

RESOLUTION NO. _2026-2027.002_

**A RESOLUTION OF THE BOARD OF DIRECTORS OF MOLALLA RIVER SCHOOL DISTRICT, ACTING
AS THE LOCAL PUBLIC CONTRACT REVIEW BOARD, APPROVING A CLASS SPECIAL
PROCUREMENT PURSUANT TO ORS 279B.085 FOR CREATIVE WORKS**

RECITALS

- A. The Board of Directors of Molalla River School District (the “District”) acts as the Local Public Contract Review Board (the “Board”) pursuant to ORS 279A.060.
- B. ORS 279B.085 authorizes the Board to declare certain public contracts or classes of contracts for goods and services as special procurements exempt from the competitive procurement processes otherwise required by ORS Chapter 279B, upon certain findings.
- C. The Board has made certain findings, set forth in Exhibit A to this Resolution, in support of declaring contracts for creative works as special procurements exempt from the competitive procurement process.

NOW THEREFORE, BE IT RESOLVED:

1. The Board adopts the findings set forth in Exhibit A to this Resolution.
2. Based upon the findings, the Board hereby approves a class special exemption for contracts for creative works; the District may procure contracts for creative works without following the competitive procurement procedures set forth in ORS 279B.055, 279B.060, 279B.065, and 279B.070. Creative works include without limitation: artwork, music, uncopyrighted writings, and similar works.

DATED this _23rd_ day of ____July____, 2026.

Molalla River School District Board of Directors

ATTEST:

EXHIBIT A

FINDINGS IN SUPPORT OF THE DESIGNATION OF CREATIVE WORKS CONTRACTS AS A SPECIAL CLASS PROCUREMENT UNDER ORS 279B.085

Class Special Procurements.

A. Applicable Criteria. ORS 279B.085(4) empowers the Board of Directors of Molalla River School District (the “District”), acting as the Local Public Contract Review Board (the “Board”), to designate classes of contracts for goods or services for special procurement outside of the competitive procurement processes otherwise required under ORS Chapter 279B and the District's Public Contracting Rules. In order to approve a class special procurement, the Board must find that the designation of a class of contracts for special procurement:

1. Is unlikely to encourage favoritism in the award of public contracts or to substantially diminish competition for public contracts; and
2. Either:
 - a. Is reasonably expected to result in substantial cost savings to the contracting agency or to the public; or
 - b. Otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with the requirements that are otherwise applicable under ORS Chapter 279B or the District's rules adopted to implement those rules.

B. Findings.

1. Creative Works.
 - a. Findings of Fact. Creative works, which include but are not limited to artwork, music, uncopyrighted writings, and similar works, are generally unique and available from a single supplier. Additionally, acquisitions of creative works require aesthetic or artistic determination and are unsuited to traditional procurement methods.
 - b. Conclusions of Law. This special procurement will not encourage favoritism or substantially diminish competition in the awarding of District contracts. The production and distribution of creative works is generally controlled by the creator of such works, which are unique in character. In addition, the acquisition of certain creative works based upon aesthetic or artistic review cannot practicably be realized through the procurement methods otherwise authorized in ORS Chapter 279B.

The awarding of contracts pursuant to this class special procurement will result in the substantial cost savings available to the District because it avoids the costs of an ineffective

procurement process. In addition, the acquisition of certain creative works based upon aesthetic or artistic review cannot practicably be realized through the procurement methods otherwise authorized in ORS Chapter 279B.