7. As used in sections 8 to 10 of this 2026 Act:

(1) “Public body” means a public body, as defined in ORS 174.109, and the Oregon Health and Science University.

(2) “State or local law enforcement agency” means an entity that employs a peace officer as defined in ORS 133.005.

SECTION 8. (1) An employee of a state or local law enforcement agency or any other public body within this state is prohibited from, within the scope of the person’s employment, intentionally assisting a federal law enforcement agency or a law enforcement agency of another state in investigating, apprehending or arresting individuals if the employee knows that the investigation, apprehension or arrest is occurring:

(a) On the basis of an individual’s conduct protected by Article I, section 8 or 26, of the Oregon Constitution, or the First Amendment to the United States Constitution, including speech, expression, association or assembly;

(b) On the basis of an individual’s membership in, or support of another individual based on the other individual’s membership in, a class of persons protected under the Oregon or United States Constitution or other state or federal law, including classes based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, disability or age; or

(c) As part of an unlawful search or seizure or other surveillance activity conducted in violation of Article I, section 9, of the Oregon Constitution, or the Fourth Amendment to the United States Constitution.

(2) The following do not violate subsection (1) of this section:

(a) Any action or conduct required by state or federal law.

(b) Any action or conduct required by a judicial subpoena issued as part of a court proceeding or by another compulsory court-issued legal process.

(c) The provision of information, to the extent that the information is available to the general public and is provided under the same terms and conditions as the information is available to the general public.

SECTION 9. (1) All state or local law enforcement agencies and other public bodies within this state shall establish policies prohibiting any person acting in the person’s capacity as an employee or agent of the agency or public body from intentionally assisting or intentionally cooperating with, or intentionally allowing any time, money, facilities, property, equipment, personnel or other resources to be used to assist, cooperate with or facilitate, any operation executed in whole or in part by a federal law enforcement agency or a law enforcement agency of another state, if the person is aware that the operation is intended to:

(a) Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business or partnership based on participation in activities protected by Article I, section 8 or 26, of the Oregon Constitution, or the First Amendment to the United States Constitution;

(b) Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business or partnership based on membership in, or support of a

person based on the person's membership in, a class of persons protected under the Oregon or United States Constitution or other state or federal law, including classes based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, disability or age; or

(c) Identify, or impose civil or criminal liability upon, any individual, group, association, organization, corporation, business or partnership based on political, religious or social views, associations or activities.

(2) The policies described in this section must be based on existing procedures used by the state or local law enforcement agency or other public body to evaluate and respond to external information or assistance requests from outside entities, including governmental requests for information or assistance.

SECTION 10. (1) Prior to providing assistance or cooperating with, or allowing time, money, facilities, property, equipment, personnel or other resources to be used to assist, cooperate with or facilitate, an operation executed in whole or in part by a federal law enforcement agency or a law enforcement agency of another state, a state or local law enforcement agency or other public body, or an employee or agent of a state or local law enforcement agency or other public body, may obtain from the federal or out-of-state law enforcement agency an attestation, made under penalty of perjury, stating that the request does not relate to an operation or other activity prohibited by section 8 of this 2026 Act or a policy adopted pursuant to section 9 of this 2026 Act.

(2) Notwithstanding section 8 of this 2026 Act or any policy adopted pursuant to section 9 of this 2026 Act, a state or local law enforcement agency or other public body, or an employee or agent of a state or local law enforcement agency or other public body, that provides any assistance or cooperation to a federal law enforcement agency or law enforcement agency of another state, does not violate section 8 of this 2026 Act, or any policy established under section 9 of this 2026 Act, if the assistance or cooperation is provided after receiving an attestation described in subsection (1) of this section.

(3) Nothing in this section requires a state or local law enforcement agency or other public body, or an employee or agent of a state or local law enforcement agency or other public body, to obtain the attestation described in subsection (1) of this section prior to, during or after providing any assistance to or cooperating with a federal law enforcement agency or a law enforcement agency of another state.

SECTION 11. All state or local law enforcement agencies and other public bodies, as those terms are defined in section 7 of this 2026 Act, within this state shall adopt a policy described in section 9 of this 2026 Act no later than 180 days after the effective date of this 2026 Act.

STATUS OF VOLUNTEERS IN CIVIL DEFENSE FORCE

SECTION 12. ORS 399.035 is amended to read:

399.035. (1) In addition to the federally recognized Oregon National Guard subject to call or order to federal service under laws of the United States, there shall be organized within the state a National Guard Reserve force. Such force shall be known as the Oregon Civil Defense Force, and shall be composed principally of officers, warrant officers and enlisted persons not eligible for general service under federal selective service laws.

(2) In time of peace the Oregon Civil Defense Force shall be maintained at cadre strength in numbers to be determined by the Governor.

(3) In time of peace the mission of the Oregon Civil Defense Force shall be to augment the Oregon National Guard as an internal security force. In time of war, it shall replace the Oregon National Guard as a force when the National Guard is ordered into federal service.

(4) Whenever laws of the United States authorize the organization of such forces under federal recognition, the Governor shall promulgate such regulations as are necessary to comply with such federal laws and obtain federal recognition for the force authorized by this section.

(5) Notwithstanding subsections (1) to (4) of this section:

(a) The Superintendent of State Police may form a volunteer Oregon State Police Civil Defense Force for the purpose of providing emergency response and communications, medical assistance, logistical support and other aid authorized by the superintendent. The superintendent, in collaboration with the Adjutant General, may assign delegate members of the Oregon State Police Civil Defense Force to command centers throughout this state.

(b) The sheriff of a county in this state may form a volunteer County Civil Defense Force for the purpose of providing emergency response and communications, medical assistance, logistical support and other aid authorized by the sheriff.

(6) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force must possess and demonstrate experience or training in the military, law enforcement, communications, rescue operations or logistical support.

(7)(a) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force are not, by virtue of volunteering in the force, considered:

(A) Members of the Oregon Civil Defense Force;

(B) Employees or volunteers of the state; **or**

(C) In "state service," as that term is defined in ORS 240.015[; or].

[(D) Agents of a public body under ORS 30.260 to 30.300 (Oregon Tort Claims Act) for the purpose of acts and omissions of the volunteer that are within the course and scope of the volunteer's duties.]

(b) Volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force are agents of a public body under ORS 30.260 to 30.300 for the purpose of acts and omissions of the volunteer that are within the course and scope of the volunteer's duties.

[(b)] (c) Unless entitled to compensation, reimbursement, benefits or coverage under any other provision of law, volunteers in the Oregon State Police Civil Defense Force or a County Civil Defense Force are not entitled to compensation, reimbursement for expenses, workers' compensation or other insurance coverage, public employment benefits or entitlements from the Oregon Military Department, the Oregon Department of Emergency Management or any other state or local agency or government.

CAUSE OF ACTION

SECTION 13. (1) Any person may seek an injunction against a law enforcement agency, as defined in section 1 of this 2026 Act, operating in this state to restrain a threatened or actual violation of section 1, 3, 4 or 5 of this 2026 Act.

(2) Any person may seek an injunction against a public body or a state or local law enforcement agency, as those terms are defined in section 7 of this 2026 Act, operating in this state to restrain a threatened or actual violation of section 8, 9, 10 or 11 of this 2026 Act.

(3) A defendant in an action under this section may assert as a defense that the defendant is or was compelled to provide prohibited information or assistance, including information or assistance as may be required by a judicial subpoena issued as part of a court proceeding or by another compulsory court-issued legal process.

CAPTIONS

SECTION 14. The unit captions used in this 2026 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2026 Act.

EMERGENCY CLAUSE

SECTION 15. This 2026 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect on its passage.

Passed by House February 24, 2026

Received by Governor:

Repassed by House March 6, 2026

.....M.,....., 2026

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2026

.....
Julie Fahey, Speaker of House

.....
Tina Kotek, Governor

Passed by Senate March 5, 2026

Filed in Office of Secretary of State:

.....M.,....., 2026

.....
Rob Wagner, President of Senate

.....
Tobias Read, Secretary of State

Enrolled House Bill 4079

Sponsored by Representative MCDONALD, Senator NERON MISSLIN, Representatives ANDERSEN, CHOTZEN, FRAGALA, RUIZ, Senator FREDERICK; Representatives EVANS, GAMBA, GOMBERG, GRAYBER, HUDSON, JAVADI, KROPF, MARSH, MCLAIN, MUNOZ, NELSON, NGUYEN D, NOSSE, PHAM H, RIEKE SMITH, SOSA, WALTERS, WISE, Senators CAMPOS, GELSER BLOUIN, GOLDEN, PATTERSON, PHAM K, REYNOLDS (Presession filed.)

CHAPTER

AN ACT

Relating to policies for when federal immigration authorities enter public education property; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

- (a) “Community-based service provider” means a person that provides services to students at a school as a contractor, an agent or a volunteer.
- (b) “Federal immigration authority” has the meaning given that term in ORS 180.805.
- (c) “Immigration enforcement” has the meaning given that term in ORS 181A.822.
- (d) “School district” includes a school district, an education service district and a public charter school.

(e) “School district board” includes a school district board, the board of directors of an education service district and the governing body of a public charter school.

(f) “School property” means any real property owned or controlled by or on behalf of a school district that is accessed by students of the school district on a regular basis, as determined by the school district board.

(2) Each school district board shall adopt a policy for providing notice when a federal immigration authority is confirmed to have entered school property for immigration enforcement. The policy must be consistent with applicable model policies published by the Attorney General as provided by ORS 180.810.

(3) The policy adopted under this section must:

(a) Identify at least one administrator for the school district, or at least one designee of the administrator, who shall be designated to:

(A) Confirm that a federal immigration authority has entered school property for immigration enforcement; and

(B) Provide notice when a federal immigration authority is confirmed to have entered school property for immigration enforcement.

(b) Require that, unless otherwise prohibited by law or court order, reasonable efforts are made to provide notice to a student, or to the parent or guardian of a student, when the school district has provided information related to the student to a federal immigration authority.

- (c) Identify which grades of students will receive a notice under this section.
- (d) Provide a process by which a community-based service provider may elect to receive notices under paragraph (e) of this subsection.
- (e) Require that notice that a federal immigration authority is confirmed to be present on school property for immigration enforcement is provided to:
 - (A) Students who attend the school where the federal immigration authority is confirmed to be on school property for immigration enforcement and who are in grades identified in paragraph (c) of this subsection;
 - (B) The parents or guardians of students attending the school where the federal immigration authority is confirmed to be on school property for immigration enforcement;
 - (C) Employees of the school where the federal immigration authority is confirmed to be on school property for immigration enforcement; and
 - (D) Community-based service providers that have elected to receive notice when a federal immigration authority is confirmed to be on school property for immigration enforcement.
- (f) Specify the contents and delivery requirements of the notice required under paragraph (e) of this subsection, including the requirements that the notice:
 - (A) Must include at least the following information:
 - (i) The general location of the federal immigration authority; and
 - (ii) Whether classes or school operations are affected by the presence of the federal immigration authority.
 - (B) May not disclose any of the following information:
 - (i) Personally identifiable information; or
 - (ii) Other information that may not be legally disclosed.
 - (C) May not disclose information when the disclosure:
 - (i) May threaten the health or safety of the students or employees of the school district; or
 - (ii) Is prohibited by a court order.
 - (D) Must be provided as expeditiously as possible by existing methods used for providing electronic communications.
 - (g) Ensure compliance with ORS 180.805 and 181A.826 and any policies adopted based on a model policy published as provided by ORS 180.810.
 - (h) Require that training is provided to any person identified or designated as provided by paragraph (a) of this subsection. The training must, at a minimum:
 - (A) Include information on the requirements of this section and on any applicable model policies published by the Attorney General under ORS 180.810; and
 - (B) Be provided as initial training and then as subsequent training at least once every two years.
 - (i) Require that the policy adopted under this section be made available:
 - (A) In the student handbook; and
 - (B) On the school district's website in culturally appropriate languages that are used to communicate effectively with parents and guardians of students of the school district, as determined by the school district board.
 - (4) For the purpose of ORS 30.265 (5), any officer, employee or agent of a school district is immune from liability for any claim for injury to or death of any person or injury to property resulting from an act or omission made under this section if the act or omission was reasonable and made in good faith.

SECTION 2. (1) As used in this section:

 - (a) "Campus" means real property owned or controlled by an institution of higher education that is accessed by students of the institution of higher education on a regular basis, as identified by the governing board of the institution of higher education.
 - (b) "Federal immigration authority" has the meaning given that term in ORS 180.805.
 - (c) "Governing board" means:

(A) The governing board of a public university listed in ORS 352.002.
(B) The board of education of a community college district.
(C) The Oregon Health and Science University Board of Directors.
(d) "Immigration enforcement" has the meaning given that term in ORS 181A.822.
(e) "Institution of higher education" means a public university listed in ORS 352.002, a community college operated under ORS chapter 341 or the Oregon Health and Science University.

(2) Each governing board shall adopt a policy for providing notice when a federal immigration authority is confirmed to have entered a campus for immigration enforcement. The policy must be consistent with applicable model policies published by the Attorney General as provided by ORS 180.810.

(3) The policy adopted under this section must:

(a) Identify at least one administrator for the institution of higher education, or at least one designee of the administrator, who shall be designated to:

(A) Confirm that a federal immigration authority has entered the campus for immigration enforcement; and

(B) Provide notice when a federal immigration authority is confirmed to have entered the campus for immigration enforcement.

(b) Identify the property that is considered the campus for the purpose of a notice.

(c) Require that, unless otherwise prohibited by law or court order, reasonable efforts are made to provide notice to a student when the institution of higher education has provided information related to the student to a federal immigration authority.

(d) Require that notice that a federal immigration authority is confirmed to be on campus is provided to:

(A) Students enrolled in the institution of higher education at the campus where the federal immigration authority is confirmed to be on campus for immigration enforcement; and

(B) Employees of the campus of the institution of higher education where the federal immigration authority is confirmed to be on campus for immigration enforcement.

(e) Specify the contents and delivery requirements of the notice required under paragraph (d) of this subsection, including the requirements that the notice:

(A) Must include at least the following information:

(i) The general location of the federal immigration authority; and

(ii) Whether classes or campus operations are affected by the presence of the federal immigration authority.

