



Administrative Directive 8.50.105-AD

Purchasing & Contracting Delegation of Authority

To implement District policy 8.50.100-P and the adopted Portland Public Schools Public Contracting Rules (PPS-45-0200), the District will follow these procedures for purchasing and contracting delegated authority. In the event of any inconsistency between the provisions of this Administrative Directive and any provisions of the PPS Public Contracting Rules, the PPS Public Contracting Rules shall govern and control.

- I. Purchasing and contracting business processes are designed to be legally compliant while supporting efficient and effective operation of District schools and departments.
- II. The District's Purchasing & Contracting department provides acquisition, procurement, purchasing, and contracting procedures, instructions, and recommendations to District schools and departments.
- III. "District Contract" means all contracts entered into by the District, including Public Contracts subject to the Public Contracting Code and the PPS Public Contracting Rules (Divisions 46, 47, 48, and 49), and all other contracts or agreements entered into by the District. For the purpose of these Public Contracting Rules, "District Contract" does not include settlements of lawsuits or other claims against the District which continue to be governed by Board Policy 8.60.021-P, or the purchase, conveyance, acceptance, sale or lease of real property or an interest in real property. (PPS-45-0100 (1))
- IV. "Procurement" means the act of purchasing, leasing, renting or otherwise acquiring goods or services. "Procurement" includes each function and procedure undertaken or required to be undertaken by PPS to enter into a Public Contract, administer a Public Contract, and obtain the performance of a Public Contract under the Public Contracting Code. (PPS-46-0110 (64))
- V. "Public Contract" means a sale or disposal, or a purchase, lease, rental or other acquisition by the District of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a Public improvement. "Public Contract" does not include grants. (PPS-46-0110 (72))
- VI. Procurements are authorized only when the following conditions are met:
 - (1) The school or department:



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- a) Obtains pre-approval of the Procurement by the budget holder;
 - b) Confirms adequate budget is available for the Procurement;
 - c) Ensures the Procurement complies with all District Public Contracting Rules, and all other District policies pertaining to procurement and contracting, the Oregon Public Contracting Code (ORS 279A, ORS 279B and ORS 279C), and, if applicable, the procurement requirements of the funding source, if other than PPS;
 - d) Ensures contract work/delivery does not commence until a District Contract is signed by both parties;
 - e) With the support of Purchasing & Contracting, ensures the integrity of the procurement process;
 - f) Believes the Procurement is a reasonable and judicious use of District money;
 - g) Believes that the Procurement furthers the District's strategic goals; and
 - h) Believes the Procurement advances the District department or school's implementation of the District's mission.
- VII. No District officer, agent or employee may enter into or execute a District Contract on behalf of the District except as expressly authorized herein.
- VIII. Contract Manager: The school or department will designate a single, District representative to act as the Contract Manager for each District Contract.
- (1) Contract Manager role and responsibilities:
 - a) The Contract Manager is the Contractor's primary point of contact at PPS.
 - b) The Contract Manager is familiar with the contract, particularly the scope of work.



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- c) The Contract Manager is responsible for communicating with the Contractor to assure the goods and services specified in the contract are delivered completely and timely.
 - d) The Contract Manager approves invoices for payment and assures they are in compliance with the terms and conditions of the contract.
 - e) The Contract Manager is responsible for tracking the Contractor's performance.
 - f) The Contract Manager will address deficiencies in the Contractor's delivery on the contract and will escalate issues as appropriate, both in the Contractor's organization and at the District.
 - g) In the event the Contractor is significantly deficient in performing the District Contract scope, the Contract Manager may escalate the issue to a supervisor and/or Purchasing & Contracting for assistance in addressing the issues.
 - h) The Contract Manager will ensure that contract work/delivery does not commence until a District Contract is signed by both parties.
- IX. Solicitation Manager: The school or department will designate a District representative to act as the Solicitation Manager for each formal solicitation, such as a Request for Proposal or Invitation to Bid.
- X. Board Approval of Contracts:
- (1) All District Contracts exceeding \$150,000 shall be presented to the Board of Education on their consent agenda for approval. (PPS-45-0200(4))
 - (2) District Contracts are presented to the Board for approval in the form of a resolution as part of the consent agenda.
 - (3) This consent agenda is produced by Purchasing & Contracting. Purchasing & Contracting issues a minimum monthly communication to all departments seeking information for any District Contracts to be included on the consent agenda. It is the responsibility of the school or department to assure that the fully negotiated contract and all necessary attachments are delivered to Purchasing & Contracting within the necessary timeframes to assure Board



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review and approval prior to the date necessary to begin work.

