

BOARD OF EDUCATION

Portland Public Schools
REGULAR MEETING
May 23, 2017

Board Auditorium

Blanchard Education Service Center
 501 N. Dixon Street
 Portland, Oregon 97227

Note: Those wishing to speak before the School Board should sign the public comment sheet prior to the start of the meeting. No additional speakers will be accepted after the sign-in sheet is removed, but testifiers are welcome to sign up for the next meeting. While the School Board wants to hear from the public, comments must be limited to three minutes. All those testifying must abide by the Board's Rules of Conduct for Board meetings.

Public comment related to an action item on the agenda will be heard immediately following staff presentation on that issue. Public comment on all other matters will be heard during the "Public Comment" time.

This meeting may be taped and televised by the media.

AGENDA

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| 1. | <u>VALEDICTORIAN RECOGNITION</u> | 6:00 pm |
| 2. | <u>STUDENT TESTIMONY</u> | 6:40 pm |
| 3. | <u>PUBLIC COMMENT</u> | 6:55 pm |
| 4. | <u>COMMENTS FROM PORTLAND ASSOCIATION OF TEACHERS</u> | 7:15 pm |
| 5. | <u>STUDENT REPRESENTATIVE'S REPORT</u> | 7:25 pm |
| 6. | <u>SUPERINTENDENT'S REPORT</u> | 7:35 pm |
| 7. | <u>SECOND READING: BRING YOUR OWN DEVICE POLICY</u>
<i>action item</i> | 7:45 pm |
| 8. | <u>FIRST READING: REAL ESTATE TRANSACTION PROCESS POLICY</u> | 8:00 pm |
| 9. | <u>REQUEST FOR EXEMPTION FROM COMPETITIVE BIDDING/APPROVAL: DISTRICT-WIDE FIXTURE AND PARTIAL PIPE REPLACEMENT</u> – <i>action item</i> | 8:10 pm |
| 10. | <u>TRANSPORTATION ASSESSMENT</u> | 8:20 pm |
| 11. | <u>BUDGET AMENDMENT NO. 3 TO 2016-17 BUDGET</u> – <i>action item</i> | 8:30 pm |
| 12. | <u>APPROVAL OF 2017-18 BUDGET</u> – <i>action item</i> | 8:40 pm |
| 13. | <u>BUSINESS AGENDA</u> | 9:15 pm |
| 14. | <u>ADJOURN</u> | 9:30 pm |

Portland Public Schools Nondiscrimination Statement

Portland Public Schools recognizes the diversity and worth of all individuals and groups and their roles in society. The District is committed to equal opportunity and nondiscrimination based on race; national or ethnic origin; color; sex; religion; age; sexual orientation; gender expression or identity; pregnancy; marital status; familial status; economic status or source of income; mental or physical disability or perceived disability; or military service.



Board of Education Informational Report

MEMORANDUM

Date: May 23, 2017

To: Portland Public Schools Board of Education

From: Ewan Brawley, Senior Director of Instruction, Curriculum, and Assessment and Ryan Whitman-Morales, Information Technology - Director of Technical Operations

Subject: Bring Your Own Device Board Policy, 8.60.042-P

The Bring Your Own Device (BYOD) policy allows and encourages, but does not require, staff and students to use personal mobile devices on the district wireless network to foster a modern learning environment. House Bill (HB) 2426 passed during the 2013 Session creates new provisions and amends Oregon Revised Statutes (ORS) 337.120 and (ORS) 343.223. Oregon Revised Statutes (ORS) 336.840 was written in support of the House Bill. Currently the district is out of compliance with ORS 336.840 which requires school district boards to adopt and implement policies regarding student use of personal electronic devices no later than the 2014-2015 school year.

The policy was reviewed for compliance, and empowers classroom teachers and instructional leaders to utilize technology in a more effective manner. The BYOD program directly supports the board priorities ensuring every student is prepared for life, college and career, and to meaningfully contribute to their communities as well as creating a system of quality instruction to increase literacy rates for all children. As an example the board policy, and implementation of the resulting AD directly supports the 6-12 curriculum adoption of Newsela allowing students to access the curriculum from a personal device.

The policy was drafted after conversations with Teaching & Learning, Information Technology, and Assistant Superintendents staff over the course of the past two and half years. The Oregon School Boards Association (OSBA) and Oregon Department of Education's recommendations and draft BYOD framework were reviewed. The Oregon state IT managers committee conducted significant stakeholder work during multiple quarterly meetings which helped inform the OSBA recommendations. Additionally, staff reviewed, researched, and evaluated policies of similar districts in size and maturity including Beaverton and Salem-Keizer.

The implementation of the BYOD policy and administrative directive provides the district an opportunity to begin a multi-year, enterprise-level project to plan the implementation, conduct stakeholder engagement and feedback, and develop a budget request to successfully support a fully implemented, and successful, BYOD program.

The Business and Operations Committee reviewed and provided edits to the draft policy on February 13, 2017. An updated draft policy was presented to the Business and Operations Committee on March 23, 2017. The committee unanimously agreed to move the policy forward for approval. The first reading by the board occurred on April 25, 2017 with involved staff from the Information Technology and Teaching & Learning Departments were available to respond to questions during and after the first reading of this new policy.



BOARD POLICY **Bring Your Own Device**

8.60.042-P

Portland Public Schools (PPS) supports academic activities and independent communications, and allows and encourages, but does not require, its students and employees to bring their own personal electronic devices to school and work.

Students may be allowed, but are not required, to use their own personal electronic devices for District implemented curriculum that uses technology. Students who use their own personal electronic devices to access curriculum must be granted access to any applications and electronic materials that are available to students who use district provided devices to access curriculum. Students who use their own personal electronic devices for the curriculum must be granted access to applications and electronic materials free of charge if the applications and electronic materials are provided free of charge to students who do not use their own personal electronic devices for the curriculum.

If a student is denied the ability to use a personal electronic device that supports academic activities and independent communications, an appeal may be made through the PPS Complaint Resolution Process 4.50.031-AD

Portland Public School District 1st Reading

DATE: May 23, 2017

Public Comment for: REAL ESTATE TRANSACTION PROCESS POLICY 8.70.041-P

The Portland Public School District is providing Notice of Proposed New Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

1st Reading by: Tom Koehler, Chair, Portland Public School Board
Summary: New Policy: Real Estate Transaction Process

Draft Policy Web Site: <http://www.pps.net/Page/1807>
(click on blue "draft policy" box)

Recommended for 1st Reading by: Board of Education

Policy Contact: Rosanne Powell, Board Office Manager

Last Date for Comment: June 13, 2017

Address: P.O. Box 3107, Portland, OR 97208-3107

Telephone: 503-916-3741

E-mail: schoolboard@pps.net

Last Date for Comment: June 13, 2017



Board of Education

Staff Report to the Board

Committee Meeting Date: May 23, 2017 **Executive Committee Lead:** Courtney Wilton,
Interim Chief Operating Officer

Department: Facilities and Asset
Management

Presenter/Staff Lead: Sara King, Director
of Planning and Asset Management

SUBJECT: Real Estate Transaction Process Policy
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BACKGROUND

In 1971 the Board adopted a policy for the Disposition of Surplus Real Property that outlines the procedure for the disposal of any real property that is not essential to the District's mission now or in the future.