(B) May not disclose any of the following information:

(i) Personally identifiable information; or

(ii) Other information that may not be legally disclosed.

(C) May not disclose information when the disclosure:

(i) May threaten the health or safety of the students or employees of the institution of higher education; or

(ii) Is prohibited by a court order.

(D) Must be provided as expeditiously as possible by existing methods used for providing electronic communications.

(f) Ensure compliance with ORS 180.805 and 181A.826 and any policies adopted based on a model policy published as provided by ORS 180.810.

(g) Require that annual training is provided to any person identified or designated as provided by paragraph (a) of this subsection. The training must, at a minimum, include:

(A) Information on the requirements of this section and on any applicable model policies published by the Attorney General under ORS 180.810.

(B) Initial training, followed by subsequent training at least once every two years.

(h) Require that the policy adopted under this section be made available:

(A) On the websites of the institution of higher education in any languages that are regularly used to communicate effectively with the students of the campus, as determined by the governing board; and

(B) Any other locations where the institution of higher education provides information about immigration or emergencies.

(4) Notwithstanding subsection (3)(d) of this section, notice is not required to be provided when a federal immigration authority has entered campus for the purpose of accompanying a patient whom the federal immigration authority has brought to the campus for the purpose of receiving medical care or treatment.

(5) For the purpose of ORS 30.265 (5), any officer, employee or agent of an institution of higher education is immune from liability for any claim for injury to or death of any person or injury to property resulting from an act or omission made under this section if the act or omission was reasonable and made in good faith.

SECTION 3. No later than October 1, 2026, the Higher Education Coordinating Commission shall submit to the interim committees of the Legislative Assembly related to education a report that summarizes for each institution of higher education the real property that has been identified by the governing board of the institution of higher education as a campus for the purpose of section 2 of this 2026 Act.

SECTION 4. This 2026 Act takes effect on September 30, 2026.

Passed by House February 17, 2026

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Julie Fahey, Speaker of House

Passed by Senate March 2, 2026

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2026

Approved:

.....M.,....., 2026

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2026

.....
Tobias Read, Secretary of State

New Business

Next Item

COMMUNITY COLLEGE RULES OF PROCUREMENT

**EFFECTIVE MARCH 1, 2005, AND
AS
AMENDED AS OF December 3, 2018
AND EFFECTIVE *March 12, 2019*, VERSION 1.8,
THROUGH BOARD RESOLUTION *2018-19-06***

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

BY

**CLATSOP COMMUNITY COLLEGE
THROUGH
BOARD RESOLUTION**

DATED

MARCH 12, 2019

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



TABLE OF CONTENTS

SECTION 100 GENERAL INFORMATION

CCR.102	Purpose and Statutory Authority
CCR.104	Definitions

SECTION 200 PUBLIC CONTRACT SPECIAL PROCUREMENTS AND RULES OF PROCEDURE

GENERAL CONTRACT PROVISIONS

CCR.202	Advertising
CCR.204	Bid Security and Bond Requirements, Waiver of
CCR.205	Cooperative Procurement Participation
CCR.206	Donated Materials and/or Services
CCR.207	Emergency Contracts (Including Oil or Hazardous Material Removal)
CCR.208	Equipment Repair and Overhaul (Including Maintenance Agreements)
CCR.210	Federal Contracts, Purchases under
CCR.212	Intellectual Property (Periodicals/Library Books, Proprietary Software Licenses, Art, and Other Products of the Creative Process)
CCR.216	Life Cycle Costing/Best Value
CCR.218	Perishables (Chemicals, Food, Laboratory Supplies)
CCR.220	Personal Property, Used (Purchase of)
CCR.222	Price Regulated Items (Including Gas, Diesel Fuel, Heating Oil, Lubricants, Asphalts, Distilled Alcohol, Postage, and Certain Utilities)
CCR.226	Requirements Contracts
CCR.228	Resale – Items for
CCR.230	Telecommunications Services

PERSONAL SERVICES CONTRACTING RULES

CCR.250	Personal Services Contracts – General
CCR.260	Solicitation Requirements

PUBLIC IMPROVEMENT CONTRACTS EXCEPTIONS AND EXEMPTIONS

CCR.280	Alternative Contracting Methods
CCR.281	Donated Public Improvements
CCR.282	First-Tier Subcontractors; Disclosure and Substitution
CCR.283	Limited Negotiations with Bidder

SECTION 300 SUPPLEMENTARY PROVISIONS – CONTRACTING RULES

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

(Insert Your Specific 300 section)

Clatsop Community College 300 Section will be amended when BP 6330, Purchasing is adopted and current policy is rescinded.

APPENDIX A: OREGON ATTORNEY GENERAL’S MODEL PUBLIC CONTRACT RULES (OREGON ADMINISTRATIVE RULES), AS EXPRESSLY IDENTIFIED BY RULE NUMBER, AND INCORPORATED HEREIN BY REFERENCE--DIVISIONS 46, 47, 48, AND 49, PREPARED AND MAINTAINED BY THE STATE OF OREGON, DEPARTMENT OF JUSTICE, GENERAL COUNSEL DIVISION, AS AMENDED FROM TIME TO TIME.

Sections 100, 200, and/or 300 (excluding Appendix A), in these Community College Rules of Procurement shall prevail in every instance where there is a conflict or similarity between the Oregon Attorney General’s Model Public Contract Rules, (Appendix A), and these Community College Rules of Procurement, effective March 1, 2005, subsequently reviewed/modified pursuant to ORS 279A.065(5)(b). *Rules from the Oregon Attorney General’s Model Public Contract Rules that have been identified in the Table of Contents herein but which are shown with a line drawn through them have been stricken and have not been adopted by the College.*

DIVISION 46 GENERAL PROVISIONS RELATED TO PUBLIC CONTRACTING

137-046-0100	Content and General Application; Federal Law Supremacy
137-046-0110	Definitions for the Model Rules
137-046-0120	Policy
137-046-0130	Application of the Code and Model Rules; Exceptions
137-046-0200	Notice to Advocate for Minorities, Women and Emerging Small Businesses
137-046-0210	Subcontracting to and Contracting with Emerging Small Businesses; DBE Disqualification
137-046-0300	Preferences for Oregon Goods and Services
137-046-0310	Reciprocal Preferences
137-046-0320	Preference for Recycled Materials
137-046-0400	Authority for Cooperative Procurements
137-046-0410	Responsibilities of Administering Contracting Agencies and Purchasing Contracting Agencies
137-046-0420	Joint Cooperative Procurements
137-046-0430	Permissive Cooperative Procurements
137-046-0440	Advertisements of Intent to Establish Contracts through a Permissive Cooperative Procurement
137-046-0450	Interstate Cooperative Procurements
137-046-0460	Advertisements of Interstate Cooperative Procurements
137-046-0470	Protests and Disputes
137-046-0480	Contract Amendments
137-046-0500	Repealed Rules

DIVISION 47 GENERAL PROVISIONS

137-047-0000	Application
137-047-0100	Definitions
137-047-0250	Methods of Source Selection; Feasibility Determination; Cost Analysis
137-047-0255	Competitive Sealed Bidding
137-047-0257	Multistep Sealed Bidding
137-047-0260	Competitive Sealed Proposals
137-047-0261	Multi-tiered and Multistep Proposals
137-047-0265	Small Procurements
137-047-0270	Intermediate Procurements
137-047-0275	Sole-Source Procurements
137-047-0280	Emergency Procurements
137-047-0285	Special Procurements
137-047-0290	Cooperative Procurements
137-047-0300	Public Notice of Solicitation Documents
137-047-0310	Bids or Proposals are Offers
137-047-0320	Facsimile Bids and Proposals
137-047-0330	Electronic Procurement
137-047-0400	Offer Preparation
137-047-0410	Offer Submission
137-047-0420	Pre-Offer Conferences
137-047-0430	Addenda to Solicitation Document
137-047-0440	Pre-Closing Modification or Withdrawal of Offers
137-047-0450	Receipt, Opening, and Recording of Offers; Confidentiality of Offers
137-047-0460	Late Offers, Late Withdrawals and Late Modifications
137-047-0470	Mistakes
137-047-0480	Time for Agency Acceptance
137-047-0490	Extension of Time for Acceptance of Offer
137-045-0500	Responsibility of Bidders and Proposers
137-047-0525	Qualified Products Lists
137-047-0550	Prequalification of Prospective Offerors; Pre-negotiation of Contract Terms and Conditions
137-047-0575	Debarment of Prospective Offerors
137-047-0600	Offer Evaluation and Award
137-047-0610	Notice of Intent to Award
137-047-0620	Documentation of Award
137-047-0630	Availability of Award Decisions
137-047-0640	Rejection of an Offer
137-047-0650	Rejection of All Offers
137-047-0660	Cancellation of Procurement or Solicitation
137-047-0670	Disposition of Offers if Procurement or Solicitation Canceled
137-047-0700	Protests and Judicial Review of Special Procurements
137-047-0710	Protests and Judicial Review of Sole-Source Procurements
137-047-0720	Protests and Judicial Review of Multiple-Tiered and Multistep Solicitations
137-047-0730	Protests and Judicial Review of Solicitations
137-047-0740	Protests and Judicial Review of Contract Award
137-047-0745	Protest and Judicial Review of Qualified Products List Decisions
137-047-0750	Judicial Review of Other Violations
137-047-0760	Review of Prequalification and Debarment Decisions
137-047-0800	Amendments to Contracts and Price Agreements (<i>see also CCR.302</i>)
137-047-0810	Termination of Price Agreements

DIVISION 48 CONSULTANT SELECTION: ARCHITECTURAL, ENGINEERING AND LAND SURVEYING SERVICES AND RELATED SERVICES CONTRACTS

137-048-0100	Application
137-048-0110	Definitions
137-048-0120	List of Interested Consultants; Performance Record
137-048-0130	Applicable Selection Procedures; Pricing Information, Disclosure of Proposals; Conflicts of Interest

137-048-0200	Direct Appointment Procedure
137-048-0210	Informal Selection Procedure
137-048-0220	Formal Selection Procedure
137-048-0230	Ties Among Proposers
137-048-0240	Protest Procedures
137-048-0250	Solicitation Cancellation Delay or Suspension; Rejection of All Proposals or Responses; Consultant Responsibility for Costs
137-048-0260	Two-Tiered Selection Procedure for Local Contracting Agency Public Improvement Projects
137-048-0270	Price Agreements
137-048-0300	Prohibited Payment Methodology; Purchase Restrictions
137-048-0310	Expired or Terminated Contracts; Reinstatement
137-048-0320	Contract Amendments

DIVISION 49 GENERAL PROVISIONS RELATED TO PUBLIC CONTRACTS FOR CONSTRUCTION SERVICES

137-049-0100	Application
137-049-0110	Policies
137-049-0120	Definitions
137-049-0130	Competitive Bidding Requirement
137-049-0140	Contracts for Construction Other than Public Improvements
137-049-0150	Emergency Contracts; Bidding and Bonding Exemptions
137-049-0160	Intermediate Procurements; Competitive Quotes and Amendments
137-049-0200	Solicitation Documents; Required Provisions; Assignment or Transfer
137-049-0210	Notice and Advertising Requirements; Posting
137-049-0220	Prequalification of Offerors
137-049-0230	Eligibility to Bid or Propose; Registration or License
137-049-0240	Pre-Offer Conferences
137-049-0250	Addenda to Solicitation Documents
137-049-0260	Request for Clarification or Change; Solicitation Protests
137-049-0270	Cancellation of Solicitation Document
137-049-0280	Offer Submissions
137-049-0290	Bid or Proposal Security (<i>see also CCR 204</i>)
137-049-0300	Facsimile Bids and Proposals
137-049-0310	Electronic Procurement
137-049-0320	Pre-Closing Modification or Withdrawal of Offers
137-049-0330	Receipt, Opening and Recording of Offers; Confidentiality of Offers
137-049-0340	Late Bids, Late Withdrawals and Late Modifications
137-049-0350	Mistakes
137-049-0360	First-Tier Subcontractors; Disclosure and Substitution (<i>see also CCR 282</i>)
137-049-0370	Disqualification of Persons
137-049-0380	Bid or Proposal Evaluation Criteria
137-049-0390	Offer Evaluation and Award; Determination of Responsibility
137-049-0395	Notice of Intent to Award
137-049-0400	Documentation of Award; Availability of Award Decisions
137-049-0410	Time for Contracting Agency Acceptance; Extension
137-049-0420	Negotiation with Bidders Prohibited
137-049-0430	Negotiation When Bids Exceed Cost Estimate
137-049-0440	Rejection of Offers
137-049-0450	Protest of Contractor Selection, Contract Award
137-049-0460	Performance and Payment Security; Waiver
137-049-0470	Substitute Contractor
137-049-0490	Foreign Contractor
137-049-0600	Purpose (Alternative Contracting Methods)
137-049-0610	Definitions for Alternative Contracting Methods
137-049-0620	Use of Alternative Contracting Methods
137-049-0630	Findings, Notice and Hearing
137-049-0640	Competitive Proposals; Procedure

137-049-0645	Requests for Qualifications (RFQ)
137-049-0650	Requests for Proposals (RFP)
137-049-0660	RFP Pricing Mechanisms
137-049-0670	Design-Build Contracts
137-049-0680	Energy Savings Performance Contracts (ESPC)
137-049-0690	Construction Manager/General Contractor (CM/GC)
137-049-0800	Required Contract Clauses
137-049-0810	Waiver of Delay Damages Against Public Policy
137-049-0815	BOLI Public Works Bond
137-049-0820	Retainage
137-049-0830	Contractor Progress Payments
137-049-0840	Interest
137-049-0850	Final Inspection
137-049-0860	Public Works Contracts
137-049-0870	Specifications; Brand Name Products
137-049-0880	Records Maintenance; Right to Audit Records
137-049-0890	Contracting Agency Payment for Unpaid Labor or Supplies
137-049-0900	Contract Suspension; Termination Procedures
137-049-0910	Changes to the Work and Contract Amendments

SECTION 100 - GENERAL INFORMATION

Purpose and Statutory Authority

CCR.102

- (1) **Purpose.** These rules prescribe public contract Special Procurements (exemptions), whereby a Local Contract Review Board may approve a special procurement (pursuant to ORS 279B.085), personal services contracting rules, competitive procurement process rules, and supplementary provisions for community colleges, who have formally adopted through board resolution, these Community College Rules of Procurement, hereinafter referred to as Rules or CCRP.
- (2) **Statutory Authority.** These Rules are authorized by Public Contracting Code 279A.050 (*Procurement Authority*), 279A.055 (*Personal Services Contracts*), 279A.060 (*Local Contract Review Boards*), and 279A.070 (*Rules*). All references to PCC shall mean Public Contracting Code as defined in ORS 279A.010(1)(bb). (*Note: Under ORS 279A.065(4), public contracting agencies in Oregon will be operating under the State of Oregon Attorney General's Model Rules unless they have taken special action to opt out and adopt their own contracting rules.*)
- (3) **Participating Oregon Community Colleges.** These Community College Rules of Procurement (CCRP), were drafted through a statewide, collaborative effort by representatives of Participating Oregon Community Colleges (POCC). Pursuant to the POCC participatory agreement, Sections 100 and 200 of the CCRP shall remain unchanged unless modified by the POCC at a later date and subsequently ratified by each institution's Local Contract Review Board. Any member of the POCC that adopts changes to Sections 100 and/or 200 of the CCRP that have not been mutually agreed upon and adopted by all other POCC members, shall by and through its actions, no longer qualify as a member of the POCC cooperative procurement group and shall not represent itself as such.
- (4) **Sustainability Commitment.** In accordance with the Oregon Community College Rules of Procurement, member colleges are committed to the use and purchase of environmentally and socially responsible materials and products, which are fiscally responsible, reduce resource consumption and waste, perform adequately, and promote human health and well-being. Recognizing their regional economic role, colleges shall seek opportunities to educate, encourage, and influence their respective markets by utilizing, where feasible, products and services, including new environmentally preferable products, reusable products, recycled content and recycled products.