- (4) The District may seek an “advanced authorization” from the PPS Board of Education for any District Contract, upon the approval of the Director of Purchasing & Contracting. The cost of the contract shall be a “Not to Exceed” amount. Once the Board has approved it, no further Board authorization for the contract is required.

XI. Superintendent Designated Authority to Obligate the District

- (1) The Superintendent designates the following positions authorized to electronically approve and/or sign District Contracts, which obligate the District, in compliance with the PPS Public Contracting Rules. The following table indicates the positions and amounts:

| Position | Contract Amount |
|--|---|
| Superintendent | Unlimited |
| Deputy Superintendent of Business and Operations | Unlimited |
| Chief Financial Officer | Unlimited |
| Director, Purchasing & Contracting | Unlimited |
| Deputy Clerk | Unlimited |
| Purchasing & Contracting Contracts Manager | Personal services contracts and hotel, catering, and space rental contracts that do not exceed \$50,000 |
| Purchasing & Contracting staff | Personal services contracts that do not exceed \$25,000 and are on the District contract template |



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(2) Amendments and Change Orders:

- a) An Amendment or Change Order is a written agreement changing or extending the terms and/or conditions of an existing District Contract by adding, removing or changing details, but leaving the general purpose of the contract intact. The District may amend a contract for goods and services without additional competition or Board authorization, within the constraints of the Public Contracting Rules and, for personal services contracts, subject to the 125% cumulative amendment cap and the exceptions thereto in PPS-46-0535(4). In the event of significant contract scope change, a new contract should be initiated and appropriate competition sought in compliance with the PPS Public Purchasing Rules.
- b) The Superintendent designates the following positions authorized to electronically approve and/or sign District Contract Amendments or Change Orders, within the constraints of the Public Contracting Rules, including the 125% cumulative amendment cap in PPS-46-0535(4):

| Position | Amendment Amount |
|--|----------------------------|
| Superintendent | Unlimited |
| Deputy Superintendent of Business and Operations | Unlimited |
| Chief Financial Officer | Unlimited |
| Director, Purchasing & Contracting | Unlimited |
| Deputy Clerk | Unlimited |
| Chief Operating Officer | Amendments under \$150,000 |



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|---|---|
| Office of School Modernization and Facilities and Asset Management Directors and Senior Directors | Amendments under \$100,000 |
| Purchasing & Contracting Contracts Manager | Amendments to personal services contracts and hotel, catering, and space rental contracts where cumulative contract amount does not exceed \$50,000 |
| Purchasing & Contracting Staff | Amendments to personal services contracts where cumulative contract amount does not exceed \$25,000 |
| Construction/Capital Project Managers and Project Directors | Change Orders under \$10,000 |

- c) These signatories are responsible for assuring any Amendments or Change Orders are appropriately routed to Purchasing & Contracting for input into the contract tracking system, entry into PeopleSoft, and retention in contract files.

(3) Construction Change Directives and Owner Directives:

- a) A Construction Change Directive or Owner Directive is a written authorization from the District to a construction contractor or consultant already under contract to proceed with change order work prior to execution of a written Change Order or Amendment.
- b) Construction Change Directives and Owner Directives may be utilized only when the project schedule will be negatively impacted, and/or the District will incur additional costs, if work must be stopped pending completion of the written, signed Change Order or Amendment process.



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- c) Office of School Modernization staff, Facilities and Asset Management staff, the Director of Purchasing & Contracting, the Chief Financial Officer, the Deputy Superintendent of Business and Operations, and the Superintendent are authorized to approve Construction Change Directives and Owner Directives that fall within the delegated Amendment and Change Order authority/thresholds noted above.
- d) Construction Change Directives or Owner Directives must be followed by written, signed Change Orders or Amendments.