In 1997 the Board adopted a policy to establish the Public Contracting Rules for the District, and those Rules have been updated on several occasions, most recently in March 2016 which excluded real estate related contracts. It has been the practice of staff, however, to transact the purchase, lease, conveyance, permit, and dedication of real property or an interest in real property by applying the same delegation thresholds as those set out in the Public Contracting Rules.

Given this practice and the need for staff to execute such real estate contracts in a timely manner to adequately and efficiently meet construction and space requirements of the District, staff is recommending a new policy for real estate transactions.

The policy gives the Superintendent or his/her designee authority to sign real estate transactions in which the total value of the transaction is at or below applicable delegation thresholds for District expenditure and revenue contracts, as set forth in PPS Public Contracting Rule 45-0200 (Authority to Approve and Execute District Contracts). All other real estate transactions shall be presented to the Board for approval.

The Superintendent will develop an Administrative Directive that complies with the policy outlining procedures for acquisition or disposition of real property or an interest in real property.

BOARD COMMITTEE REVIEW (IF APPLICABLE)

Not Applicable

RELATED POLICIES / BOARD GOALS AND PRIORITIES

8.50.100 P - Contracting and Purchasing Rules
8.70.040 P - Disposition of Surplus Real Property

PROCESS

Not applicable

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

Not applicable

BUDGET / RESOURCE IMPLICATIONS

The new policy will formalize and ratify the current practice of executing small dollar and \$0 real estate transactions under thresholds set forth in the Purchasing Rules and Purchasing & Contracting Delegation of authority. Under the new policy, only real estate transactions valued at \$150,000 or greater will be submitted to the Board for approval.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

Not applicable

QUESTIONS FOR BOARD DISCUSSION

None

ATTACHMENTS:

Exhibit A – Proposed Policy
Exhibit B – Proposed Resolution

8.70.041-P Real Estate Transaction Process

Portland Public Schools requires the ongoing ability to transact the purchase, lease, conveyance, permit, and dedication of real property or an interest in real property in a timely manner to adequately and efficiently support the changing enrollment and space requirements of the District.

The process set forth herein will be utilized by the District in any transaction of real property or interest in real property by the District, with the exception of the surplus and sale of District owned real property not needed for public use, which is governed by Board Policy 8.60.040-P.

The District reserves the right to apply the policy and process set forth herein in a flexible, prudent, and strategic manner to best meet the needs and interests of the District

It is a goal of the District to achieve the maximum market rate value in the transaction of any real property the District owns, and to pay no more than market rate for property leased or acquired. The District recognizes that conveyance of real property, rights-of-way, or easements may be imposed as a condition of approval of District development projects without compensation or may occur for other good or valuable consideration.

The Board delegates authority to the Superintendent or his/her designee to approve and execute real estate transactions in which the total value of the transaction is at or below applicable delegation thresholds for District expenditure and revenue contracts, as set forth in PPS Public Contracting Rate 45-0200 (Authority to Approve and Execute District Contracts). All other real estate transactions shall be presented to the Board for approval.

EXHIBIT A

RESOLUTION No. XXXX

Resolution to Adopt a Real Estate Transaction Process Policy

RECITAL

- A. WHEREAS in 1971 the Board adopted a policy for the Disposition of Surplus Real Property that outlines the procedure for the disposal of any real property that is not essential to the District's mission now or in the future;
- B. WHEREAS in 1997 the Board adopted a policy to establish the Public Contracting Rules for the District, and those Rules have been updated on several occasions, most recently in March 2016;
- C. WHEREAS the Public Contracting Rules delegate authority to sign certain revenue and expenditure contracts, not including real estate contracts, to the Superintendent;
- D. WHEREAS the District requires the ongoing ability to purchase, lease, convey, permit, and dedicate real property in a timely manner to adequately and efficiently support the changing enrollment and space requirements of the District;
- E. WHEREAS it has been the common practice of the District for many years to execute real estate contracts, applying the same delegation thresholds as those set out in the Public Contracting Rules.

RESOLUTION

- 1. All leases, easements, conveyance, and other real estate contracts executed prior to this date are acknowledged and approved by the Board.
- 2. Policy 8.70.041-P is adopted to provide a real estate transaction policy and direct the Superintendent to adopt an Administrative Directive with a specific process for such real estate transactions.

C. Wilton/S. King



Board of Education

Staff Report to the Board

Board Meeting Date: May 23, 2017

Executive Committee Lead:

Yousef Awwad, Deputy Chief Executive Officer
Courtney Wilton, Interim Chief Operating Officer

Department: Finance

Presenter/Staff Lead:

Emily Courtnage, Director,
Purchasing & Contracting

SUBJECT: District-Wide Cold Water Fixture and Partial Pipe Replacement Project: Exemption from Competitive Bidding and Authorization to Use Indefinite Delivery/Indefinite Quantity (ID/IQ) Alternative Contracting Method

BACKGROUND

ORS 279C.335(2) authorizes the Board to exempt certain public improvement contracts or classes of contracts from the traditional design/bid/build competitive bidding (i.e., low bid) procurement process. Staff requests that the Contract Review Board approve an exemption from competitive bidding for the District-Wide Cold Water Fixture and Partial Pipe Replacement project. Staff further requests that the Contract Review Board authorize use of an Indefinite Delivery/Indefinite Quantity alternative contracting method procured by a fully competitive Request for Proposals process followed by competitive bidding on select portions of the work.

The ID/IQ contracting process begins with issuance of a publicly advertised, competitive Request for Proposals. Through the RFP process, the District will select and contract with several qualified and available contractors to compete for specific water fixture and partial pipe replacement work packages. After qualified ID/IQ contractors are selected and under contract, staff will issue a series of Requests for Job Order Proposals organized by eight high school clusters. ID/IQ contractors selected through the RFP process will be able to submit bids on one or more Job Order Proposals, based on a time and materials, not to exceed cost basis. The District will issue a Work Authorization to the lowest bidder on each Job Order Proposal.

Under applicable Oregon law, an exemption request and approval to use an alternative contracting method must be supported by the following findings: (1) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts, *and* (2) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the public. See ORS 279C.335(2).

In approving a finding of substantial cost savings or other substantial benefits, the Board must consider the following factors, to the extent applicable:

- (A) How many persons are available to bid;

- (B) The construction budget and the projected operating costs for the completed public improvement;
- (C) Public benefits that may result from granting the exemption;
- (D) Whether value engineering techniques may decrease the cost of the public improvement;
- (E) The cost and availability of specialized expertise that is necessary for the public improvement;
- (F) Any likely increases in public safety;
- (G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;
- (H) Whether granting the exemption will affect the sources of funding for the public improvement;
- (I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
- (J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;
- (K) Whether the public improvement involves new construction or renovates or remodels an existing structure;
- (L) Whether the public improvement will be occupied or unoccupied during construction;
- (M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
- (N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

A detailed description of the Water Fixture and Partial Pipe Replacement project and draft Findings of Fact (“Findings”) supporting the exemption resolution, as required by OSR 279C.335(2), are set forth in the attached Facilities and Asset Management memorandum and Resolution.