* * * * *

Definitions for these Community College Rules of Procurement

CCR.104

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

- (1) **"Addendum" or "Addenda"** means an addition to or deletion from, a material change in, or general interest explanation of a Solicitation Document.
- (2) **"Auxiliary Funds"** means funds intended to be profit making and/or self-sustaining for providing product or services to the College's customers. (See also "Enterprise Funds.") Examples of Auxiliary Fund or Enterprise Fund operations may include: bookstores; food services; printing services; medical/dental/science stores; student automotive and mechanical stores; and miscellaneous student stores for the resale of books and computers for instruction.
- (3) **"Award" or "Intent to Award"** means, as the context requires, either the act or occurrence of the College's identification of the Person with whom the College will enter into a Contract following the resolution of any protest of the College's selection of that Person, and the completion of all Contract negotiations.
- (4) **"Best Value, Arriving at"** means evaluation or assessment of performance factors and other aspects of service and product quality, as well as pricing, which may include, but not be limited to, combinations of quality, services, time, total cost of ownership considerations, and the probability of the Offeror performing the requirements stated in the Solicitation.
- (5) **"Bid"** means a "Written" response to an Invitation to Bid.
- (6) **"Bidding/Proposing Period"** means the span of time between the date of the Solicitation Document and the time and date set for receipt of Offers. The time period shall be stated in the Solicitation Document. Generally a period of fourteen (14) calendar days shall be provided, but in no case shall the time provided be less than five (5) calendar days.
- (7) **"Closing"** means the date and time specified in a Solicitation Document as the deadline for submitting Offers.

- (8.) **“Code”** means the Public Contracting Code, as defined in ORS 279A.010.
- (9.) **“College”** means Community College District or Community College Service District established under ORS chapter 341, hereinafter known as the specific College whose name appears on the Solicitation Document and/or subsequent Contract and whose Local Contract Review Board has adopted by resolution or ordinance these Community College Rules of Procurement.
- (10.) **“Competitive Range”** means the Offerors with whom the College will conduct discussions or negotiations if the College intends to conduct discussions or negotiations in accordance with its own rules.
- (11.) **“Contract”** means a “Public Contract,” as defined in ORS 279A.010(1)(z), a sale or other disposal, or a purchase, lease, rental or other acquisition, by a contracting agency of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement. “Public Contract” does not include grants. The “Contract” includes the College’s Solicitation Document and the accepted portions of a Solicitation Document, whether attached or incorporated by reference, between the College and Contractor describing the work to be done and the obligations of the parties. Depending upon the goods and services being procured, the College may use “Contract” as meaning a purchase order, price agreement, or other contract document in addition to the College’s Solicitation Document and the accepted portions of a Solicitation Document. If the Contract is for a public improvement or public work, the “Contract” may consist of the College’s Solicitation Document, including any addenda, the general and special and/or supplementary conditions or other conditions governing the work, the accepted portions of the Solicitation Document, the performance and payment bond (if required), certificates of insurance, plans, technical specifications, approved shop drawings, Construction Change Directive or written order for a minor change in the Work, Notice of Award, Notice to Proceed, and any contract amendments, including approved change orders.
- (12.) **“Contract Price”** means, as the context requires, (i) the maximum monetary obligation that the College either will or may incur under a Contract, including bonuses, incentives, approved alternates, and contingency amounts, if the Contractor fully performs under the Contract.
- (13.) **“Contract Review Authority”** means the College’s Local Contract Review Board as set forth in ORS 279A.060.
- (14.) **“Contract Value”** - in determining the applicability of dollar threshold requirements for competitive procurements within these Community College Rules of Procurement, “Contract Value” means the gross amount of goods and/or services procured by or for the College and shall take into consideration, but not be limited to, the following elements: (1) Contract Price; (2) total amount estimated to be generated, if contract is anticipated to be revenue generating; (3) economic value, and (4) total estimated expenses incurred for which the College would be required to report to the Internal Revenue Service (e.g., 1099).
- (15.) **“Contractor”** means the Person with whom the College enters into a Contract and shall be synonymous with “Independent Contractor” (i.e., a person or business that provides services to the College in which the College neither controls nor has the right to control the means or manner by which work is performed). The College may control the results of the services, but not control the means or manner of the Contractor’s performance of the Work.
- (16.) **“Cost”** means not only the product price but also other items of expense such as the actual or reasonably estimated costs related to quality or conversion, and may include such actual or estimated items as shipping, delivery, setup, installation, and training.
- (17.) **“Descriptive Literature”** means “Written” information submitted with the Offer that addresses the Goods and Services included in the Offer.
- (18.) **“Disadvantaged Business Enterprise (DBE)”** means a small business concern pursuant to ORS 200.005(1), which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any corporation, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- (19.) **“Effective Date of Contract”** means the date established in the Contract for the Contractor’s work to begin, or the date the Contract has been fully executed and received all required approvals, whichever date is later.
- (20.) **“Electronic Advertisement”** means notice of the College’s request for Offers or Request for Quotes, available over the Internet via (a) The World Wide Web or some other Internet protocol; or (b) the College’s electronic procurement system.
- (21.) **“Electronic Offer”** means a response to the College’s request for Offers or Request for Quotes submitted to the College via email or through the College’s Electronic Procurement System.

- (22.) **“Electronic Procurement System”** means an information system that Persons may access through the Internet, using the World Wide Web or some other Internet protocol, or that Persons may otherwise remotely access using a computer, that enables Persons to send Electronic Offers and the College to post Electronic Advertisements, receive Electronic Offers, and conduct other activities related to a procurement.
- (23.) **“Emergency”** means circumstances that were not reasonably foreseen by the governing body of the College, its President or another officer authorized by the College, and create a substantial risk of loss, damage or interruption of services; a substantial threat to property, public health, welfare or safety of the environment that requires prompt execution of a Contract to remedy the condition or deal with the risk.
- (24.) **“Enterprise Funds”** means funds intended to be profit making and/or self-sustaining for providing product or services to the College’s customers. (See also “Auxiliary Funds.”) Examples of Auxiliary Fund or Enterprise Fund operations may include: bookstores; food services; printing services; medical/dental/science stores; student automotive and mechanical stores; and miscellaneous student stores for the resale of books and computers for instruction.
- (25.) **“Evidence of Competition”** means College documentation demonstrating competitive solicitation of responses/Offer from Person(s) in selecting a Contractor in accordance with the College’s public contracting rules.
- (26.) **“Facsimile”** means electronic equipment that communicates and reproduces both printed and handwritten material.
- (27.) **“Gift”** means something of economic value given to a public official or a relative or member of the household of the public official without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or members of the household of public officials on the same terms and conditions; or for valuable consideration less than that required from others who are not public officials.
- (28.) **“Goods and Services”** or “Goods or Services” have the meaning set forth in ORS 279A.010(1)(j).
- (29.) **“Interstate Agreement”** means any agreement between the College and a unit of local government or state agency of another state.
- (30.) **“Invitation to Bid” (ITB)** means the Solicitation Document issued to invite Offers from prospective Contractors pursuant to either ORS 279B.055 or 279C.335.
- (31.) **“Life Cycle Costing”** means the total cost of ownership, including the total cost of acquiring, operating, maintaining, supporting, and if applicable, disposal.
- (32.) **“Local Contract Review Board” (LCRB)** means the LCRB and/or Board of Education as established by Board resolution or ordinance by each respective College adopting these Community College Rules of Procurement, to serve as its public contract review authority.
- (33.) **“Lowest Responsible Bidder”** as defined in ORS 279A.010(1)(r) means: (a) the lowest bidder whose Offer substantially complies with the requirements and criteria set forth in the Invitation to Bid and with all prescribed public procurement procedures and requirements; or (b) When the Invitation to Bid specifies or authorizes the award of multiple contracts to the responsible bidders, the bidders whose bids substantially comply with the requirements and criteria set forth in the Invitation to Bid and with all prescribed public procurement procedures and requirements and who qualify for the award of a public contract under the terms of the Invitation to Bid. (ORS 279B.055(10); and who has met the standards of responsibility set forth in ORS 279B.110(2) or 279C.375, has not been debarred or disqualified by the College under ORS 279B.130 or 279C.440, and is not on the list created by the Oregon Construction Contractors Board under ORS 701.227, if the advertised contract is a Public Improvement Contract. Depending upon the requirements of the Solicitation Document, “Lowest Responsible Bidder” may also mean one who, in the determination of the Advocate for Minority, Women and Emerging Small Businesses, has undertaken both a policy and practice of actively pursuing participation by minority and women-owned business in all bids, both public and private, submitted by such bidder, pursuant to ORS 200.025 and 200.045, or a business enterprise that is owned or controlled by or that employs a disabled veteran, as defined in ORS 408.225.
- (34.) **“Model Rules”** means the State of Oregon’s Attorney General’s model rules of procedure for Public Contracting, which are set forth in OAR Chapter 137, divisions 46, 47, 48, and 49, and required under ORS 279A.065.
- (35.) **“ORPIN” System:** The on-line electronic Oregon Procurement Information Network (ORPIN) administered through the State Procurement Office of the Procurement, Fleet and Surplus Services Division of the Oregon Department of Administrative Services.
- (36.) **“ORS”** means Oregon Revised Statutes.
- (37.) **“Offer”** means a “Written” offer to provide Goods or Services in response to a Solicitation Document.
- (38.) **“Offeror”** means a Person, who submits an Offer.

- (39.) **“Opening”** means the date, time and place specified in the Solicitation Document for the public opening of Offers.
- (40.) **“PCC”** means Public Contracting Code as it is defined in ORS 279A.010(1)(bb).
- (41.) **“Person”** means any of the following with legal capacity to enter into a Contract: individual, corporation, business trust, estate, trust, partnership, Limited Liability Company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.
- (42.) **“Personal Property”** means everything subject to ownership, which is not real property and has exchangeable value; includes all chattels and movables, such as boats and vessels, merchandise and stock in trade, furniture and personal effects, goods, livestock, vehicles, farming implements, movable machinery, movable tools and movable equipment pursuant to ORS 307.020.
- (43.) **“Personal Services Competitive Solicitation”** means a documented process providing an equal and open opportunity to qualified parties, which culminates in a selection based on criteria that include, but are not limited to, the Contractor’s availability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance and fees or costs.
- (44.) **“Personal Services Contract”** or **“Contract for Personal Services”** means a Contract or member of a class of Contracts for Personal Services, other than a Contract for the services of an Architect, Engineer, Photogrammetrist, Transportation Planner, Land Surveyor or Provider of Related Services as defined in ORS 279C.100 that the College’s Local Contract Review Board has designated as a Personal Services Contract pursuant to ORS 279A.055, whose primary purpose is to acquire specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment, including, without limitation, a Contract for the services of a(n): accountant; physician, dentist or lawyer; educator; information technology professional, travel, banking, investing, collections, or other consultant; broadcaster or artist (including a photographer, filmmaker, painter, weaver, or sculptor). **“Personal Services”** is also defined in ORS 279C.100, and that definition applies only to ORS 279C.100 to 279C.125 for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services or Related Services. Contracts for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, and or Land Surveying Services, and Related Services are designated as a special class of Personal Services Contracts, defined in ORS 279C.100(5). (See also Personal Services Contracting Rules section within these Community College Rules of Procurement for an expanded definition.)
- (45.) **“Personal Services Contractor”** means an Independent Contractor that performs a Contract for Personal Service(s) for the College, when the College has no right to and does not control the means and manner of performing the contract, except as to the delivery schedule, determining compliance with the Statement of Work, and accepting or rejecting the deliverables or results required under the Contract.
- (46.) **“Prequalification of Offeror”** means a process followed by the College, in advance of issuance of Solicitation Documents, to determine the qualifications of prospective Offerors to perform Public Contracts.
- (47.) **“Product Sample”** means the exact Goods or a representative portion of the Goods offered in an Offer, or the Goods requested in the Solicitation Document as a sample.
- (48.) **“Proposal”** means a “Written” response to a Request for Proposals.
- (49.) **“Public Contract”** means a sale or other disposal, or a purchase, lease, rental or other acquisition, by the College of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement. (ORS 279A.010(1)(z)).
- (50.) **“Public Notice”** means a public notice of Solicitation Document that is published electronically or at least once in at least one newspaper of general circulation in the area where the Contract is to be performed, in at least one trade newspaper of statewide circulation if the Solicitation Document is for a public improvement and the Contract has an estimated cost in excess of \$125,000, and in as many additional issues and publications as the College determines is likely to be cost effective.
- (51.) **“Recycled Materials”** means recycled paper (as defined in ORS 279A.010(1)(gg)), recycled PETE products (as defined in ORS 279A.010(1)(hh)), and other recycled plastic resin products and recycled products (as defined in ORS 279A.010(1)(ii)).
- (52.) **“Request for Proposals”** or **“RFP”** means all documents used for soliciting Proposals in accordance with either ORS 279B.060 or 279C.110, where proposal evaluation and contract award is based on criteria such as proposer qualifications and experience, product features and characteristics, service quality and efficiency, and conformance with the specifications and requirements of the Solicitation Document. Price may be evaluation criterion for an RFP, but will not necessarily be the predominant basis for contract award.

