

April 16, 2026

26-078

RESOLUTION AUTHORIZING THE PRESIDENT TO
DIRECTLY NEGOTIATE THE SALE OF SURPLUS
EDUCATIONAL BROADBAND SERVICE (EBS) SPECTRUM
LICENSES

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FINANCIAL
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STRATEGIC THEME: Operational Excellence: Efficiency, Effectiveness, and Fiscal Sustainability; Technological Transformation: Agility, Innovation, and Readiness; Community Engagement: Workforce, Education, and Industry Alignment

REPORT:

I. Background

Portland Community College holds two Educational Broadband Service (EBS) licenses issued by the Federal Communications Commission in the 2.5 GHz frequency band. The College originally acquired these licenses in connection with its instructional programming. That use has since ended, and the licenses are no longer operationally necessary to the College's educational mission.

In 2019, the FCC eliminated the educational eligibility restrictions that had previously limited who could hold or acquire an EBS license. Licenses can now be freely assigned to any qualified buyer. This change substantially increased the commercial value of EBS spectrum, particularly in metropolitan markets like Portland where mid-band 2.5 GHz spectrum is in high demand for 5G broadband deployment. The College has an opportunity to realize significant one-time revenue by selling licenses it no longer needs.

The EBS licenses are intangible personal property. A sale requires compliance with the Public Contracting Code (ORS Chapters 279A and 279B) and the Community College Rules of Procurement. Because the anticipated sale price exceeds \$250,000, Board action is required.

II. Description of the Property

The two FCC EBS licenses authorize the College to use designated 2.5 GHz spectrum within a Geographic Service Area (GSA) centered on Portland. Each license carries a 35-mile radius GSA, together covering the greater Portland metropolitan region. The licenses are government-issued authorizations; they do not convey ownership of the spectrum itself, which remains public property, but they do confer a transferable right to use defined frequencies within the licensed area.

For purposes of the Public Contracting Code, the licenses are classified as intangible personal property under ORS 307.020 and CCRP CCR.104(42). The applicable disposal authority is ORS 279A.185.

III. Legal Authority

A. ORS 279A.185(2) — Direct Negotiated Disposal

Oregon's Public Contracting Code generally requires competitive sealed bidding for contracts above the formal thresholds. ORS 279A.185(2) creates a specific exception to that requirement for disposals of personal property. Under that statute, a local contracting agency may negotiate directly with one or more buyers for the "ultimate lawful disposition" of personal property it owns, without going through a competitive bid process, as long as the governing body finds that the transaction will promote economic development. The Board's economic development findings are set out in Section IV below.

*** B. CCRP CCR.300(4)(b)(iii) Advance Authorization to the President**

Separately, and independently, CCRP CCR.300(3) requires Board approval for College contracts exceeding \$250,000. CCR.300(4)(b)(iii) provides a direct exception to that requirement: the Board may give "advance authorization" to the President to execute a particular contract. When the Board exercises that authority, as it does here, no subsequent Board approval of the contract terms is required or necessary. The President may negotiate, execute, and close the transaction within the parameters this resolution establishes.

Together, these two provisions mean that this resolution is the only Board action needed. The CCR.300(4)(b)(iii) advance

authorization is not contingent on ORS 279A.185(2), and vice versa. Each independently supports the President's authority to complete this transaction.

IV. Economic Development Findings

The Board of Directors, sitting as the Local Contract Review Board, makes the following findings pursuant to ORS 279A.185(2):

A. Fiscal benefit to the College. The College is operating under sustained budget pressure. The EBS licenses represent a significant asset serving no current operational purpose. A negotiated sale will produce meaningful one-time revenue that can be directed to other uses supporting the College mission and strategic goals. Realizing value from an idle asset is sound financial stewardship and directly supports the College's long-term fiscal sustainability.

B. Broadband development in the Portland region. Mid-band 2.5 GHz spectrum is the foundation of 5G broadband networks. PCC's licenses cover the Portland metropolitan area - a geographic footprint that a qualified commercial carrier could use to expand mobile broadband access across the region. Broader broadband coverage supports workforce development, business activity, and access to educational resources, all of which benefit the communities the College serves.