BOARD COMMITTEE REVIEW (IF APPLICABLE)

Not applicable.

RELATED POLICIES / BOARD GOALS AND PRIORITIES

District Policy 8.50.090-P designates the Board as the local government Contract Review Board with authority to exempt certain public improvement contracts from the standard design/bid/build low-bid competitive bidding process otherwise required by the Public Contracting Rules, as per ORS 279C.335(2).

PROCESS / COMMUNITY ENGAGEMENT

Where an exemption from competitive bidding on a public improvement contract is sought, the Public Contracting Rules require that the Contract Review Board conduct a public hearing prior to adoption of an exemption resolution. PPS-49-0145(4)(a). Notification of the public hearing must be published in a trade newspaper of general statewide circulation at least 14 days before the hearing. PPS-49-0145(4)(b). At the time of the Notice, copies of the draft Findings must be made available to the public. PPS-49-0145(4)(c).

In compliance with these requirements, Purchasing & Contracting published a Notice of Public Hearing concerning this exemption request on May 9, 2017 in the Portland Tribune (digital version), the same newspaper in which Purchasing & Contracting posts all required construction solicitation notices. Also on May 9, 2017, staff made the attached Findings available to the public. Instructions for requesting copies of the draft Findings are included in the Notice of Public Hearing.

At the public hearing, the District must offer an opportunity for any interested party to appear and present comment. PPS-49-0145(3)(d).

Adoption of the attached Resolution will not affect any other contract to which the District is a party nor effect any change in Public Contracting Rules or District policy.

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

The ID/IQ alternative contracting method is in alignment with the District's Equity in Public Purchasing & Contracting Policy and implementation plan. A benefit of the ID/IQ method, as opposed to the standard design-bid-build low-bid contracting method, is the District's ability to include evaluation criteria in the RFP to help ensure selection of prime contractors with strong commitment to use, and demonstrated success in using, certified minority-owned, women-owned, disabled veteran-owned, and emerging small business ("certified business") subcontractors. The District will award points for demonstration of a history of certified business utilization and a substantive plan of outreach to certified subcontractors.

The Request for Proposals will be open and publicly advertised. Purchasing & Contracting will notify minority contracting communities about the solicitation and encourage participation of certified businesses. The selected contractor will be required to comply with the District's Workforce Equity and Career Learning requirements, as well as report on certified business subcontractor utilization, during the course of the contract.

BUDGET / RESOURCE IMPLICATIONS

Unlike a traditional design/bid/build procurement, in which a contract is awarded to the qualified low bidder, the RFP for this project will allow the District to review and evaluate the experience and qualifications of Proposers based on a number of factors including project management and City of Portland permitting process expertise; experience with commercial and/or institutional multiple site or multiple campus projects undertaken with the same client over one or more phases of design and construction; workplace safety record, available labor capacity; and hourly labor rates. The RFP process also allows price-discovery and competitive evaluation of hourly rates, ensuring competitively priced Proposals.

Organization of the work packages by high school cluster introduces project efficiency requiring teams of contracted labor to focus on a limited geographic area and on a set number of school

sites. Planned coordination of school access and job orders by high school cluster will reduce impacts to daily school operations that could otherwise result in disruption generated costs.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

A public hearing is scheduled for the May 23, 2017 Board Meeting. At that meeting, the Board will recess and convene as the Contract Review Board pursuant to ORS 279A.060 and District Policy 8.50.090-P. The Contract Review Board must offer an opportunity for any interested party to appear and present comment. After the public hearing, the Board will reconvene and vote on the attached Resolution.

Staff from Facilities and Asset Management will be available at the May 23, 2017 Board Meeting and public hearing to respond to questions relating to the work described in the attached Resolution and Findings.

If this Resolution is adopted, staff in Purchasing & Contracting and Facilities and Asset Management will prepare solicitation documents and issue a Request for Proposals for qualified and available Proposers eligible to bid on fixture and partial pipe replacement work packages.

ATTACHMENTS

- A. Resolution to Authorize Alternative Contracting Method**
- B. Facilities and Asset Management Staff Memo with Findings**



Board of Education Informational Report

MEMORANDUM

Date: May 9, 2017

To: Board of Education

From: Courtney Wilton
Interim Chief Operating Officer

Subject: Recommended Draft Findings in Support of Alternative Contracting Methodology/ Use of Indefinite Delivery/Indefinite Quantity (“ID/IQ”) Method for the Portland Public Schools (“District”) Cold Water Fixture and Partial Pipe Replacement Project.

INTRODUCTION

During the summer of 2016, third party consultants to the District identified a large number of cold water fixtures that may be a source of elevated lead through testing guidelines stated in the Environmental Protection Agency *3Ts for Reducing Lead* (“EPA 3Ts”). Thereafter, District Facilities and Asset Management department (FAM) staff, in consultation with CH2M consulting engineers, developed a response plan to improve water quality following the EPA 3Ts.

The response plan includes replacing all cold water fixtures *intended for human consumption* and, when warranted, partial pipe replacements to mitigate likely sources of the water quality problem based on testing data. The plan was presented to the Board on February 6th, 2017.

Cold water fixtures intended for human consumption are defined as those used for food preparation in school kitchens; food preparation education in designated classrooms; and non-classroom drinking fountains. The response plan will be implemented at 90 sites. Approximately 1,500 fixtures will be replaced and subsequently tested.

Replacement assures that plumbing fixtures and fittings serving water intended for human consumption meet current federal regulation for lead content under the 2011 federal Reduction of Lead in Drinking Water Act. Additionally, replacement will establish a control inventory that FAM may track and monitor for water quality through a facilities information system.

PROJECT DESCRIPTION

The cold water fixture and partial pipe replacement project (“Fixture/Partial Pipe Replacement Project”) utilizes two phases of work as follows:

Phase A is comprised of fixture replacement and subsequent testing for 90 schools.

- i. Fixtures must meet the District water quality threshold for lead (below 15 ppb) to be placed into service.

Phase B is partial pipe replacement and subsequent testing based on the test results in Phase A.

- i. If a fixture does not meet the water quality threshold, then FAM will make a level of service need determination.
- ii. If level of service need warrants, partial replacement will occur and the fixture will be re-tested.
- iii. Fixtures must meet the District water quality threshold for lead (below 15 ppb) to be placed into service.

The project will require approximately three years to complete, subject to adjustment based on labor availability in the marketplace. Phase A is anticipated to be completed during year one and Phase B during years one through three. The project is expected to cost up to \$28.5M (inclusive of contingencies and escalation) as follows: \$22M for contracted labor and materials and \$6.5M for engineering consulting, water quality testing, and program management.