- (53.) **“Request for Qualifications”** means a Written document issued by the College, to which Contractors respond in Writing by describing their experience with and qualifications for the Services, Personal Services , or Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, or Land Surveying Services, or Related Services, described in the document.
- (54.) **“Request for Quotations”** means a Written or oral request for prices, rates or other conditions under which a potential Contractor would provide Goods or perform Services, Personal Services or Public Improvements described in the request.
- (55.) **“Requirements Contract”** means a price agreement that constitutes a firm Offer by the Contractor, regardless of whether any order or purchase has been made or any performance has been tendered under the price agreement and is enforceable for the period stated in the price agreement and is not revocable by the Contractor. A price agreement does not constitute an exclusive dealing commitment on the part of the College or the Contractor unless the price agreement expressly so provides. (ORS 279B.140)
- (56.) **“Responsible”** means meeting the standards set forth in OAR 137-047-0640 or 137-049-0390(2), and not debarred or disqualified by the College under OAR 137-047-0575 or 137-049-0370.
- (57.) **“Responsible Offeror”** (also, **“Responsible Bidder”** or **“Responsible Proposer,”** as applicable), means a Person that has submitted an Offer and meets the standards set forth in OAR 137-047-0640 or 137-049-0390(2), and that has not been debarred or disqualified by the College under OAR 137-047-0575 or 137-049-0370. When used alone, **“Responsible”** means meeting the aforementioned standards.
- (58.) **“Responsive Offer”** means, as the context requires, a **Responsive Bid** or **Responsive Proposal**, or other Offer that substantially complies in all material respects with applicable solicitation requirements. When used alone, **“Responsive”** means having the characteristic of substantially complying in all material respects with applicable solicitation requirements.
- (59.) **“Service Contract”** means a Contract that calls primarily for a Contractor’s time and effort rather than for an end product
- (60.) **“Signature”** means any “Written” mark, word or symbol that is made or adopted by a Person with the intent to be bound and that is attached to or logically associated with a “Written” document to which the Person intends to be bound.
- (61.) **Signed”** means, as the context requires, that a “Written” document contains a Signature or that the act of making a Signature has occurred.
- (62.) **“Solicitation”** means: (a) a request by the College for the purpose of soliciting Offers. This request may take the form of an Invitation to Bid, a Request for Proposal, a Request for Quotation, a Request for Qualifications or a similar document; or (b) the process of notifying prospective Offerors that the College requests such Offers; or the Solicitation Document itself.
- (63.) **“Solicitation Document”** means an Invitation to Bid, Request for Proposals, Request for Quotations, or other similar document issued to invite Offers from prospective Contractors pursuant to ORS Chapter 279B or 279C. The following are not Solicitation Documents if they do not invite Offers from prospective Contractors: a Request for Qualifications, a prequalification of bidders, or a request for product prequalification.
- (64.) **“Special Procurement”** means, unless the context requires otherwise, a Class Special Procurement, a Contract-Specific Special Procurement or both (ORS 279B.085). A “Class Special Procurement” means a contracting procedure that differs from the procedures described in ORS 279B.055, 279B.060, 279B.065 and 279B.070 and is for the purpose of entering into a series of contracts over time for the acquisition of a specified class of goods or services (ORS 279B.085(1)(a)). “Contract-Specific Special Procurement” means a contracting procedure that differs from the procedures described in ORS 279B.055, 279B.060, 279B.065 and 279B.070 and is for the purpose of entering into a single contract or a number of related contracts for the acquisition of specified goods or services on a one-time basis or for a single project (ORS 279B.085(1)(b)).
- (65.) **“Specification”** means any description of the physical or functional characteristics, or of the nature of a supply, service or construction item, including any requirement for inspecting, testing or preparing a supply, service or construction item for delivery and the quantities or qualities of materials to be furnished under a Contract. Specifications generally will state the result to be obtained and may, on occasion, describe the method and manner of doing the Work to be performed. Specifications may be incorporated by reference and/or through attachment to the Contract.

- (66.) **“Standard Fee Contract”** means a contract awarded for service to be performed for a standard fee, when the standard fee is established by the College, and a like Contract is available to all qualified applicants.
- (67.) **“Statement of Work”** means a “Written” statement that specifically describes the phases of Work or services, major tasks, or areas of responsibility the Contractor is to perform at a particular site, or within a particular locale during a stated period of time, according to a schedule of delivery. The statement must identify specific objectives that the Contractor is to attain or describe, in detail, and the deliverables that the Contractor is to provide.
- (68.) **Telecommunications”** means 1-way and 2-way transmission of information over a distance by means of electromagnetic systems, electro-optical systems, or both.
- (69.) **“Work”** means the furnishing of all materials, equipment, labor and incidentals necessary to successfully complete any individual item in a Contract or the entire Contract, and successful completion of all duties and obligations imposed by the Contract.
- (70.) **“Writing”** means letters, characters and symbols inscribed on paper by hand, print, type or other method of impression, intended to represent or convey particular ideas or meanings. “Writing,” when required or permitted by law, or required or permitted in a Solicitation Document, also means letters, characters and symbols made in electronic form and intended to represent or convey particular ideas or meanings.
- (71.) **“Written”** means existing in Writing.

**SECTION 200 - PUBLIC CONTRACT SPECIAL
PROCUREMENTS General Contract Special Procurements**

Advertising

CCR.202

The College may purchase advertising regardless of dollar amount without competitive bidding. Where it is determined to be cost effective, the College may publish its public notices electronically, via the college's or other public entity's electronic procurement system or World Wide Web site instead of, or in addition to, a newspaper of general circulation unless otherwise required by law.

Findings of Fact

1. By their nature, media sources are generally unique. Advertisements are placed in a particular source because of the specific audience that source serves.
2. Competition to furnish advertising space in daily newspapers of general, trade, or business circulation in the vicinity of the College is limited.
3. Cost savings are difficult to quantify where the sources are unique and not interchangeable. Where the volume of purchases warrants, the College may enter into advertising contracts in accordance with ORS 279B.065 and ORS 279B.070 whenever possible to maximize savings achieved through economies of scale.
4. Public notices may be advertised electronically and/or in a newspaper of general circulation in an effort to increase exposure and generate more widespread competition, except for public improvement contracts with an estimated cost in excess of \$125,000, which must be published in at least one trade newspaper of general statewide circulation (ORS 279C.360). Cost savings for increased competition are difficult to quantify, but the cost to the College for advertising may be significantly reduced where electronic advertising methods are utilized.

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will result in favoritism in the awarding of public contracts or substantially diminish competition since all vendors, including Oregon businesses, are able to compete (ORS 279B.085(4)(a)), and it will enable the College to promote the public interest (ORS 279B.085(4)(b)(B)), by expediting its procurement processes while maximizing its circulation efforts and notice of bidding opportunities without compromising integrity for cost.

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

* * * * *

Bid Security and Bond Requirements, Waiver of

CCR.204

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

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

- (1) If the contract is for a public improvement or a public work and the amount of the contract does not exceed \$75,000 or another threshold as indicated by rule amendment in Section 300, and the contractor has filed a public works bond with the State of Oregon Construction Contractors Board;
- (2) If the contract is not for a public improvement; or if the contract is for a public improvement that resulted from an alternative contracting method and the contract is only for pre-construction services;
- (3) Where bidders are drawn exclusively from a list of certified Emerging Small Businesses maintained by the Advocate for

Minority, Women and Emerging Small Business enterprise certified under ORS 200.055, or a business enterprise that is owned or controlled by or that employs a disabled veteran, as defined in ORS 408.225, and the College has been provided funds by the legislature for the purpose of assisting Emerging Small Businesses;

- (4) In cases of emergency, or when the interest or property of the College or the public agency or agencies for whose benefit the contract was awarded probably would suffer material injury by delay or other cause and a declaration of such emergency has been made in accordance with rules adopted under ORS 279A.065.

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

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will result in favoritism in the awarding of public contracts or substantially diminish competition since all vendors, including Oregon businesses, are able to compete, it is reasonably expected to result in substantial cost savings to the College or to the public (ORS 279B.085(4)(b)(A)), and it will enable the College to otherwise substantially promote the public interest (ORS 279B.085(4)(b)(B)), by reducing costs of bidding and maximizing participation from Emerging Small Businesses.

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

* * * * *

Cooperative Procurement Participation

CCR.205

Examples of cooperative procurement participation may include, but not be limited to: Oregon Cooperative Purchasing Program (ORCPP), Organization for Educational Technology and Curriculum (OETC), Participating Oregon Community Colleges (POCC), National IPA, E&I Coop, NASPO, and US Communities Government Purchasing Alliance.

Pursuant to ORS 279A.205, 279A.210, 279A.215, and 279A.220, contracting agencies may participate in a joint, permissive, or interstate cooperative procurement and/or subsequent contract award resulting from any solicitation which has been accomplished in compliance with ORS, as if said agencies had generated the solicitation and made the award on their own behalf.

Comment

In general, the results of any solicitation, formal or informal, which has taken place under the requirements of ORS and has resulted in an award, and is current (i.e., not closed, terminated, in abeyance or in default), may be utilized by the College pursuant to ORS 279A.205, 279A.210, 279A.215, and 279A.220. Prior to the College engaging in a cooperative procurement, due diligence must be performed, best practices employed, and factors in the buying decision considered. Examples of these factors include: in-state preferences, legislatively-mandated or LCRB-approved socioeconomic programs that overlay public contracting and accompany the expenditure of public funds; sustainability objectives; administrative resources and capacity; contracting efficiencies; time constraints; member participation costs; and ability to leverage economies of scale.

Conclusion of Compliance with Law

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

* * * * *

Donated Materials and/or Services**CCR.206**

The College may authorize a Person to perform services and/or provide materials regardless of dollar amount, if:

- (1) The Person has agreed to donate all, or a portion of, the materials and/or services necessary to perform the work; and
- (2) The Person enters into a license or agreement with the College whereby the Person agrees to comply with the public contract requirements applicable to the particular project and any requirements that the College deems necessary or beneficial in order to protect the College.

Findings of Fact

1. Students, staff, contractors, and other community groups from time to time offer to donate all or a portion of their professional skilled services and/or materials, to help the College meet its facilities' and/or educational needs. The ability to take advantage of such donated materials and/or services enables the College to use its limited funds in other areas, and frequently results in improvements or services that the College would not otherwise be able to afford. This class special procurement thus has budgetary, operational, and public benefits.
2. This class special procurement enables the College to take advantage of these offers, while continuing to ensure that the requirements of the Public Contracting Code continue to be met.

Conclusion of Compliance with Law

It is unlikely that this class special procurement will encourage favoritism in the award of College Contracts or substantially diminish competition for College Contracts, because it will only apply when a Person donates all or part of the materials and/or services. In many instances, the donations are outside of the competitive market for goods and/or services. In many instances, the donations will enable the College to construct or complete projects that it otherwise would not be able to afford to do, and thus will not displace what would otherwise be a competitively solicited project. This class special procurement also substantially promotes the public interest because award of contracts pursuant to the procurement procedures in ORS Chapter 279B is not practicable in the case of donated goods and/or services.

The use of this class special procurement will result in substantial cost savings to the College, because the College is not required to pay for the goods and/or services if they are donated.

* * * * *

Emergency Contracts (Including Oil or Hazardous Material Removal)**CCR.207**

- (1) Pursuant to the requirements of this rule, the College may, at its discretion, enter into a public contract without competitive solicitation if an emergency exists. Emergency means circumstances that could not have been reasonably foreseen which create a substantial risk of loss, damage, interruption of services or threat to public health, welfare, or safety, and require prompt execution of a contract to remedy the condition (ORS 279A.010(1)(f)).
- (2) Regardless of the dollar value of the contract, when entering into an emergency contract the College shall:
 - (a) Make a written declaration of emergency, including findings describing the emergency circumstances that require the prompt performance of the contract, stating the anticipated harm from failure to establish the contract on an expedited basis; and
 - (b) Encourage competition to the extent reasonable under the circumstances; and
 - (c) Record the measures taken under subsection (b) of this section to encourage competition, the amounts of the bids, quotes or proposals obtained, and the reason for selecting the contractor.
- (3) Pursuant to ORS 279B.080, if an emergency exists as defined in subsection (1) of this rule, the Board of Education, its President, or another officer authorized by the College shall declare the existence of the emergency as required by subsection (2) of this rule, which shall authorize the College to enter into an emergency contract.
- (4) The written declaration of an Emergency and resulting contract are solely entered into at the discretion of the College's President or authorized officer.
- (5) If the total award exceeds the threshold for formal public bidding, the Board shall be notified at its next available public meeting and provided with an opportunity to discuss the emergency, the award, and ratification thereof.
- (6) Oil or Hazardous Material Removal: The College may enter into public contracts without competitive bidding, regardless of dollar amount, when ordered to clean up oil or hazardous waste pursuant to the authority granted the Department of Environmental Quality (DEQ), under ORS 466.605 through 466.680 and such DEQ order necessitates the prompt

establishment and performance of the contract in order to comply with the statutes regarding spill or release of oil or hazardous material that has created an emergency condition. In exercising its authority under this exemption:

(a) The College 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 or services;
- (2) Make written findings describing the circumstances requiring clean up or a copy of the DEQ order ordering such cleanup;
- (3) Record the measures taken under subsection (a) of this section to encourage competition, the amount of the quotes or proposals obtained, if any, and the reason for selecting the contractor selected.