XII. Emergency Public Contracting

(1) "Emergency" means circumstances that:

- a) Could not have been reasonably foreseen;
- b) Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
- c) Require prompt execution of a District Contract to remedy the condition.
- d) This is shown in our Public Contracting Rules in PPS-46-0110 (29) and reflects Oregon Revised Statute 279A.010.

(2) Emergency Declaration: The Superintendent's designee may declare that emergency circumstances exist that require prompt execution of a District Contract.

- a) The declaration shall be made in writing in a memorandum to the Superintendent describing the circumstances (as shown in XIII(1) above).
- b) A copy shall be issued to the Director of Purchasing & Contracting.
- c) The Emergency Declaration memorandum, District Contract, and associated documentation shall be kept on file as a public record.



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(3) Designees authorized to declare an emergency as per PPS-46-0110 (29):

| Position | Maximum Dollar Value |
|---|-----------------------------|
| Superintendent | Unlimited |
| Deputy Superintendent of Business and Operations | Unlimited |
| Chief Financial Officer | Unlimited |
| Chief Operating Officer | Unlimited |
| Facilities and Asset Management and Office of School Modernization Senior Directors and Directors | Up to \$500,000 |

(4) Emergency Procurement: Procurements in response to the Emergency Declaration will be in accordance with ORS 279B.080, PPS-047-0280, and PPS-049-0150.

XIII. Delegation of other Procurement duties

- (1) The Superintendent delegates the duties shown in XIII(4) to the Director of Purchasing & Contracting, the Chief Financial Officer, and the Deputy Superintendent of Business and Operations.
- (2) The Superintendent designates the Director of Purchasing & Contracting as the District's Contracting Officer.
- (3) It is the responsibility of the Contracting Officer to obtain the appropriate recommendations and justifications from technical staff.
- (4) The Director of Purchasing & Contracting will be responsible for the following duties on a daily basis:



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- a) PPS DIVISION 45 – DISTRICT CONTRACTS GENERALLY
 - i. Authorization for work to begin under a contract prior to full execution pursuant to PPS-45-0200(7)(a) and (b)
- b) PPS DIVISION 46 – PUBLIC CONTRACTING RULES APPLICABLE TO ALL PUBLIC CONTRACTS AND PERSONAL SERVICES CONTRACTS
 - i. Determination of Personal Services Contract (PPS-46-0500(3))
 - ii. Establishment of a Flexible Services Contracting Pool (FSCP) (PPS-46-0520(1))
 - iii. Direct negotiation through an FSCP (PPS-46-0520(2))
 - iv. Determination and documentation of direct negotiation for Personal Services Contracts (PPS-46-0525)
 - v. Determination of an exception to 125% cumulative amendment cap for Personal Services Contracts (PPS-46-0535(4))
- c) PPS DIVISION 47 – PUBLIC CONTRACTING RULES FOR CONTRACTS FOR GOODS AND/OR SERVICES OTHER THAN PERSONAL SERVICES
 - i. Determination and documentation of sole source for Goods and Services (PPS-47-0275)
 - ii. Authorization for alternative procurement methods and procurement without competitive bidding for Approved Class Special Procurements (PPS-47-0288)
 - iii. Receive and consider protests of Special Procurements, Sole-Source Procurements, multi-tiered and multi-step Solicitations, and other solicitations (PPS-47-0700, -0710, -0720, and -0730)



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- d) PPS DIVISION 48 – CONSULTANT SELECTION:
ARCHITECTURAL, ENGINEERING AND LAND SURVEYING
SERVICES AND RELATED SERVICES CONTRACTS
 - i. Establishment of an FSCP for Architecture, Engineering, Land Surveying or Related Services (PPS-48-0280)
- e) PPS DIVISION 49 – DISTRICT PUBLIC CONTRACTING RULES
FOR CONTRACTS FOR PUBLIC IMPROVEMENTS AND/OR
PUBLIC WORKS
 - i. Authorization for alternative procurement methods and procurement without competitive bidding for approved Class Exemptions (PPS-49-0146)
 - ii. Schedule hearing(s) regarding disqualifications (PPS-49-0370(3))
 - iii. Waive bid security requirements for public improvements less than \$100,000 (PPS-49-0460(5))

History: Adopted 1/2013, Revised 5/2014, 2/2015, 10/2015, 7/2016, and 10/2019.