Staff cannot determine the precise scope of work for replacing the cold water fixtures and partial pipe replacement for the 90 schools due to:

- wide variance in plumbing fixture types and assemblies;
- unknown number of partial pipe replacements required;
- unknown plumbing fitting and piping conditions due to age of facilities and decades of deferred maintenance; and
- potential lead based paint and asbestos in adjacent conditions.

As a result, it is not possible to utilize a traditional design-bid-build construction contracting method which presumes a predetermined scope of work with clear limits of extent.

Staff therefore recommends an alternative form of contracting, Indefinite Delivery/Indefinite Quantity (“ID/IQ”), for the Fixture/Partial Pipe Replacement Project.

ALTERNATIVE CONTRACTING METHODS to COMPETITIVE BIDDING

A public agency Local Contract Review Board under Oregon Revised Statutes (ORS) 279C.337 may approve an exemption from traditional competitive bidding, provided that specific findings are made to justify the exemption. ORS 279C.337 allows the District Board to convene as a Local Contract Review Board and hold a public hearing for the purposes of approving an alternative contracting method. District Board meetings may serve as the public hearing.

An ID/IQ contracting method is useful when a public agency cannot predetermine the precise scope of work that it will require during the contract period. An ID/IQ specifies a number of base years with renewal options for additional years (as specified in the procurement and resulting contract) to accomplish work beyond what is initially determined thereby reducing project delays.

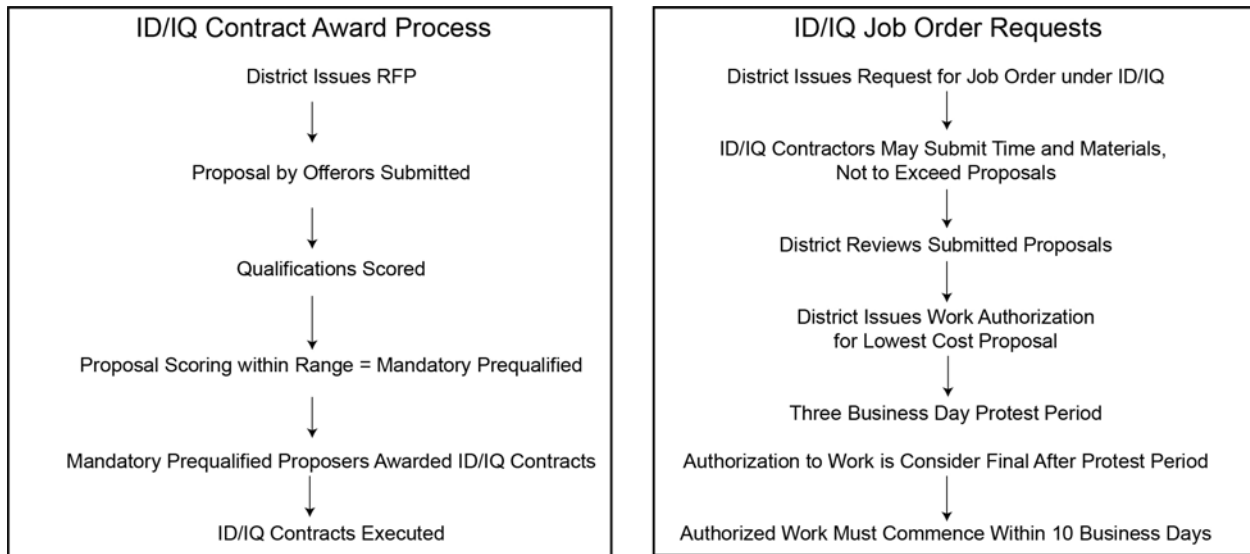
The ID/IQ does not authorize work. The ID/IQ allows the District to establish a pool of qualified and available Proposers, through a Request for Proposals (RFP) process, who are then awarded

ID/IQ contracts of equal maximum value. The ID/IQ contract value will be up to, but no more than, \$22M (the estimated project budget for labor and materials). Contractors with fully executed ID/IQ contracts are then entitled to informally submit competing Job Order Proposals for fixture and partial pipe replacements issued by the District during the contract term. The Job Orders may require up to three years for completion. The District issued Requests for Job Order Proposals will include:

- outline fixture or pipe replacement templates suitable for over-the-counter City permitting;
- District fixture specifications;
- fixture location maps; and
- an established period to conduct site assessments prior to submission of Job Order Proposals.

Job Order Proposals for the ID/IQ contract will be on a time and materials, not to exceed basis. ID/IQ Contractors can submit proposals in response to one or more Requests for Job Order Proposals, all under the same contract. The District will issue a Work Authorization to the lowest cost Proposer. The Work Authorization is considered final after a protest period of three business days.

The diagrams below illustrate the ID/IQ contracting method.



Pursuant to ORS 279C.335, the following are the Staff recommend draft findings in support of an exemption from traditional competitive bidding to utilize the ID/IQ contracting method for the Fixture/Partial Pipe Replacement Project.

DRAFT FINDINGS

Following are the factors for consideration under ORS 279C.335 (2), followed by the Staff's draft findings in *italics*.

“(a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.”

The requested exemption will not encourage favoritism or substantially diminish competition. The District will utilize a competitive Request for Proposals (RFP) process Proposers with competitive scoring of proposals for the Fixture/Partial Pipe Replacement project. The District will award an ID/IQ contract to all proposers in the competitive range. The RFP is formally advertised with public notice and disclosure of the planned Alternative Contracting Method. Full competition will be encouraged and all qualified Proposers will be invited to submit proposals. The ID/IQ contract award will be based upon an objective review and scoring of proposals by evaluation committee based on selection criteria identified in the RFP. ID/IQ Contractors will then be entitled to informally submit competing Job Order Proposals in response to District-issued Requests for Job Order Proposals. ID/IQ contractors can compete for several work packages all under the same contract. As required by the District's Equity in Public Purchasing and Contracting policy, the evaluation criteria will include outreach to and a plan for utilization of minority, women, and emerging small business contractors.

"(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. In approving a finding under this paragraph, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

“(A) How many persons are available to bid;”

It is reasonable to anticipate between three to five firms will propose on the Fixture/Partial Pipe Replacement Project based on prior contracting experience and the estimated project budget. The District will conduct outreach to encourage small to medium sized firms to form partnerships with larger firms and submit partner proposals in response to the RFP.

"(B) The construction budget and the projected operating costs for the completed public improvement;”

The construction budget and expected operating budgets are set forth above in the project description. District Facilities and Asset Management (FAM) staff intends to issue several Requests for Job Order Proposals organized by eight high school clusters. Organization of the work packages by high school cluster introduces project efficiency requiring teams of contracted labor to focus on a limited geographic area and on a set number of school sites. The FAM project manager will therefore only need to manage school access for no more than eight high school cluster based teams. Managing no more than eight teams by high school cluster allows for greater planned coordination with FAM facilities operations managers who are themselves organized by high school cluster. Planned coordination of school access and job orders by high school cluster will reduce impacts to daily school operations that could otherwise result in disruption generated costs.