(b) The College shall not contract pursuant to this exemption in the absence of an order from the Department of Environmental

Quality to clean up a site with a time limitation that would not permit hiring a contractor under the usual competitive bidding procedures.

Findings of Fact

1. Under ORS 279B.080, public contracts may be exempted from the requirements of ORS 279B.050 if emergency conditions exist, which require prompt execution of the contract, subject to the additional requirements of ORS 279B.080.
2. ORS 279B.080 allows the Local Contract Review Board to adopt rules to allow the head of the contracting agency or a designated person to declare that an emergency exists and to establish procedures for determining when emergency conditions are present. Subsections (2)(a), (2)(b), and (2)(c) of this rule accomplish this.
3. When DEQ orders a public agency to remove or clean up hazardous material or oil, the public agency must respond within a very short time, which is stated in the DEQ order. This time period does not generally allow the agency to take the time necessary to solicit written bids or proposals for the work to be performed. The College would be liable for any delay in responding to DEQ orders to perform hazardous material removal or clean up.
4. This exemption, as it pertains to subsection (6), will not be used in those situations where there is no DEQ order to remedy the situation. Routine competitive procurement methods will be used where there is no DEQ order to act immediately. The college maintains open lists of vendors, who are interested in providing hazardous materials removal and clean up services. Whenever it needs hazardous material removal or disposal, the College makes use of these lists to solicit quotes, bids, or proposals as needed, in addition to advertising the procurement as required.
5. Cost savings are achieved through this exemption, because the college can be liable for DEQ penalties and fines, if it does not timely remove hazardous materials or oil as ordered. Serious risk in these situations could result in property damage or personal injury, if the College is slow to act.

Conclusion of Compliance with Law

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

It is unlikely that this exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts as required by ORS 279C.335(2)(a). If the College is under DEQ order to act immediately, the College will still attempt to obtain competitive quotes for the work to be performed as it has the ability and time to do so. Unless the College is faced with the quasi-emergency situation of a DEQ order to remove or clean up hazardous waste or oil, it will follow normal competitive procedures to obtain these services. The award of public contracts pursuant to this exemption will likely result in substantial cost savings to the College in these situations, as required by ORS 279C.335(2)(b), because the College must comply with the law and avoid and minimize risk to persons and property. Where possible, the College will seek competitive quotes for the work to be performed and will award the contract to the lowest, responsive and responsible proposer.

* * * * *

Equipment Repair & Overhaul (Including Maintenance Agreements)

CCR.208

- (1) The College may enter into a public contract for equipment repair, maintenance agreements, or overhaul of equipment without competitive bidding, subject to the following conditions:
 - (a) Service and/or parts required are unknown, and the cost cannot be determined without extensive preliminary dismantling or testing; and/or
 - (b) Service and/or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source;
 - (c) Maintenance agreements must be procured from the provider of the equipment and/or software being maintained in order to be valid, preserve warranties, provide the best possible service, or conform to other similar agreements being provided by the same provider for maximizing economy and/or servicing functions;
 - (d) The College shall conduct its procurement for equipment repair, maintenance agreements, or overhaul of equipment pursuant to methods and parameters established in (2) of this rule.
- (2) The following limitations shall apply:
 - (a) At the discretion of the College, if it is practical to competitively procure equipment repair, maintenance agreements, or overhaul of equipment using quotations or other forms of Solicitation Documents then these competitive processes shall be utilized. If not, the file should be documented with the reasons for invoking this exemption from competitive procurement, specifically supporting the impracticality of a competitive procurement.
 - (b) If the contract exceeds or is anticipated to exceed the thresholds for Small or Intermediate Procurements as these thresholds are defined in Section 300, the College shall document in its procurement file the reasons why a competitive procurement process was deemed impractical, and the College may directly enter into the contract.

Findings of Fact

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

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

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will encourage favoritism in the awarding of public contracts or substantially diminish competition and is reasonably expected to result in substantial cost savings to the College for such contracts as required by ORS 279B.085(4), because the dollar amount of the exempted purchase (i.e., Special Procurement), may not exceed the thresholds established in Section 300 for Intermediate Procurements without additional notification and/or approval from the LCRB and/or the College president or the president's designee. Where it is practical, the College will competitively procure equipment repair, maintenance agreements, and overhaul of equipment; where it is impractical, written justification, provided by the department, will become part of the public record of the contract.

The awarding of public contracts pursuant to this exemption is reasonably expected to result in a cost savings to the College, as required by ORS 279B.085(4)(b)(A), because the College incurs direct and indirect costs from the moment equipment breaks down or becomes unusable. This Special Procurement only applies to equipment already owned by the College. Time is of the essence in contracts for equipment repair, maintenance agreements, and equipment overhaul. The College must be

able to purchase necessary services and parts as quickly as possible in order to minimize equipment down time and provide uninterrupted levels of service to support the College's educational initiatives.

* * * * *

Federal Contracts, Purchases under

CCR.210

When the price of goods and services has been established by a contract with the federal government pursuant to a federal contract award, the College may purchase the goods and services in accordance with the federal contract. In exercising this authority under this class special procurement, the College must:

- (1) Include in the contract file a memorandum confirming the federal official who granted permission to the College to purchase under the federal contract; and
- (2) Include documentation in the contract file showing the cost savings to be gained from anticipated purchases from the federal contract.

Findings of Fact

1. Federal contracts for goods and/or services are established by federal agencies with private vendors through competitive processes, which meet the standards of the Public Contracting Code. These processes include open competitive bidding, to which all interested vendors are invited to participate. No Oregon company is excluded from, or disadvantaged in, participation in bidding on federal contracts. Thus the class special procurement has the public benefit of supporting a competitive selection process, while providing the operational and budgetary benefits to the College by avoiding the cost and delay of replicating the solicitation process.
2. The prices or rates for goods and services under federal contracts are based upon competitive bids or proposals. This rule requires the College to document the cost savings to be gained from the anticipated purchase(s) from the federal contract. Documentation might include competitive comparison of previous bid prices obtained from other sources, including local Oregon businesses.
3. This rule requires that the College obtain the permission of both the federal agency and the federal vendor to use the federal contract.

Conclusions of Compliance with the Law:

This class special procurement will not encourage favoritism or substantially diminish competition in the awarding of College contracts. All vendors, including Oregon businesses, are able to compete for the initial federal contract. Also, the College will not use a federal contract without agency and vendor permission.

This special procurement will result in substantial cost savings to the College. Federal contracts are based on competitive bidding, which result in the most advantageous price to the federal agency. Before it makes a purchase from a federal contract, the College will document the cost savings it will achieve by using the contract. These two facts will ensure that the College purchases the desired goods or services at the best price available. Further, by being able to take advantage of a competitive federal procurement, the College saves the cost of needlessly duplicating the solicitation process.

* * * * *

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

CCR.212

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

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

Findings of Fact

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

Conclusion of Compliance with Law

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

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

* * * * *

Life Cycle Costing/Best Value

CCR.216

- (1) In determining the lowest bid or best proposal, in the award of a contract, the College may use the concept of life cycle costing if it complies with section (2) of this rule:
- (2) (a) At the time of writing specifications for the product, the College shall identify those factors which will have cost implications over the life of the product, and which, for evaluation purposes, will be used to adjust the bid or proposal price of the product;
- (b) The solicitation document shall set out clearly the factors and methodology to be used in life cycle cost adjustments; and
- (c) The results of life cycle costing adjustments shall be applied to the bid or proposal price of the product(s) offered, and the bid or proposal that results in the lowest overall ownership cost or "best value" as it is determined by ORS 279A.015(5), taking into account the life cycle costing adjustments, and other aspects of service and product quality, as well as pricing.

Conclusion of Compliance with Law

This rule provides additional parameters for consideration that are complementary to the Public Contracting Code while supporting impartial and open competition. It is not intended to diminish the College's ability to consider other factors when arriving at best value. As such, it is not an exemption or Special Procurement to the competitive bidding requirements of law. It is the policy of the State of Oregon that public contracting activities should provide effective outcomes that represent optimal value to the contracting agency, and to the greatest extent feasible, be consistent with market practices (ORS 279B.010(1)). Consequently, findings otherwise required by law are unnecessary here.

* * * * *

Perishables (Chemicals, Food, Laboratory Supplies)**CCR.218**

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

Comment

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

Findings of Fact

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

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

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will result in favoritism in the awarding of public contracts or substantially diminish competition, since all vendors, including Oregon businesses, are able to compete, it is reasonably expected to result in substantial cost savings to the College (ORS 279B.085(4)(b)(A)), and it will enable the College to otherwise substantially promote the public interest (ORS 279B.085(4)(b)(B)), through expediting its procurement processes without compromising integrity for cost.

* * * * *

Personal Property, Used (Purchase of)**CCR.220**

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

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

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

Comment

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

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

Findings of Fact

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

Conclusion of Compliance with Law

This rule provides additional parameters for consideration that are complementary to the Public Contracting Code while supporting impartial and open competition as much as is practical. It is the policy of the State of Oregon that public contracting activities should provide effective outcomes that represent optimal value to the contracting agency, and to the greatest extent

feasible, be consistent with market practices (ORS 279B.010(1)). Pursuant to ORS 279B.075(1) Used Personal Property may be considered a sole-source procurement, if it is available from only one source; written findings supporting this determination and conclusion shall be made by the College. Findings otherwise required by law to support this Special Procurement are unnecessary here.

* * * * *

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

CCR.222

The College may, without competitive bidding, contract for the direct purchase of goods or services where the rate or price for the goods or services being purchased is established by federal, state, or local regulatory authority (ORS 279A.025(2)(g) and ORS 279A.025(2)(j)). Regardless of whether fuel is price regulated, it may be procured via *spot purchases*, and such purchases may be combined on a single, written agreement such as an open purchase order between the supplier and the College, in an effort to reduce administrative costs to the College. Spot purchases are defined as one-time purchases occasioned by a small requirement (for example, one vehicle's tankful of gasoline), where the purchase is taking advantage of availability and the most favorable market conditions.

Comment

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

Conclusion of Compliance with Law

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

* * * * *

Requirements Contracts

CCR.226

- (1) Requirements contracts, for the purposes of this Rule, mean price agreements, services agreements, and sales that may be established for the purposes of minimizing paper work, achieving continuity of product, securing a source of supply, reducing inventory, combining college requirements for volume discounts, standardization among agencies, and reducing lead time for ordering. The College may enter into requirements contracts whereby it is agreed to purchase supplies and/or services for an anticipated need at a predetermined price provided the contract is let by a competitive procurement process pursuant to the requirements of ORS 279A,B,C and these Rules or is a contract for the procurement of products or services from a qualified nonprofit agency for individuals with disabilities pursuant to ORS 279.850.
- (2) The College may purchase the supplies and/or services from a contractor awarded a requirements contract without first undertaking additional competitive solicitation.
- (3) The term of the contract including renewals, must not exceed the maximum term stated in the original solicitation.

Conclusion of Compliance with Law

This rule provides additional parameters for consideration that are complementary to the Public Contracting Code while supporting impartial and open competition as much as is practical. It is the policy of the State of Oregon that public contracting activities should provide effective outcomes that represent optimal value to the contracting agency, and to the greatest extent feasible, be consistent with market practices (ORS 279B.010(1)). Pursuant to ORS 279A.065(5)(a) and ORS 279A.070, a contracting agency may, in the exercise of authority granted under ORS 279A.050, adopt rules necessary to carry out the provisions of the Public Contracting Code; consequently, findings otherwise required by law are unnecessary when the

College has determined it is in its best interests to purchase supplies and/or services utilizing a competitively procured requirements contract or price agreement.

* * * * *

Resale—Items for

CCR.228

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

Findings of Fact

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

Conclusion of Compliance with Law

It is unlikely that this exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition, and it is reasonably expected to result in substantial cost savings to the College or to the public (ORS 279B.085(4)). Additionally, this Special Procurement will substantially promote the public interest as required by ORS 279B.085(4)(b)(B), in a manner that could not practically be realized under the requirements of ORS 279B.050, 279B.055, 279B.060, 279B.065, 279B.070 (Methods of Source Selection).

* * * * *

Telecommunications Services

CCR.230

- (1) In determining the appropriate procurement method for telecommunications services, the College must determine whether competition exists. The College may consider the following factors:
 - (a) The extent to which alternative providers exist in the relevant geographic and service market. The relevant market will vary with the geographic area and from service category to service category, depending on changes in the regulatory environment and competitive marketplace. Thus, the relevant market will depend on the facts and circumstances of each case. For example, an alternative local access service or private line provider might offer services in Portland, but not in Salem or the rest of the state;
 - (b) The extent to which alternative services offered are comparable or substitutable in technology, service provided, and performance. (For example, if the College requires digital services, analog services are not comparable or substitutable, or if the College requires fiber optic technology, then copper, microwave, or satellite transmission technology may not be comparable or substitutable);
 - (c) The extent to which alternative providers can respond to the College's interests in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management, and limiting College liability. For example, to be considered as the College's telephone long distance provider, any long distance service vendor must be able to meet, support, and interface with the College's centralized automated billing

requirements. The College must document for the record the findings on these factors or any other factors used in determining whether competition exists. In developing its findings, the College may solicit the information either through informal telephone or written contacts or through a formal request for information.

- (2) Upon determining that competition does not exist for the relevant service and geographical area, the College may proceed to secure the service on a sole source basis, as described in these Rules.

Findings of Fact

1. In some cases, the use of competitive procurement processes is either not practicable, advantageous, or in the College's best interest due to unforeseen circumstances, unreasonable costs, difficulty in locating vendors even after extensive searches, or where time constraints occur that are due to circumstances beyond reasonable control.
2. All practical measures will be taken to encourage competition when possible.

Conclusion of Compliance with Law

It is unlikely that this exemption from competitive procurement processes will encourage favoritism in the awarding of public contracts or substantially diminish competition, and it is reasonably expected to result in substantial cost savings to the College or to the public (ORS 279B.085(4)), since it would be an Exception, and would be due to extenuating circumstances. Additionally, this Special Procurement will substantially promote the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, or 279B.070 or under any rules adopted thereunder. (Stat. Auth: ORS 279B.075 and 279B.085, Sole-Source Procurements and Special Procurements, respectively.)

