

February 19, 2009

09-056

ADOPT AN EMERGENCY DECLARATION FOR STATE
AND FEDERAL STIMULUS PACKAGE PROJECTS
SUBJECT TO STATE OF OREGON MODEL
CONTRACT RULES, ORS.279, AND THE PORTLAND
COMMUNITY COLLEGE RULES OF PROCUREMENT.

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FINANCIAL RESPONSIBILITY: Cherie Chevalier, Associate Vice President, Finance

APPROVED BY: Wing-Kit Chung, Vice-President, Administrative Services
Dr. Preston Pulliams, District President

REPORT: The public contracting rules adopted by PCC normally require competitive bidding for contracts \$100,000 and above. Per Oregon statute ORS 279B.080 and Portland Community College procurement procedures the College may enter into public contracts without competitive bidding 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))

The Oregon State Legislature approved an Economic Stimulus Package (Senate Bill 338 and Senate Bill 5562), and declared that an emergency exists to establish contracts on an expedited basis with a belief that such action can result in reducing the State's high unemployment rate and improving the State's economy.

Portland Community College has been allocated funding under the State's legislation, half of which must be generated by the College as matching funds. The Oregon Legislature intends to have the Stimulus funds used as quickly as possible in order to stimulate work opportunities within the State, which intent includes a requirement that projects commence around the second quarter of 2009. The College has submitted a Federal

Stimulus Package that must be used in order to stimulate employment opportunities within the state; and the College has multiple contracts to issue as part of the State and/or Federal Stimulus awards.

For purposes of this emergency, Portland Community College will utilize best business practices and award the identified stimulus projects within the time required by the State and/or Federal Economic Stimulus Packages requirements. Subsequently if time is of the essence to meet stimulus guidelines staff will seek approval from the District President and bring such contracts to the Board for ratification at the next regular Board meeting following contract signing in accordance with Board Policy B505.

The College shall make a reasonable effort to seek out and use qualified and responsible minority, woman-owned, and emergent small businesses (MWESB) to the extent possible under the circumstances; and to the extent possible, encourage the creation or maintenance of local and regional employment, along with price and other relevant considerations, as criteria for awarding contracts.

Pursuant to ORS 279B.410, "rules adopted under ORS 279A.065 shall establish a reasonable time and manner for protests to be submitted." For purposes of this emergency declaration, appeal procedures for contracts awarded through the State and/or Federal Economic Stimulus Packages, as provided for in College Procedure, shall not be applicable if circumstances exist that justify a shorter time limit.

This Resolution applies to projects of the Federal and Oregon State economic stimulus packages only

A State Department of Administrative Services emergency declaration is expected to occur and would apply to state agencies. An emergency declaration adopted by the College Local Contract Review Board is consistent with actions being taken by the State.

The College is also authorized, as part of this emergency declaration, to immediately extend by 60 days – as needed – any existing vendor and supplier contracts in order to meet the contracting needs of this emergency. It

is believed that such an extension does not inhibit competition and is in the public interest because many of these vendors have already been selected to offer services to the college through a statewide solicitation process.

RECOMMENDATION: That the Board of Directors acting as the College's Local Contract Review Board approves the above findings and hereby finds that an emergency exists and thereby authorizes the College administration to waive competitive bidding procedures within the parameters established within this declaration described in the REPORT section.