"(C) Public benefits that may result from granting the exemption;"

Unlike a traditional design/bid/build procurement, the RFP for this project allows the District to review and evaluate the experience and qualifications of Proposers based on a number of factors including project management and City of Portland permitting process expertise; experience with commercial and/or institutional multiple site or multiple campus projects undertaken with the same client over one or more phases of design and construction; workplace safety record, available labor capacity; and hourly labor rates.

The RFP allows the District to perform a more in-depth financial health review of all RFP Proposers and offer contracts to highly qualified and experienced Proposers with capacity to complete the work within the District's timeline.

The RFP process also allows price-discovery and competitive evaluation of hourly rates, ensuring competitively priced Proposals.

"(D) Whether value engineering techniques may decrease the cost of the public improvement:"

Value engineering is a routine practice in public improvement projects regardless of procurement method. The inherent flexibility of the ID/IQ process allows the District to limit the number of potential partial pipe replacements under Phase B through a cost-benefit analysis of service level need, thus decreasing the overall project cost.

Value engineering during Phase B could therefore decrease the estimated project budget of \$22M. The structure of the ID/IQ contract, with a series of Requests for Job Order Proposals and ensuing Work Authorizations, would allow the District adjust work packages without the need for issuing contract amendments.

"(E) The cost and availability of specialized expertise that is necessary for the public improvement:"

The challenge of managing a specialized plumbing project over multiple campuses over one or more phases of design and construction is significant. The project requires the ability to coordinate with a third party Water Quality Testing Vendor so that post-fixture replacement testing conforms to guidelines stated in the Environmental Protection Agency 3Ts for Reducing Lead (EPA 3Ts). The RFP process allows for review of Proposer expertise not afforded in traditional design/bid/build (low bid) procurement.

"(F) Any likely increases in public safety:"

Existing conditions are such that the District FAM staff cannot determine the precise scope of work for replacing the cold water fixtures and partial pipe replacement for 90 schools due to:

- *wide variance in plumbing fixture types and assemblies;*
- *unknown number of partial pipe replacements required unknown plumbing fitting and piping conditions due to age of facilities and decades of deferred maintenance; and*

- *potential unknown lead based paint and asbestos in adjacent conditions.*

As a result, it is not possible to utilize a traditional design/bid/build procurement method which presumes a predetermined scope of work with clear limits of extent. The ID/IQ allows Contractors to accomplish work as needed to reduce likely sources of lead from cold water fixtures intended for human consumption and in conformance with guidelines stated in the EPA 3Ts, thus increasing public safety.

"(G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;"

The ID/IQ contracting method will provide the District with the ability to secure contracts with several qualified and experienced contractors with capacity to tackle one or more work packages, thus reducing the likelihood of delays in the work.

"(H) Whether granting the exemption will affect the sources of funding for the public improvement:"

There will be no impact on the funding of this project due to the ID/IQ process.

"(I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement:"

The RFP will allow the District to understand the market conditions in terms of available labor capacity and lock in hourly labor rates prior to issuance of Requests for Job Order Proposals under ID/IQ contracts. In so doing, the District can control the impact of market conditions on the project.

"(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;"

The Fixture/Partial Pipe Replacement Project implements a District-wide lead in water response plan at 90 schools. Reduction of lead in water is technically complex as it involves several variables including.

- *wide variance in plumbing fixture types and assemblies;*
- *unknown number of partial pipe replacements required;*
- *unknown plumbing fitting and piping conditions due to age of facilities and decades of deferred maintenance; and*
- *potential lead based paint and asbestos in adjacent conditions.*

Project work must occur during periods of limited school access: Evenings, weekends, and days when schools are not in session. The project work also requires time sensitive coordination with a 3rd party Water Quality Testing Vendor to ensure conformance with EPA 3Ts guidelines.

The RFP will allow the District to select Proposers who possess demonstrated technical expertise to complete a complex, multi-campus project. The traditional design/build/bid procurement method by comparison offers no assurance that a lowest bidding contractor possesses qualifications or capacity to address the size and complexity of the Fixture/Partial Pipe Replacement Project.

"(K) Whether the public improvement involves new construction or renovates or remodels an existing structure;"

This project will renovate portions of plumbing systems within 90 existing structures to reduce lead in water. The Request for Proposal process, with evaluation of qualifications, capacity, and experience, will ensure that ID/IQ Contractors have the expertise and capacity to undertake work at as few as eight schools and as many as 90 schools.

"(L) Whether the public improvement will be occupied or unoccupied during construction;"

The Fixture/Partial Pipe Replacement Project may require construction during times of limited occupancy of the 90 schools. The Request for Proposal process will ensure that ID/IQ Contractors possess an established history of maintaining job site safety.

"(M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and"

The Fixture/Partial Pipe Replacement Project utilizes two phases of work as follows:

Phase A is comprised of fixture replacement and testing for 90 schools.

i. Fixtures must meet the District water quality threshold for lead (below 15 ppb) to be placed into service.

Phase B is partial pipe replacement based on the test results in Phase A.

i. If a fixture does not meet the water quality threshold, then FAM will make a level of service need determination.

ii. If level of service need warrants partial pipe replacement, a mechanical engineer will design a partial pipe replacement profile, partial pipe replacement will occur and the fixture will re-tested.

iii. Fixtures must meet the District water quality threshold for lead (below 15 ppb) to be placed into service.

"(N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract."

The District will staff the project with a Construction Project Manager III which is senior level position within the project management job class. The Construction Project Manager III exclusively manages the full scope of the most complex and highest dollar

Formal Solicitation contracts. Staff assigned to this position are expected to involve the coordination and oversight between multiple sites with challenging schedules and unique situations where deep technical knowledge, expertise and experience are essential.

The District's outside legal counsel, Miller Nash Graham & Dunn LLP, has extensive expertise with alternative contracting methods. The District's Purchasing & Contract, FAM, and Office of School Modernization staff have significant experience utilizing alternative contracting methods, including CM/GC and a two-step (RFQ/ITB) process

For these reasons, use of the ID/IQ Alternative Contracting Method for the Fixture/Pipe Replacement Project is likely to result in substantial cost savings as compared to use of the traditional design/bid/build process within the meaning of ORS 279C.335(2)(b).

CONCLUSION

For the reasons stated above, the draft findings support an exemption from competitive bidding under ORS 279C.335 and utilization of the ID/IQ alternative contracting process for the Fixture/Pipe Replacement Project.



Board of Education Informational Report

MEMORANDUM

Date: May 16, 2017

To: PPS Board of Education

From: Courtney Wilton, Interim Chief Operating Officer

Subject: Transportation Improvement Plan

PPS' current transportation operation provides service to around 7,000 students through a myriad of methods including around 225 buses operated directly by PPS staff and a contractor, First Student, Inc. The department's total budget is around \$20m, around 70% of which is reimbursed via the Oregon funding formula. A number of factors have negatively impacted service in recent years including increased traffic, a shortage of bus drivers, an inadequate vendor contract, inefficient routing and poor communication. The level of service currently provided students, staff and parents is simply not adequate and needs improvement in the near future. To that end the District issued Request for Proposals #2017-2238 to engage the services of an outside contractor to assess the effectiveness and efficiency of transportation operation and develop a well-defined improvement plan. Additionally, upon successful completion of the original scope, the District may amend the contract to include implementation and leadership of the improvement plan.