* * * * *

PERSONAL SERVICES CONTRACTING RULES

Personal Services Contracts

CCR.250

I. General

- (1) A Contract for "Personal Services" is a Public Contract that calls for specialized skills, knowledge, and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment. Qualifications and performance history, expertise, knowledge and creativity, and the ability to exercise sound professional judgment are typically the primary considerations when selecting a Personal Services Contractor, with price being secondary.
 - (a) Contracts for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services are designated as a special class of Personal Services Contracts, defined in ORS 279C.100 (5), and that definition applies only to ORS 279C.100 to 279C.125. Contracts for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying Services, or Related Services are not subject to the provisions of rule CCR.250 of the Community College Rules of Procurement, but are, instead, subject to the provisions of Division 48 of the *Oregon Attorney General's Model Public Contract Rules* as adopted by the College, and the Community College Rules of Procurement adopted by the College, excluding rule CCR.250.
- (2) The College may waive the requirement for a competitive selection process and directly negotiate a Personal Services Contract, if the Contract Price is not more than the Minimum Threshold as this threshold is defined in Section 300-Supplementary Provisions. Regardless of the dollar value of the contract, the College may, at its discretion, enter into a Personal Services Contract without complying with formal or informal solicitation requirements if an Emergency, as defined in CCR. 207 exists.
 - (a) Unless there are compelling reasons not to do so, competitive selection processes for Personal Services contractors should take place at intervals not greater than five years after initial completion and acceptance of services.
 - (b) The screening and selection procedures for the award of Personal Services Contracts are governed by ORS 279A.055 and are subject to the competitive procurement provisions of the Personal Services Contracting rules and procedures adopted herein. Every contract for Personal Services shall be based upon these screening and

selection procedures developed by the College. Personal Services Contracts are considered "public contracts" as defined in ORS 279A.010.

- (3) The College may enter into Personal Services Contracts with an independent contractor when:
 - (a) The work to be performed requires specialized skills, knowledge and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic, or management discretion or judgment;
 - (b) The College will not control the means or manner of the contractor's performance, but must rely on the Contractor's specialized skills, knowledge and expertise to accomplish the work. Note: The College's reservation of the right to determine and modify the delivery schedule, evaluate the quality of completed performance, and accept or reject the completed performance does not mean that the College will control the means and manner of performance; and
 - (c) Selecting a Contractor primarily on the basis of qualifications, rather than price, in accordance with the provisions of the Personal Services Contracting Rules and Procedures adopted herein would most likely meet the College's needs and result in obtaining satisfactory contract performance and optimal value for the College.
- (4) Pursuant to ORS 279A.055(2), the College has the authority to designate certain service contracts or classes of service contracts as Personal Services Contracts. Personal Services Contracts may include, but are not limited to, contracts for services performed in a professional capacity such as:
 - (a) Contracts for the services of an accountant;
 - (b) Contracts for the services of an attorney;
 - (c) Contracts for the services of a physician or dentist,
 - (d) Contracts for the services of an information technology consultant,
 - (e) Contracts for the services of a broadcaster;
 - (f) Contracts for services as an artist in the performing or fine arts including, but not limited to, any person identified as a photographer, filmmaker, painter, weaver, or sculptor;
 - (g) Contracts for services that are specialized, creative and research-oriented;
 - (h) Contracts for services as a consultant;
 - (i) Contracts for educational services;
 - (j) Contracts for investment services;
 - (k) Contracts for travel services;
 - (l) Contracts for banking services;
 - (m) Contracts for auditing services;
 - (n) Contracts for student loan and college receivables;
 - (o) Contracts for real estate services (ORS 279A.025(2)(f));
 - (p) Contracts for property management;
 - (q) Contracts for employee benefit insurance (ORS 279A.025(2)(r));
 - (r) Contracts for investments (ORS 279A.025(2)(q)(C));
 - (s) Contracts for energy savings performance contracts (ORS 279C.335(1)(f));
 - (t) Contracts for agents of record (examples where agents of record may be used are advertising, general insurance, sales of surplus property, workers compensation insurance, etcetera);
 - (u) Contracts for speakers, lecturers, and performers;
 - (v) Contracts for human custodial care services;
 - (w) Contracts for food service management;
 - (x) Contracts for telecourse providers;
 - (y) Contracts for actuarial services;
 - (z) Contracts for web design services;
 - (aa) Contracts for branding services;
 - (bb) Contracts for process improvement services;
 - (cc) Contracts for student retention services; and
 - (dd) Contract for Title IX, accessibility, sexual harassment compliance review services.
- (5) Personal Services Contracts do not include:
 - (a) Contracts, even though in a professional capacity, if primarily for equipment, supplies or materials, e.g., a contract to supply all hardware and standard software is not a Personal Services Contract, but a contract with a technology consultant to design or develop a new computer system is a Personal Services Contract;

- (b) Contracts with a temporary service or personnel agency to supply labor, which is of a type that can generally be done by any skilled worker (e.g., janitorial, security guard, crop spraying, laundry, and landscape maintenance service contracts)
- (c) Contracts for services of a trade-related activity, even though a specific license is required to engage in the activity. Examples are repair and/or maintenance of all types of equipment or structures.

II. Screening and Selection Procedures and Assistance

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

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

Conclusion of Compliance with Law

The requirements of this rule ensure that competition will be carefully addressed and protected, if the College finds it is in the public's best interest to competitively procure Personal Services. This rule satisfies the requirements of Oregon Revised Statute ORS 279A.055 wherein the College may enter into Personal Services contracts, subsequent to the Local Contract Review Board's designation of certain service contracts or classes of service contracts as personal services contracts. Consequently, findings otherwise required under ORS 279B.030 are unnecessary here.

* * * * *

Solicitation Requirements

CCR.260

A. General

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

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

B. Formal Selection Procedures

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

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

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

C. Informal Selection Procedures

The College may use an informal selection process to obtain services if the estimated fee or Contract Price is less than the Minimum Threshold for Personal Services Contracts, and the College shall use an informal selection process to obtain services if the estimated fee or Contract Price is more than the Minimum Threshold but less than the Intermediate Threshold for Personal Services Contracts as this threshold is defined in Section 300-Supplementary Provision, unless otherwise exempted.

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

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

D. Selection by Negotiation

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

Conclusion of Compliance with Law

This rule satisfies the requirements of Oregon Administrative Rule 137 chapter 047 wherein the College shall adhere to the informal and formal solicitation requirements. Consequently, findings otherwise required by law are unnecessary here.

* * * * *

PUBLIC IMPROVEMENT CONTRACTS EXCEPTIONS AND EXEMPTIONS

Alternative Contracting Methods

CCR.280

The College may, at its discretion, exempt public improvement contracts from competitive bidding requirements utilizing Alternative Contracting Methods (ORS 279C.335(2)). These innovative contracting methods shall take into account market realities and modern practices that are consistent with the public policy of encouraging competition. Examples of Alternative Contracting Methods are Construction Manager/General Contractor Services (CM/GC), and Design-Build, Energy Savings Performance Contracts and other developing methods including but not limited to "performance contracting", "cost plus time" contracting, and "qualification plus project approach" contracting. .

The College shall adhere to ORS 279C.337 regarding the CM/GC contracting requirements as stated in OAR 137-049-0690.

The College shall prepare written findings that support the use of this exemption from competitive bidding and obtain approval from its Local Contract Review Board. A public hearing shall be held before final adoption (ORS 279C.335(5)) of the exemption. The findings must show compliance with ORS 279C.330, and shall include, but not be limited to, information regarding:

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

Conclusion of Compliance with Law

The College must demonstrate that the use of this exemption is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for such contracts and will likely result in substantial cost savings to the College or the public (ORS 279C.335(2)). The requirements of this rule ensure that competition will be carefully addressed and protected, if the College's Local Contract Review Board finds it is in the public's best interest to use an Alternative Contracting Method. Consequently, findings otherwise required by law are unnecessary here except with regard to those related to CM/GC contracts as required under ORS 279C.337.

* * * * *

Donated Public Improvements

CCR.281

The College may authorize a Person to construct a public improvement without competitive bidding or other competitive process regardless of dollar amount, if:

- (1) The Person has agreed to donate all of the labor, materials and services necessary to construct the public improvement and perform the work; and
- (2) The Person enters into a license or agreement with the College whereby the Person agrees to comply with the public contract requirements applicable to the particular project, requirements of the Public Contracting Code, and any requirements that the College deems necessary or beneficial to protect the College.

Findings of Fact

1. Students, staff, contractors, and other community groups from time to time offer to donate all or a portion of their professional skilled services and/or materials, to help the College meet its facilities' and/or educational needs. The ability to take advantage of such donated materials and/or services enables the College to use its limited funds in other areas, and frequently results in improvements or services that the College would not otherwise be able to afford. This class special procurement thus has budgetary, operational, and public benefits.
2. This exemption enables the College to take advantage of these offers, while continuing to ensure that the requirements of the Public Contracting Code continue to be met.
3. ORS 279A.010 excludes projects for which no funds of a public entity are used from the definition of Public Improvement subject to the Code. This exemption will allow the College to take advantage of donated materials and/or services, where all or part of the project or funds used for the project are donated.

Conclusion of Compliance with Law

It is unlikely that this exemption will encourage favoritism in the award of College Contracts or substantially diminish competition for College Contracts because it will only apply when a Person donates all or part of the materials and/or services. Charitable donations are outside of the competitive market for construction services. In many instances, the donations will enable the College to construct or complete projects that it otherwise would not be able to afford to do, and thus will not displace what would otherwise be a competitively bid project.

The use of this class special procurement will result in substantial cost savings to the College because the College is not required to pay for the goods and/or services if they are donated.

* * * * *

First-Tier Subcontractors; Disclosure and Substitution

CCR.282

This rule amends (i.e., additions are indicated by *italics* and deletions are indicated by a line drawn through the word(s) that has been stricken.), Appendix A of these Community College Rules of Procurement (i.e., State of Oregon, Department of Justice, Model Public Contract Rules effective January 1, 2010, Division 49), as follows:

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

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

Conclusion of Compliance with Law

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

* * * * *

Limited Negotiations with Bidder

CCR.283

I. Definitions

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

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

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

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

II. Limited Negotiations and College’s Cost Estimate

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

III. Negotiation and Award Process

- (1) If the Lowest Responsible Bidder’s Bid exceeds the College’s Cost Estimate, the College may, but shall not be required to, negotiate with the Lowest Responsible Bidder to bring the cost of the project within the College’s Cost Estimate.
- (2) If the College elects to negotiate with the Lowest Responsible Bidder, the College shall give written notice to the Lowest Responsible Bidder of its intent, within ten (10) days of bid Opening. The notice shall include disclosure to the Lowest Responsible Bidder of the College’s Cost Estimate.
- (3) During any such negotiations, the Lowest Responsible Bidder’s bid shall remain firm for the period prescribed in the Bid. At all times until such expiration of the Bid, and notwithstanding the occurrence of negotiations under this rule, the College shall have the right to accept the original Bid.

- (4) Upon and within five (5) days of receipt of the College's notice of intent to negotiate, the Lowest Responsible Bidder and the College's representative shall meet and present to each other, in writing, any proposals either may have for Value Engineering and Other Options to bring the project within the College's Cost Estimate.
- (5) The College and the Lowest Responsible Bidder shall negotiate in good faith regarding value engineering and other options, exerting their best efforts to bring the cost of the project within the College's Cost Estimate.
- (6) If the College and the Lowest Responsible Bidder are able to reach agreement through value engineering and other options to identify measures which bring the project within the college's Cost Estimate, but do not Significantly Change the scope of the project, such value engineering and other options shall be reduced to writing and signed by the Lowest Responsible Bidder as an amendment to its bid and will be incorporated into the Contract at the time of award.
- (7) Upon award, the terms and conditions of the amendment to the Bid shall be made public.
- (8) Any protest of this negotiation process shall be subject to the Protest Process specified in the Invitation to Bid.

Conclusion of Compliance with Law

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

* * * * *

**SECTION 300 SUPPLEMENTARY PROVISIONS –
CONTRACTING RULES**

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

* * * * *

Consultant Selection: Architects, Engineers, Photogrammetrists, Transportation Planners, Land Surveyors, and Providers of Related Services Contracts **CCR.301**

This rule amends (i.e., additions are indicated by *italics* and deletions are indicated by a line drawn through the word(s) that has been stricken.), Appendix A of these Community College Rules of Procurement (i.e., *Oregon Attorney Generals Model Public Contract Rules Division 48*), as amended from time to time), as follows:

OAR 137-048-0200(1)(b) shall be replaced with: “Small Estimated Fee. The Estimated Fee to be paid under the Contract does not exceed \$75,000 \$100,000; or”

OAR 137-048-0200(1)(c) shall be replaced with: “Continuation of Project With Intermediate Estimated Fee. For Contracting Agencies where a Project is being continued, as more particularly described below, and where the Estimated Fee will not exceed \$100,000 ~~\$250,000~~, the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services to be performed under the Contract must meet the following requirements:

(A) The services consist of or are related to Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services that have been substantially described, planned or otherwise previously studied in an earlier Contract with the same Consultant and are rendered for the same Project as the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services rendered under the earlier Contract;

(B) The Estimated Fee to be made under the Contract does not exceed \$100,000

(C) The Contracting Agency used either the formal selection procedure under OAR 137-048-0220 (Formal Selection Procedure) or the formal selection procedure applicable to selection of the Consultant at the time of original selection to select the Consultant for the earlier Contract; or”

OAR 137-048-0200(1)(d) shall be replaced with: “Continuation or Project With Extensive Estimated Fee. For Contracting Agencies where a Project is being continued, as more particularly described below, and where the Estimated Fee is expected to exceed

\$100,000, the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services to be performed under the Contract must meet the following requirements:”

OAR 137-048-0210(1) shall be replaced with: “*The College* may use the informal selection procedure described in this rule to obtain a contract if the Estimated Fee is expected not to exceed \$100,000.”

