

Agenda Item IC1 - Approve Resolution to Declare a Class Special Exemption for Contracts for Creative Works

Purpose:

Board to approve a class special exemption from competitive procurement rules for the procurement of creative works.

Background:

The new middle school will require the procurement of creative works such as artwork to be designed, created, and installed.

Procuring unique Creative Works (such as artwork, music, uncopyrighted writings) require a special procurement with an aesthetic or artistic determination and not traditional procurement methods (e.g. bidding).

All public contracts typically use a competitive procurement process, but where necessary, the Board has approved written findings required by law for exemptions from competitive bidding.

District Administrative Rules, DJC-AR, and ORS Chapter 279B states that the district shall submit a written request to the Board, acting as the Local Contract Review Board (LCRB), that describes the contracting procedure, the goods and services or class of goods and services that are the subject of the special procurement and circumstances that justify the use of a special procurement under the standards as follows:

The special procurement is unlikely to encourage favoritism in the awarding of a public contract or to substantially diminish competition for public contracts and,

(A) is reasonably expected to result in substantial cost savings to the district or to the public, or

(B) otherwise substantially promote the public interest in a matter that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, 279B.070 or under any related rules.

The attached Resolution and Exhibit A to the Resolution asks the Board to approve a class special exemption for creative works and authorize the district to procure creative works without following the competitive procurement procedures.

Respectfully Submitted by

Dr, Tony Mann. Superintendent