Staff is recommending a contract award to School Bus Consultants (SBC) in the amount of \$60,000 for phases one and two of an outside review of the District's transportation department. At its sole discretion, the District intends to amend the contract to include phase 3 at the completion of phases 1 and 2. The budget for phase 3, the scope and cost of which are contingent on the plan developed in phases 1 and 2, is not known at this time. The cost for one year is estimated to be \$375,000 and any additional six-month extensions are estimated to be less than \$117,000.

In phases 1 and 2 of this engagement and through initial interviews with key personnel and a review of available information, SBC will:

- Develop a clear understanding of the status of existing operations in order to clearly define both the areas in need of attention and the appropriate triage of those reforms.
- Develop a well-defined and articulated plan that clearly establishes the task that must be completed, the individuals accountable for overseeing those tasks and the expected timelines.
- If selected for phase 3 of engagement provide an appropriate array of management and technical expertise to ensure the reform initiative is systematically executed and that the tasks defined can be completed within the designated timeframes. The provision should include the assignment of staff on full time basis to PPS location to direct improvement plan.

Contractor deliverables include:

- Provision of a comprehensive assessment of the efficiency and effectiveness of the PPS transportation operation relative to industry best practices, their experience and the demands and expectations of the PPS community.
- Provision of a detailed implementation strategy for improvement. The improvement plan will provide a framework for each of the functional areas and a sequential and detailed list of tasks and task assignments required to accomplish each objective along with related deadline.
- Provision of leadership and operational support needed to help implement the identified improvement plan over the 17/18 fiscal year. The cost and specifics of this plan are contingent on the scope of findings identified in phases 1 and 2 of engagement. It is expected and will be required that the positions assigned to support implementation of the improvement plan will be dedicated to the task full time and also physically located at PPS during fiscal 17/18. The support provided will be on a day to day basis and contractor staff will be completely immersed into the PPS transportation operation and able to provide high level leadership in order to move forward key aspects of the improvement plan. As part of phase 3, the district's current director of transportation will assume the role of assistant director allowing SBC to effectively assume the department's director role.

Phases 1 and 2 of the engagement are expected to be completed by early July, 2017 with phase 3 of engagement starting concurrently with the wrap-up of the initial scope of services.



Board Meeting Date: May 23, 2017

Executive Committee Lead:
Yousef Awwad, Deputy Chief Executive Officer

Department: Finance

Presenter/Staff Leads:
Ryan Dutcher, Interim Chief Financial Officer
Lori Baker, Deputy Chief Financial Officer

SUBJECT: Amendment No. 3 to the 2016/17 Budget

SUMMARY

This third amendment to the 2016/17 Budget revises the General Fund Support Services Expenditure Budget to move \$1.5 million in Claims reserve from Contingency to Claims Expenditures.

BACKGROUND

On June 21, 2016 the Board of Education (“Board”), by way of Resolution No. 5290, voted to adopt an annual budget for the Fiscal Year 2016/17 as required under Local Budget Law. The adopted budget included \$1.5 million in self-insurance reserve in the budgeted contingency for the General Fund.

On July 25, 2016 by way of resolution No. 5314, the Board voted to authorize entering into a purchase agreement for sale of \$4 million in Qualified Zone Academy Bonds (“QZABs”).

On September 6, 2016 by way of resolution No. 5330, the Board voted to authorize the issuance of a principal amount of revenue bonds sufficient to provide net proceeds of up to \$5 million for immediate environmental health and safety issues and assessments.

On September 27, 2016 by way of resolution No. 5338, the Board voted to authorize the issuance of a principal amount of revenue bonds sufficient to provide net proceeds of up to \$10 million for architectural engineering pre-design diligence and health and safety.

On December 13, 2016 by way of resolution No. 5374, the Board voted to authorize Amendment No. 1 to the annual budget. The first amendment to the annual budget for the Fiscal Year 2016/17 included the following major components:

1. Updated the budget to reflect a final total of \$4 million in QZAB proceeds and expenditures, rather than the \$5.5 million projected with the 2016/17 Adopted budget.
2. Updated the budget to incorporate both the \$5 million and \$10 million in borrowing proceeds and the related expenditures.
3. Reflected the above activities in the fund previously established to manage multiple Full Faith and Credit borrowings: Fund 420 - Full Faith and Credit Funds (established February 28, 2011 by way of Resolution No. 4416). This use of a series of “subfunds”

**Reviewed and Approved by
Executive Committee Lead**

under Fund 420 enables specifically authorized projects to be managed with effective financial control and transparency.

4. Reflected debt service on these obligations in the corresponding debt service fund: Fund 320 – Full Faith and Credit Debt Service Fund.

On March 21, 2017, by way of Resolution No. 5433, the Board voted to authorize Amendment No. 2 to the annual budget. The second amendment to the annual budget for the Fiscal Year 2016/17 includes the following major components:

- Revised beginning fund balances to reflect the FY 2015/16 financial statements of the District approved on December 13, 2016,
- Made corrections for technical errors that occurred during budget development,
- Adjusted program allocation for funds to more accurately reflect intended expenditures,
- Adjusted appropriation levels as needed, and
- Adjusted revenues and resources for known or expected significant changes.

This third amendment to the annual budget for Fiscal Year 2016/17 is transferring the self-insurance reserve included in the budget from Contingency to Support Services Expenditures in the General Fund. This transfer will cover any required year end adjustments to claims reserves resulting from legal judgments occurring during the year that are self-insured.

RELATED POLICIES / BOARD GOALS AND PRIORITIES

Board Policy 8.10.030-AD, “Budget Reallocations – Post Budget Adoption,” establishes the guidelines to ensure consistent and detailed communication on fiscal issues between the Superintendent and the Board.

Oregon Local Budget Law, ORS 294.471, allows budget changes after adoption under prescribed guidelines.

PROCESS / COMMUNITY ENGAGEMENT

This budget amendment does not include changes in expenditures of more than 10% in the General Fund and, therefore, does not require a public hearing to be held before the Board takes action on this amendment.

ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN

The PPS budget for 2016/17 was developed to be in alignment with the PPS Racial Educational Equity Policy. The Community Budget Review Committee stated in its report to the Board that “This Proposed Budget maintains the District’s investment in underserved populations in accordance with the Racial Educational Equity Policy.” This amendment does not alter this alignment.

BUDGET / RESOURCE IMPLICATIONS

Notable changes to funds, are summarized below.

Fund 101 – General Fund

Expenditures

Support Services is increased by \$1,500,000 in this amendment to allow for accrual of self-insured liabilities related to legal judgments rendered during the fiscal year, and associated outside legal costs anticipated in relation to the claims.