OAR 137-048-0210(2)(b) shall be replaced with: “Provide a Request for Proposals to a minimum of *three (3)* prospective Consultants drawn from:

(A) Contracting Agency’s list of Consultants that is created and maintained under OAR 137-048-0120 (List of Interested Consultants: Performance Record);

(B) Another Contracting Agency's list of Consultants that is created and maintained under OAR 137-048-0120 (List of Interested Consultants; Performance Record); or

(C) All Consultants that the Contracting Agency reasonably can locate that offer the desired Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services, or any combination of the foregoing."

OAR 137-048-0210(5) shall be replaced with: "*The College* shall terminate the informal selection procedure and proceed with the formal selection procedure under OAR 137-048-0220 if the scope of the anticipated Contract is revised during negotiations so that the Estimated Fee will exceed \$100,000.

Conclusion of Compliance with Law

As this amendment to the Attorney General's Public Contract Rules, 2012, is not a Special Procurement or exemption from the competitive procurement requirements of law, the College has determined that findings of fact are not required. The requirements of this rule ensure that competition will be carefully addressed and protected, if the College finds it is in the public's best interest to competitively procure Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, or Land Surveying Services

or Related Services Contracts. This rule satisfies the requirements of Oregon Revised Statute ORS 279A.055 wherein the College may enter into Personal Services contracts, subsequent to the Local Contract Review Board's designation of certain service contracts or classes of service contracts as personal services contracts, and ORS 279C.105 wherein a Local Contract Review Board shall adopt procedures for the screening and selection of persons to perform those services under ORS 279C.110 or 279C.120. Consequently, findings otherwise required by law are unnecessary here.

* * * * *

Contract Amendments & Reinstatements

CCR.302

A. The College may award an amendment(s) to a Public Contract for additional work or product which is reasonably related to the scope of work under the original contract, including change orders, extra work, field orders, or other changes in the original specifications that increases the original Contract Price subject to the following conditions: (1) Contract amendments must be made in writing;

- (2) Amendments to Contracts must fall within the scope of the original solicitation. Amendments shall not be used to circumvent rules establishing approvals at certain monetary thresholds;
- (3) The original Contract was let by competitive bidding or alternate contracting method or is a Special Procurement that has been exempted from competitive processes;
- (4) Such amendment(s) shall not exceed a total of thirty-three percent (33%) of the original Contract Price for goods and services or twenty-five percent (25%) over the original Contract Price if the Contract is for public improvements, public works, or general trade services and the amount of the amended Contract is defined as a Small or Intermediate Procurement as these thresholds are defined in Section 300, "Public Contracts Under Certain Dollar Amounts," Supplementary Provisions of the Community College Rules of Procurement;
- (5) Such amendment(s) shall not exceed a total of fifty percent (50%) of the original Contract Price, if the original Contract price exceeds the threshold for Intermediate Procurements as this threshold is defined in Section 300, "Public Contracts Under Certain Dollar Amounts," Supplementary Provisions of the Community College Rules of Procurement, and the Contract is for public improvements, public works, or general trade services;
- (6) The Vice President/Chief Financial Officer or designee approves the amendment if the Contract is for a Public Contract, including a Public Contract for a Special Procurement, but may authorize the Director of Capital Projects/Facilities and Operations to approve amendments, if the Contract is for a public improvement, public work, or general trade services Contract.

The "Reinstatement of Expired Contracts" means the action of reinstatement of an expired Contract that was previously properly executed containing all the required approval signatures and following all required procurement processes. The College may approve reinstatement of an expired Contract if the following conditions are met:

- (1) The College determines concisely, in writing, that the failure to extend or renew the Contract in a timely manner was due to unforeseen or unavoidable conditions;
 - (2) The written reinstatement justification is presented to Purchasing for approval within ninety (90) days after expiration of the original Contract; and
 - (3) The reinstatement is exclusively for the purpose of permitting completion of the work or services for no additional compensation; or
 - (a) When the services are of a continuing or repetitive nature, which are compensated at an hourly, daily or similar periodic rate, the reinstatement either:
 - (i) Does not increase the rate of compensation; or
 - (ii) Does not increase the rate of compensation so as to exceed the rate of the increase determined by comparing the Portland, Oregon Metropolitan Area Consumer Price Index (all items), published immediately prior to the date the original contract was established with the same Index published immediately prior to the date of the reinstatement and extension.
 - (4) When a Contract is reinstated pursuant to this Rule, the College may compensate the Contractor, at the rate of compensation established in the original Contract, for work performed in the interim between the expiration of the original Contract and the execution and approval(s) of the extension or amendment.
 - (5) This rule authorizes only one reinstatement of a Contract.
 - (6) No reinstatement of a Contract must modify the original contract except with respect to the time for performance.
 - (7) If the reinstatement of a Contract pursuant to this rule raises the aggregate amount of compensation to a level that requires approval by the Local Contract Review Board, the College must obtain such approval before the extension becomes binding and before any services may be performed under the reinstated contract.
 - (8) Once a Contract is reinstated, it is in full force and effect, as if it had not expired.
- Stat. Auth: ORS 279A.065(5)(a); ORS 279A.070

Conclusion of Compliance with Law

Contracts are living entities. The work they represent is subject to change at any moment; contract amendments record and formalize those changes. Options for change orders are needed for contract administrators and contractors to perform the work in the most efficient manner. As the contract amendment process is not an exemption from the competitive procurement requirements of law, the

College has determined that findings of fact are not required. It is unlikely that this process will encourage favoritism in the awarding of public contracts or substantially diminish competition, and is reasonably expected to result in substantial cost savings to the College or to the public (ORS 279B(4)). Consequently, findings otherwise required by law are unnecessary here.

* * * * *

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

CCR.304

When the College awards a series of small contracts, other than Special Procurements subject to ORS 279B.085, with values less than or equal to \$100,000, intends to award a series of such contracts, or is likely to award a series of such contracts within one fiscal year, the sum of which will, or is likely to, meet or exceed \$100,000, and the Work of which is similar, identical, or within the same operational domain, the College shall submit findings to its Local Contract Review Board to the effect that:

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

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

Conclusion of Compliance with Law

This rule is intended to apply to all goods, services, client services, public improvements, public works, maintenance, repair, supplies, and all other College requirements. Its purpose is to ensure that the College does not intentionally or inadvertently exceed the College's formal competitive procurement threshold requirement of \$100,000 without good cause. As Special Procurements may result in a series of Contracts over time or for multiple projects, and the Cumulative Awards of Small Contracts Rule is not an exemption from the competitive procurement requirements of law, the College has determined that findings of fact are not required.

* * * * *

Educational & Institutional Cooperative Service, Incorporated (E & I)

CCR.306

Competitive procurement need not be used to conduct procurements through the Educational & Institutional Cooperative Service, Incorporated (E & I). The College is a member of this legally established purchasing cooperative through its membership with the National Association of Educational Buyers. To qualify for E & I membership, an organization must be exempt from federal taxes and be one of the following: non-profit college, university, private school, educational organization, hospital, health care group purchasing organization or institution. Purchases through the E & I Cooperative are exempt from competitive processes, regardless of dollar amount, from the requirements of competitive procurement, and the requirements contract provisions.

Findings of Fact

E & I is a member-owned, not for profit cooperative, which provides goods and services, at the best possible value, to its membership of close to 2000 tax-exempt colleges, universities, prep schools, hospitals, medical research colleges and hospital purchasing organizations located throughout the United States. E & I is positioned to aggregate volume and purchase collectively on a national basis. State contracts and local consortia contracts are sometimes not as advantageous to the College because of their limited services and offerings. E & I is leading a concerted effort to conduct competitive bidding in a manner acceptable to a substantial number of the fifty states.

Conclusion of Compliance with Law

It is unlikely that this Special Procurement will result in favoritism in the awarding of public contracts or substantially diminish competition since all vendors, including Oregon businesses, are able to compete, it is reasonably expected to result in substantial cost savings to the College or to the public (ORS 279B.085(4)), and it will enable the College to otherwise substantially promote the public interest (ORS 279B.085(4)(b)(B)), by expediting its procurement processes, eliminating procurement redundancies, and maximizing volume discounts achieved through the College's participation with a nationwide cooperative.

* * * * *

Energy Management Controls Systems

CCR.308

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

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

Conclusion of Compliance with Law

This rule will not encourage favoritism or substantially diminish competition in the awarding of public contracts. An energy management controls system is essentially a system of data processors, input/output devices, field devices (thermostats, terminal control units, etc.), and software that result in energy-saving strategies. This rule provides additional parameters for consideration

that are complementary to the Public Contracting Code where competition does exist. It is not intended to diminish the College's ability to consider other factors or limit fair and open competition when arriving at best value. It is the policy of the State of Oregon that public contracting activities should provide effective outcomes that represent optimal value to the contracting agency, and to the greatest extent feasible, be consistent with market practices (ORS 279B.010(1)).

* * * * *

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

CCR.310

Competitive procurement processes need not be used for the procurement of goods or services when the College makes a determination, based on written findings subject to ORS 279B.075(2), that the goods or services, or class of goods or services, are available from only one source, and the award of the Contract is approved, in writing, by the College's chief financial officer or designee with such determination of sole source being placed on file in the Purchasing office or other designated official location; notification shall subsequently be given to the college's Local Contract Review Board, if the amount of the contract exceeds \$100,000. The College is entitled to negotiate with any sole source Contractor to obtain a favorable price, terms, and/or conditions. This exception may be used for either a Contract or class of goods or services resulting in a series of Contracts, subject to these written findings, without submitting written findings for each subsequent request for a Contract, for no longer than five years, and is to be used infrequently and only when deemed by the chief financial officer or designee to be in the best interest of the College.

Findings of Fact

1. In some cases, the use of competitive procurement processes is either not practicable, advantageous, or in the College's best interest due to unforeseen circumstances, unreasonable costs, difficulty in locating vendors even after extensive searches, or where time constraints occur that are due to circumstances beyond reasonable control.
2. All practical measures will be taken to encourage competition when possible.
3. The chief fiscal officer or designee will report to the Local Contract Review Board the reason(s) that competitive procurement processes were deemed to be impracticable and what steps, where possible, were taken to encourage competition if the acquisition exceeds \$100,000. A copy of the waiver shall be placed on file in the Purchasing office or other designated official location.

Conclusion of Compliance with Law

It is unlikely that this exemption from competitive procurement processes will encourage favoritism in the awarding of public contracts or substantially diminish competition, and it is reasonably expected to result in substantial cost savings to the College or to the public (ORS 279B.085(4)), since it would be an Exception, and would be due to extenuating circumstances. Additionally, this Special Procurement will substantially promote the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, or 279B.070 or under any rules adopted thereunder. (Stat. Auth.: ORS 279B.075 and 279B.085, Sole-Source Procurements and Special Procurements, respectively.)

* * * * *

Personal Services Contracts (CCR.250 Amended)

CCR.312

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

- (2) The College may waive the requirement for a competitive selection process and directly negotiate a Personal Services Contract, if the Contract Price is not more than the Minimum Threshold as this threshold is defined in Section 300-Supplementary Provisions, Rule CCR.312. "Minimum Threshold" means \$75,000; "Intermediate Threshold" means \$100,000. Regardless of the dollar value of the Contract, the College may, at its discretion, enter into a Personal Services Contract without complying with formal or informal solicitation requirements if an Emergency, as defined in CCR.207 exists.
 - (a) Unless there are compelling reasons not to do so, competitive selection processes for Personal Services contractors should take place at intervals not greater than five years.
 - (1) Informal Selection Procedures may be used for contracts less than or equal to the Minimum Threshold (i.e., \$75,000), but are not required to be used for contracts less than or equal to the Minimum Threshold.

- (2) Informal Selection Procedures shall be used for contracts estimated or anticipated to be more than \$75,000, and which are not estimated or anticipated to be more than the Intermediate Threshold (i.e., \$100,000).
- (3) Formal Selection Procedures shall be used for contracts estimated or anticipated to be more than the Intermediate Threshold (i.e., \$100,000), but may be used for contracts of any estimated dollar value if it is deemed to be in the college's best interest.
- (b) The screening and selection procedures for the award of Personal Services Contracts are governed by ORS 279A.055 and are subject to the competitive procurement provisions of the Personal Services Contracting rules and procedures adopted herein. Every contract for Personal Services shall be based upon these screening and selection procedures developed by the College. Personal Services Contracts are considered "Public Contracts" as defined in ORS 279A.010. Pursuant to ORS 279A.010(1)(kk), services designated as "personal services" under ORS 279A.055 are excepted from the definition of "services" and are, therefore, not subject to the Cost Analysis or feasibility determination requirements of ORS 279B.030, 279B.033, or 279B.036.

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

(5) Personal Services Contracts do not include:

- (a) Contracts, even though in a professional capacity, if primarily for equipment, supplies or materials, e.g., a contract to supply all hardware and standard software is not a Personal Services Contract, but a contract with a technology consultant to design or develop a new computer system is a Personal Services Contract;
 - (b) Contracts with a temporary service or personnel agency to supply labor, which is of a type that can generally be done by any skilled worker;
 - (c) Contracts for services of a trade-related activity, even though a specific license is required to engage in the activity. Examples are repair and/or maintenance of all types of equipment or structures;
 - (d) Employees or leased employees, except for those professional/managerial, leased employees retained under contract.
- (6) If the procurement is grant-funded, "Minimum Threshold" means the amount as identified by the grant-funding agency, if the grant-funding agency's threshold requirements are more restrictive than the College's. The College will follow the provisions of Personal Services contracting rules of the grant-funding agency and/or those of the College, or a combination thereof, as identified by the grantor.