C. A competitive bid process is not practicable for this transaction. The market for EBS spectrum is narrow. There are relatively few buyers with the technical capability and financial capacity to acquire and deploy 2.5 GHz licenses in a major metro market. Spectrum transactions of this type are routinely handled through direct negotiation, typically with the assistance of a specialized broker. A formal public sealed bid process is not how this market operates and would be unlikely to produce a better result than a well-structured negotiated sale. Separately, any assignment requires prior FCC approval under 47 U.S.C. § 310(d), which introduces regulatory timing constraints that make a traditional procurement process even less workable.

D. Fair market value will be protected. Bypassing a competitive bid process does not mean the College will accept less than the licenses are worth. Before negotiations begin, the

College will obtain an independent valuation from a qualified spectrum advisor. That valuation will establish a Floor Price below which the President has no authority under this resolution to execute a sale. This is a hard condition, not a guideline.

E. Retaining the licenses is not in the public interest. There is no current educational use for these licenses and no plan to develop one. Spectrum has a market cycle, and mid-band 2.5 GHz spectrum is currently in high demand. Holding these licenses indefinitely while their relative market position potentially erodes is not responsible asset management. Further, these licenses are subject to eventual FCC license renewal. Should the FCC fail to renew the licenses, the College would lose all value in this asset. Timely disposition at fair value serves the College's constituents better than inaction.

V. Conditions on the President's Authorization

The President's authority under this resolution is real but bounded. The following conditions must each be satisfied before the sale agreement is executed. They are not advisory, and they are not subject to waiver by the President or any staff member. If any condition cannot be met, the transaction must come back to the Board before proceeding.

A. Independent valuation. A written valuation of both EBS licenses must be obtained from a qualified spectrum valuation firm before negotiations begin. The valuation will identify a Net Present Value (Floor Price) for the transaction.

B. Floor Price. The final agreed sale price must equal or exceed the Floor Price. The President has authority under this resolution to sign a sale agreement for a price at or above the Floor Price.

C. Procurement certification. Before execution, the Chief Procurement Officer must provide certification confirming four things: that the transaction falls within the scope of this resolution; that the Floor Price condition has been satisfied; that the agreement complies with the Public Contracting Code and the CCRP; and that FCC approval has been obtained.

D. FCC approval. FCC Form 603 must be filed, and FCC approval of the license assignment must be obtained before the

transaction closes. The parties may execute a conditional sale agreement before FCC approval is issued, but no funds may change hands, and no transfer may be completed until the FCC approves the assignment. The College shall notify the FCC within 30 days of the finalization of the closing.

E. Board notification. Following execution, the College will present the final sale terms along with the independent valuation to the Board at its next regularly scheduled public meeting. This is a transparency requirement, not a further approval step.

RECOMMENDATION: The College recommends that the Board of Directors, sitting as the Local Contract Review Board, adopt this resolution.

Adoption will accomplish the following:

- Make the economic development findings required by ORS 279A.185(2), authorizing the College to sell the EBS licenses through direct negotiation without a competitive sealed bid process;
- Provide the President with advance authorization under CCRP CCR.300(4)(b)(iii) to negotiate, execute, and close the sale;
- Confirm that the President's authority is conditioned on satisfaction of each of the requirements in Section V before execution; and
- Direct the College to comply with FCC assignment approval requirements under 47 U.S.C. § 310(d) and 47 CFR § 1.948 before closing, and to report the final executed terms to the Board at its next regularly scheduled public meeting.

*** The Board of Directors voted to amend Resolution 26-078 to include the following:**

Notwithstanding the advance authorization provided under CCR.300(4)(b)(iii), prior to execution of any sale agreement, the President shall present the final negotiated terms to the Board of Directors at a regular or special meeting for final approval. The Board's advance authorization under this resolution shall be contingent upon such final approval.