Contingency

As a result of the actions described above there is a corresponding decrease to the self-insurance reserve included in assigned contingency of \$1,500,000.

NEXT STEPS / TIMELINE / COMMUNICATION PLAN

Upon action by the Board, staff will amend the 2016/17 budget accordingly.

ATTACHMENTS

- Resolution included in business agenda



Board of Education Informational Report

MEMORANDUM

Date: May 12, 2017

To: Members of the Board of Education

From: Patrick Ranspot, Financial Operations Manager - Treasury

Subject: Resolution to supplement and/or modify District Officer authorizations

This Memorandum provides an update to the District's Officer's authorizations to approve and transact business with our financial services partners. An update is needed as there have been changes to staff and titles since the prior resolution was passed.

BOARD OF EDUCATION
SCHOOL DISTRICT NO. 1J, MULTNOMAH COUNTY, OREGON

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Purchases, Bids, Contracts

The Interim Superintendent RECOMMENDS adoption of the following items:

Number 5457 and 5458

RESOLUTION No. 5457

Expenditure Contracts that Exceed \$150,000 for Delegation of Authority

RECITAL

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) enter into contracts and approve payment for products, materials, supplies, capital outlay, equipment, and services whenever the total amount exceeds \$150,000 per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

RESOLUTION

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

NEW CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
WestEd	7/1/2017 through 6/30/2018	Personal Services PS 64601	Provide the third and final year of a school- wide, whole-year professional development program to qualify Woodmere Elementary as a QTEL (Quality Teaching for English Learners) Lighthouse School. PPS 46-0525(4)	\$210,000	C. Russo Fund 205 Dept. 5408 Grant G1610

NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)

No New IGAs

AMENDMENTS TO EXISTING CONTRACTS

No New Amendments

Y. Awwad

RESOLUTION No. 5458

Expenditure Contracts that Exceed \$150,000 for Delegation of Authority

RECITAL

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) enter into contracts and approve payment for products, materials, supplies, capital outlay, equipment, and services whenever the total amount exceeds \$150,000 per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

RESOLUTION

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

NEW CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
School Bus Consultants	5/24/2017 through 7/31/2017 Option to renew for one one-year term and up to four additional six-month terms.	Personal Services PS XXXXX *	Original term to assess the effectiveness and efficiency of transportation operation and develop a well-defined improvement plan. At its sole discretion, the District may amend the contract to include implementation and leadership of the improvement plan for a term of one year with options to renew for four additional six-month terms. Maximum contract term through 6/30/2020 RFP 2017-2238	Original Term \$60,000 \$900,000 over maximum contract term.	C. Wilton Dept. 5560 Fund 101

* The District is seeking advance authorization of this contract as provided in PPS Public Contracting Rule PPS-45-0200(4)(b)(C) and associated Administrative Directive [8.50.105-AD Purchasing and Contracting Delegation of Authority](#) Section X(4). The parties are finalizing negotiation of contract terms.

Y. Awwad

Other Matters Requiring Board Approval

The Interim Superintendent RECOMMENDS adoption of the following items:

Numbers 5459 through 5464

RESOLUTION No. 5459

Resolution to Adopt Board Policy 8.60.042-P. Bring Your Own Device Policy

RECITALS

- A. In 2013, House Bill (HB) 2426 was passed which created new provisions and amends Oregon Revised Statutes (ORS) 337.120 and (ORS) 343.223. (ORS) 336.840 was written in support of the House Bill and states:

ORS 336.840 (3) A district school board shall adopt a policy for the use of personal electronic devices that support academic activities and independent communications.

The policy must provide that:

- (a) Students may be allowed to use personal electronic devices that support academic activities and independent communications.
 - (b) Unless otherwise specifically prohibited by the policy, students may not be denied the opportunity to use a personal electronic device that supports academic and independent communications.
- B. Currently the district is out of compliance with ORS 336.840 which requires school district boards to adopt and implement policies regarding student use of personal electronic devices no later than the 2014-2015 school year.
- C. The Bring Your Own Device (BYOD) policy allows and encourages, but does not require, staff and students to use personal mobile devices on the district wireless network to foster a modern learning environment.
- D. On February 13, 2017, the Business and Operations Committee reviewed and provided edits to the draft.
- E. On March 23, 2017, an updated draft policy was presented to the Business and Operations Committee where they unanimously agreed to move the policy forward to the full Board for approval.
- F. On April 25, 2017, staff presented the first reading to the Board of Policy 8.60.042-P, Bring Your Own Device.
- G. Per District policy, the public comment period was open for 21 days. Comments were shared with staff and with the Board of Education.

RESOLUTION

The Board of Education hereby adopts Policy 8.60.042-P, Bring Your Own Device.

Y.Awwad

RESOLUTION No. 5460

District-Wide Cold Water Fixture and Partial Pipe Replacement Project: Exemption from Competitive Bidding and Authorization to Use the Indefinite Delivery/Indefinite Quantity Alternative Contract Method

RECITALS

- A. The Board of Directors of Portland Public Schools ("District") is the Local Public Contract Review Board ("Board") pursuant to ORS 279A.060.
- B. ORS 279C.335(2) authorizes the Board to exempt certain public contracts or classes of contracts from the standard competitive bidding process otherwise required by the Public Contracting Code and Rules upon making certain findings.
- C. The District intends to complete the District-Wide Cold Water Fixture and Partial Pipe Replacement Project ("Fixture/Partial Pipe Replacement Project") utilizing District capital. The Fixture/Partial Pipe Replacement Project has a total budget of approximately \$28.5 million (inclusive of Mechanical Engineering, Water Quality Testing, District staff costs). The Project is more fully described in the Draft Findings dated May 9, 2017 ("Draft Findings"), prepared by staff and presented to the Board pursuant to ORS 279C.335.
- D. Given the complexity of the Fixture/Partial Pipe Replacement Project, staff has determined that use of the Indefinite Delivery/Indefinite Quantity ("ID/IQ") alternative contracting method is the preferred method of project delivery. The basis for this determination is set forth in the Draft Findings.
- E. The Draft Findings specify the cost savings and design, scheduling, operational, safety, and logistical advantages gained through use of the ID/IQ process.
- F. On May 9, 2017, the District issued a public notice in the Portland Business Tribune announcing the District's intent to utilize the ID/IQ Alternative Contracting Method for the Fixture/Partial Pipe Replacement Project. The notice was issued in compliance with ORS 279C.335 and the PPS Public Contracting Rules. The Draft Findings were made available for public review and comment on the date of publication.
- G. The Board held a public hearing on the Draft Findings on May 23, 2017 as required by ORS 279C.335(5).
- H. Staff recommends approval of the exemption from Competitive Bidding and approval of the ID/IQ alternative contracting method for solicitation and completion of the Fixture/Partial Pipe Replacement Project for the reasons set forth in the Draft Findings.