Conclusion of Compliance with Law

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

* * * * *

Public Contracts Under Certain Dollar Amounts

CCR.314

- (1) The College shall submit recommendations for contract award to the Local Contract Review Board for contracts greater than \$100,000, subsequent to College policies and procedures contained herein and defined in Appendix A.
- (2) The College may, at its discretion, enter into Public Contracts not to exceed \$100,000 for the purchase of goods, materials, supplies, and services, including contracts for architectural, engineering, photogrammetric mapping, transportation planning, or land surveying services or related services, and public improvements or general trade services, without issuing a formal competitive Solicitation Document, if the College has determined that the awarding of the contract without issuing a formal competitive Solicitation Document will result in cost savings and the following conditions are met:
 - (a) The Contract is for a single project, and is not a component of or related to any other project;
 - (b) Due to the challenges in negotiating favorable or equivalent terms and conditions in the electronic marketplace, securing reasonable assurances regarding ownership/title of property, and the diminished capacity for the College to have recourse in the event the goods and/or services are not as indicated by the seller, procurements conducted via electronic commerce marketplace (e.g., eBay, Amazon, Google Shopping, NexTag, etcetera), are not permitted unless express authorization from the College's Chief Financial Officer or designee has been granted to the College's staff member(s) who is/are requesting to utilize or authorize the use of an auction transaction;

- (c) When the amount of the Contract does not exceed \$10,000, defined herein as a “Small Procurement,” the College shall, where feasible, obtain competitive quotes, unless the contract is for architectural, engineering, photogrammetric mapping, transportation planning, or land surveying services, or related services procedures in which case a Direct Appointment (see Appendix A, 137-048-0200), may be made for contracts with Estimated Fees less than or equal to \$75,000;
 - (d) When the amount of the Contract is more than \$10,000, but less than or equal to \$100,000, defined herein as An “Intermediate Procurement,” and is not for architectural, engineering, photogrammetric mapping, transportation planning, or land surveying services, or related services, the College shall obtain a minimum of three informally solicited competitive quotes. At least one of the three quotes should be obtained from a disadvantaged, minority, women or emerging small business enterprise certified under ORS 200.055 or a business enterprise that is owned or controlled by or that employs a disabled veteran, as defined in ORS 408.225. The College shall keep a written record of the source and amount of the quotes received. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes;
 - (e) The College will abide by ORS 279A.025(4), regarding Qualified Nonprofit Agencies, unless the required goods, materials, supplies or services are unavailable from a Qualified Nonprofit Agency as provided in ORS 279.835 to 279.855;
 - (f) The College shall encourage certified disadvantaged, minority, women-owned or emerging small businesses to participate in its purchasing processes, where applicable, by notifying the Advocate for Minority, Women and Emerging Small Business as required by ORS 200.035; and
 - (g) The goods or services, or class of goods or services, are available from only one source and the determination of a sole source is based upon written findings in accordance with the provisions set forth in ORS 279B.075.
- (3) The College may, at its discretion, enter into Public Contracts not to exceed \$100,000, where competitive procurement processes have been waived pursuant to ORS 279B.075 and/or 279B.085, and the provisions of CCR.310, “Exception (Including Sole Source) – Purchases of Goods or Services through.”
- (4) The College may, at its discretion, enter into Public Contracts for trade-related projects, i.e., construction, maintenance, repair, or similar labor and materials contracts without competitive bidding if the College has determined that the awarding of the Contract without competitive bidding will result in cost savings and the following conditions are met:
- (a) The Contract is for a single project, and is not a component of or related to any other project;
 - (b) When the amount of the Contract does not exceed \$10,000, the College should, where feasible, obtain competitive quotes (ORS 279B.065);
 - (c) When the amount of the Contract is more than \$10,000, but less than or equal to \$100,000 the College shall obtain a minimum of three competitive quotes. The College shall keep a written record of the source and amount of the quotes received. If three quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes;
 - (d) When the Contract is a public improvement Contract of less than or equal to \$100,000, and the bidders are being drawn exclusively from a list of certified emerging small businesses maintained by the Office of Minority, Women and Emerging Small Business, the College may let the Contract without formal competitive bidding after a good faith effort to obtain a minimum of three competitive quotes from Emerging Small Businesses. To obtain maximum exposure for all firms and guard against favoritism, care shall be taken to obtain quotes from different firms each time the list is used. The College shall keep a written record of the source and amount of the quotes received and comply with the requirements, as applicable, of subsection (2)(e) of this rule. A lesser number will suffice provided a written record is maintained of the effort to obtain the quotes; and
 - (e) When the Contract is for a “public improvement” as defined in ORS 279A.010(1)(cc) and/or for “public works” as defined in ORS 279C.800(6), and the Contract Price exceeds \$50,000 but is less than or equal to \$100,000, the College and the contractor shall comply with:
 - (i) The prevailing wage provisions of ORS 279C.800 to 279C.870, when applicable;
 - (ii) The contractor registration requirements of ORS 701; and
 - (iii) Any other law applicable to such a Contract.
- (5) If more than one supplier may be available and the total purchase is estimated to exceed \$100,000, the College shall select a contractor through a formal competitive solicitation process;
- (6) Pursuant to ORS 279C.105, when the Contract is for architectural, engineering, photogrammetric mapping, transportation planning, or land surveying services or related services, and the Estimated Fee is greater than \$100,000, the College shall

screen and select a contractor through a formal competitive solicitation process as these procedures are defined in Appendix A, 137-048-0220, of these Community College Rules of Procurement.

(7) Renegotiated Contracts for Supplies and Services:

The College may renegotiate the terms and conditions, including the Contract Price, of a Contract without additional competition and amend a Contract if it is in the best interest of the College subject to the following conditions:

- (a) The College must determine that, with all things considered, the renegotiated Contract is at least as favorable to the College as the original Contract; and
- (b) The renegotiated Contract will not have a total term greater than allowed in the original Solicitation Document, Contract or approval of a Special Procurement after combining the initial and extended terms. For example, a one-year Contract, renewable each year for up to four additional years, may be renegotiated as a two to five-year Contract, but not beyond a total of five years. Also, if Contracts with a single Contractor are restated as a single Contract, the term of the single Contract may not have a total term greater than any one of the prior Contracts.
- (c) If a Contractor offers a lower price in exchange for a change in term or condition that was expressly rejected in the original solicitation, the amended Contract may be structured with this changed term as an optional, but not as a mandatory Contract term.
- (d) If the Contract is the result of a Cooperative Procurement, the amended Contract must be within the Scope of the Original Contract and may not materially change the terms, conditions, and prices of the Original Contract.

- (8) If the procurement is grant-funded, “Minimum Threshold” means the amount as identified by the grant-funding agency, if the grant-funding agency’s threshold requirements are more restrictive than the College’s. The College will follow the provisions of the Public Contracting rules of the grant-funding agency and/or those of the College, or a combination thereof, as identified by the grantor.

Comment:

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

Conclusion of Compliance with Law

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

* * * * *

Rejection of an Offer

CCR.316

This rule amends (i.e., additions are indicated by *italics* and deletions are indicated by a line drawn through the word(s) that has been stricken.), Appendix A of these Community College Rules of Procurement (i.e., *Oregon Attorney General’s Model Public Contract Rules* Divisions 47 and 49), *as amended from time to time*, follows:

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

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

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

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

* * * * *

Personal Property, Used (Purchase of)

CCR.319

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

For purchases of used personal property or equipment costing \$25,000 or more, the College shall, where feasible, obtain three competitive quotations, unless such comparisons are highly impractical to obtain. Procurement files pertaining to Used Personal Property shall contain documentation of price comparisons and attempts to secure competitive pricing as much as is practical. When the value of any such purchase exceeds the threshold for Intermediate Procurements \$ 5000 but less than or equal to \$100,000, such purchases shall be authorized and/or delegated only by the College Vice President of Administrative Services.

Comment

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

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

Findings of Fact

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

Conclusion of Compliance with Law

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

* * * * *

Special Risk Insurance Policies**CCR.320**

Types of Special Risk Insurance Policies shall include, but not be limited to, policy/policies for: Accidental Death and Dismemberment for Board of Education Travel; Student Athletic Accident and Injury; College Volunteers; Day Care Students; optional Medical coverage for Students; and International Student (federally mandated), coverage. The College may, at its discretion, exempt Special Risk Insurance Policies from competitive bidding requirements, subject to the following conditions:

The College shall take into consideration market realities and determine:

- (a) Whether comparable benefits/services at competitive prices are available;
- (b) Contractor’s ability to assure continuous quality delivery of services;
- (c) If it is cost effective for the College to contract for the direct right for the insurer or the insurer’s agent; and
- (d) If applicable, whether Contractor’s past performance has been satisfactory.

Findings of Fact

- (1) In some cases, the use of a competitive procurement process is either not practicable, advantageous, or in the College’s best interest due to unforeseen circumstances, unreasonable costs, economies of scale, or difficulty in contracting for Special Risk Insurance Policies through the College’s competitively procured Insurance Agent of Record;
- (2) In some cases, the College selects the Contractor and makes available Special Risk Insurance Policies as a courtesy to staff/students, but the insurer/insured relationship is between the staff/student and the Contractor--not the College;
- (3) If competition exists and it is practical and cost effective to solicit quotations, bids, or proposals for Special Risk Insurance Policies, then these procurement methods should be utilized in an effort to obtain best value.

It is unlikely that this Special Procurement will result in favoritism in the awarding of public contracts or substantially diminish competition, and it is reasonably expected to result in substantial cost savings to the College or to the public (ORS 279B.085(4)), since multiple contract awards to independent brokers/agents may result, and it will enable the College to otherwise substantially promote the public interest (ORS 279B.085(4)(b)(B)), by minimizing administrative costs, expediting procurement processes, and maximizing efficiencies. The requirements of this rule ensure that competition will be carefully considered, if the College finds it is in the public’s best interest to competitively procure Special Risk Insurance Policies.

* * * * *

BP 6340 Bids and Contracts

References:

2 Code of Federal Regulations Part 200.318
NWCCU Standard 2.A.26
ORS 279A, ORS 279B, ORS 279C
Community College Rules of Procurement

The Board of Education delegates to the President or designee the authority to enter into contracts on behalf of College and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the entity that exceed \$50,000 shall require prior approval by the Board of Education.
- Bids lower than \$50,000 may be approved by the President or President's designee.
- Bids will be called for on all orders for equipment or supplies and on building additions or construction estimated to equal or exceed the amount set by law requiring public bidding.
- Exceptions include cases where the Board of Education acts in an emergency and follows applicable laws and administrative rules.
- The dollar amounts that determine whether it is necessary to require a bidding process are set by law.
- When bids are required according state bidding laws the President or designee shall award each such contract to the lowest responsible bidder who meets the specifications published by the entity and who shall give such security as state law, or the Board of Education requires or reject all bids.

Opportunity will be provided to all responsible suppliers to do business with the College.

END OF POLICY

President's Cabinet Approval Date:

College Council Approval Date: June 18, 2020

Board Adoption Date: April 13, 2021

Last Revised: April 13, 2021

Rescinds: BP 6340 (adopted May 14, 2019), 3.145

AP 6340 Bids and Contracts

References:

2 Code of Federal Regulations Part 200.318
NWCCU Standard 2.A.26
ORS 279A, 279B
Community College Rules of Procurement (CCRP)
BP 3310 Record Retention and Destruction

The College is a member of the Participating Oregon Community Colleges (POCC) that have adopted on March 112, 2019 the Community College Rules of Procurement (CCRP) and follows those rules related to public contracting and consistent with ORS 279A, and 279B.

Limits

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the \$5,000 will not require documentation of price comparison. A department that historically purchases more than \$5000 in goods from a single vendor during a fiscal year should pursue informal written quotes.
- Purchase of goods or services of \$5,000 to \$49,999 will require documented quotes.
- Purchase of goods or services in excess of \$50,000 will require formal advertised bids.

In securing bids or quotations, the **College** will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that require competitive bidding require approval by the Board of Education prior to award.

Bid Specifications

Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, or texture of what is specified, and minimum standards of efficiency, durability, or utility required of what is specified.

Procurement of Product or Service from Qualified Rehabilitation Facility (QRF)

The College shall procure the product or service from a qualified nonprofit agency for individuals with disabilities, if the product or service is of the appropriate specifications and is available within the period the public agency requires.

Notice Calling for Formal Advertised Bids

All bid opportunities will be posted to the Oregon Procurement Information Network (ORPIN). Additional advertising may include a Public Notice placed in the newspaper of general circulation, trade publications and direct mail.

Bid and contract documents shall be prepared and maintained by Chief Financial Officer or designee. All applicable statutory provisions and board policies shall be observed in preparation of the bids and proposal documents.

The Chief Financial Officer shall be responsible for ensuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding. The Chief Financial Officer shall be responsible for ensuring that bidders comply with requirements to provide bid bonds or performance bonds.

Chief Financial Officer or designee shall make available to the prospective bidders bid documents with sets of specifications and drawings and shall provide a convenient method wherein bidders, subcontractors, and materials personnel may examine the specifications and drawings.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

Awarding of Bids and Contracts

The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the College.
- All bids shall be opened publicly, and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board of Education shall show a tabulation of the bids received in reasonable detail.
- Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The College reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.

Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to the **College** are to be reviewed through the annual budget renewal process in the Chief Financial Officer's office.

Emergency Repair Contracts without Bid

The awarding of emergency repair contracts shall meet the requirements of ORS 279B.080. An agency must document the nature of the emergency and describe the method used for selecting the contractor.

The President or designee must authorize the procurement and document the Emergency Procurement justification prior to executing the procurement.

Record Retention

The **College** will retain records sufficient to detail the history of procurement as required by Oregon law. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

END OF PROCEDURE

President's Cabinet Approval Date:	January 26, 2021
College Council Approval Date:	January 28, 2021
Last Revised:	January 28, 2021

Upcoming Events



Clatsop
Community
College

Board of Education

SEPTEMBER & OCTOBER 2026 UPCOMING EVENTS			Updated 9/27/2026
EVENT	DATE	TIME	LOCATION
Regular Board Meeting	Tuesday, September 8	5:30 pm	Columbia 219 or Zoom
Inservice	Monday, September 14 and Wednesday, September 16	8:30 am – 4:00 pm	Lexington Campus
New Student Orientation	Tuesday, September 15	10:00 am – 2:00 pm	Lexington Campus
Fall Term Begins	Monday, September 21	8:00 am	All Campuses
Opening Reception: Thanatopsis: Contemplations on Death, Grief and Renewal	Thursday, October 15	6:00 – 8:00 pm	Royal Nebeker Gallery, Lexington Campus
End of Life Doula and Artist Panel Discussion	Friday, October 16	6:00 – 7:30 pm	Royal Nebeker Gallery, Lexington Campus