RESOLUTION

- 1. The Board hereby exempts the Fixture/Partial Pipe Replacement Project from competitive bidding requirements as provided in ORS 279C.335 and PPS Public Contracting Rules PPS-49-0145. The Board approves utilization of the ID/IQ Alternative Contracting Method as described in the Draft Findings.
- 2. The exemption granted in Section 1 of this Resolution is based upon the Draft Findings, which the Board adopts and incorporates by reference into this resolution.
- 3. Pursuant to these Findings and decision, the Superintendent or her designee is hereby authorized to conduct a ID/IQ alternative contracting process for the Fixture/Partial Pipe Replacement Project.

Y. Awwad

RESOLUTION No. 5461

Amendment No. 3 to the 2016/17 Budget for School District No. 1J,
Multnomah County, Oregon

RECITALS

- A. On June 21, 2016 the Board of Education (“Board”), by way of Resolution No. 5290, voted to adopt an annual budget for the Fiscal Year 2016/17 as required under Local Budget Law.
- B. Board Policy 8.10.030-AD, “Budget Reallocations – Post Budget Adoption,” establishes the guidelines to ensure consistent and detailed communication on fiscal issues between the Superintendent and the Board.
- C. Oregon Local Budget Law, ORS 294.471, allows budget changes after adoption under prescribed guidelines.
- D. On December 13, 2016 by way of resolution No. 5374, the Board voted to amend the annual budget for the Fiscal Year 2016/17. Amendment No. 1 moved Qualified Zone Academy Bond resources and requirements from Fund 438 to Fund 420, and updated the budget to include resources, requirements and debt service for a \$5M Full Faith and Credit Obligation and a \$10M Full Faith and Credit Obligation in Fund 420.
- E. On March 21, 2017 by way of resolution No. 5433, the Board voted to amend the annual budget for the Fiscal Year 2016/17. Amendment No. 2 revised beginning fund balances to reflect the FY 2015/16 financial statements of the District; adjusted the program allocation for funds to more accurately reflect intended expenditures, adjusted the appropriation levels as needed, made corrections for technical errors that occurred during budget development, and adjusted revenues and resources for known or expected significant changes.
- F. This resolution is to enable the Board to approve Amendment No.3 to the annual budget for the Fiscal Year 2016/17, and is allowed under ORS 294.471 guidelines, which state that the budget may be amended at a regular meeting of the governing body.
- G. Expenditures in Fund 101 – General Fund will be changed by less than 10% under this amendment. Local budget law does not require a public hearing on changes to fund expenditures that are less than 10%.
- H. The Superintendent recommends approval of this resolution.

RESOLUTION

1. The Board hereby amends budgeted expenditure appropriation levels as summarized by Fund and Appropriation Level in Attachment A for the fiscal year beginning July 1, 2016.

Interim CFO/R. Dutcher

ATTACHMENT "A" TO RESOLUTION No. 5461
Amendment 3 for the 2016/17 Budget
Schedule of Changes in Appropriations and Other Balances

Fund		Current	Change	Amended
General Fund	100s	\$ 604,905,161	\$ -	\$ 604,905,161
Special Revenue	200s	56,449,535	-	56,449,535
Debt Service	300s	99,240,434	-	99,240,434
Capital Projects	400s	310,333,405	-	310,333,405
Internal Service	600s	8,110,085	-	8,110,085

RESOLUTION No. 5462

Budget Committee Approval of the FY 2017/18 Budget and Imposition of Property Taxes

RESOLUTION No. 5463

A Resolution Regarding Depository Banks
for the Funds of the Portland Public School District (School District No. 1-J, Multnomah County, Oregon)

RECITALS

- A. On June 14, 2016, the Board of Education (“Board”) passed Resolution No.5286, supplementing and/or modifying Resolution No. 5202 for District Officer authorizations regarding depository banks.
- B. The District desires to supplement and/or modify Resolution 5286 as provided below;

RESOLUTION

- 1. “RESOLVED that any one of the following of the District’s officers [*designated titles only*]; and in their absence as the Superintendent/CEO designates

Deputy Chief Executive Officer _____, **Chief Operating Officer** _____,
Chief Financial Officer _____, **Deputy Chief Financial Officer** _____,

(each such designated officer an “Officer”), is individually authorized to: (a) open or close one or more deposit and/or securities accounts (the "Accounts") with any depository institution qualified by the Oregon State Treasurer under Oregon Revised Statutes (O.R.S.) 295 (herein after called "Bank") which account shall be in the name of the District; (b) execute and deliver in the District’s name such agreement(s) regarding the Accounts and the services related thereto as Bank may from time to time require; (c) authorize and execute transactions on the Accounts, including, without limitation, (i) signing checks and other instruments withdrawing funds from the Accounts, (ii) requesting funds transfers by Bank to and from the Accounts, (iii) entering into arrangements for the processing of automated clearing house (“ACH”) debit entries and/or ACH credit entries to and from the Accounts, and (iv) endorsing on behalf of the District, and otherwise negotiating, checks and other items payable to the District; (d) incur overdrafts and other obligations in the Accounts at Bank in connection with any of the products, services, or activities authorized by these resolutions;

- 2. RESOLVED that any one of the following of the District’s officers [*designate titles only*];

Director of District Financial Services _____, **Financial Operations Manager** _____,

(each such designated officer a “Limited Officer”), is authorized to: i) request funds transfers by Bank to and from the Accounts, (ii) enter into arrangements for the processing of automated clearing house (“ACH”) debit entries and/or ACH credit entries to and from the Accounts.

- 3. RESOLVED, that each Officer and each Limited Officer is individually authorized to designate one or more District officials (each such designated official, an “Official”) to: (a) sign checks withdrawing funds from their respective school checking Accounts, including those payable to cash; and (b) issue and release stop payments on checks drawn on their respective school checking Accounts.

- 4. RESOLVED, that the District is authorized to enter into any other arrangements, agreements and documents with respect to any Bank’s deposit and treasury management products and services, in such form and on such terms and conditions as may be agreed to by an Officer signing such

agreements and documents, after appropriate Board of Education approval is obtained, if necessary;

5. RESOLVED, that except to the extent provided otherwise in any agreement between the District and Bank, the District authorizes Bank to rely on any act or communication, including telephone, wire or electronic communication, purporting to be done by any Officer, Limited Officer or Official of the District if such reliance is in good faith, and the District shall be bound to Bank by any such act or communication relied on by Bank in good faith;
6. RESOLVED, that these resolutions are in addition to, and not by way of limitation on, other resolutions, if any, of the District in favor of Bank, and that the authority conferred by these resolutions shall be deemed retroactive and any and all acts authorized by these resolutions performed prior to the passage of these resolutions are hereby approved and ratified as the official acts and deeds of the District; and
7. RESOLVED, that each of these resolutions shall continue in full force and effect until Bank has received express written notice of its rescission or modification by a resolution duly adopted by the District's Board of Education and certified by a Secretary or Deputy Clerk of the District."

Y. Awwad

RESOLUTION No. 5464

Minutes

The following minutes are offered for adoption:

May 9, 2017