

**BOARD OF EDUCATION**

Portland Public Schools  
**REGULAR MEETING**  
April 21, 2014

**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**

1. **PARTNERSHIP RECOGNITION** 7:00 pm
2. **PORTLAND PUBLIC SCHOOLS FOUNDATION  
EQUITY GRANT FUNDS** 7:20 pm
3. **CONFERENCE REPORT:  
COUNCIL OF THE GREAT CITY SCHOOLS** 7:40 pm
4. **STUDENT TESTIMONY** 7:50 pm
5. **STUDENT REPRESENTATIVE REPORT** 8:05 pm
6. **PUBLIC COMMENT** 8:20 pm
7. **CONTRACT AMENDMENTS** (action item) 8:40 pm
8. **REPORT: DIVISION 22** 8:55 pm
9. **BUSINESS AGENDA** 9:15 pm
10. **ADJOURN** 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

## Staff Report to the Board

**Board Meeting Date:** April 16, 2014

**Executive Committee Lead:** Neil Sullivan

**Department:** Purchasing & Contracting

**Presenter/Staff Lead:** Emily Courtnage

**SUBJECT: Resolutions to Authorize Intermediate Public Improvement Contract Amendments Increasing Contract Price by More Than 50%**

### BACKGROUND

Staff recommends that the Board adopt two exemption resolutions pursuant to PPS Public Contracting Rule 49-0145 ("Exemptions from Competitive Bidding").

PPS's Public Contracting Rules ("Rules") allow public improvement contracts awarded in accordance with intermediate procurement procedures to be amended, in certain circumstances, up to an aggregate contract price of 50% over the original contract amount. (PPS-49-0160 (6)). There is no Rule that allows for amendments of intermediate public improvement contracts above a 50% increase in the original contract amount. Thus, in the absence of an exemption resolution, the District would have to stop work on a project if the aggregate contract price reaches 50% over the original contract amount. The District would then have to engage in a competitive bidding process in order to select a contractor for the remaining work.

For the reasons set forth in detail in the Findings incorporated in the attached Resolutions (Attachments A and B) and in the attached Facilities and Asset Management staff memos (Attachments C and D), two recent public improvement projects involve significantly more work than originally anticipated when Competitive Quotes were obtained. These projects are: (1) Installation of a dance studio at Ockley Green K-8, and (2) Replacement of a retaining wall on the south side playground at Beach Elementary.

The proposed exemption resolutions would allow the District to amend the Ockley Green and Beach Elementary contracts to an aggregate contract price that is more than 50% of the original contract amount. Staff recommends adopting such exemption resolutions because amending the existing contracts to include the increased scope of work was and is the least costly and more expeditious way to complete the projects.

Pursuant to PPS-49-0145(3) ("Contents of Exemption Request"), an exemption request must contain the following information: (a) The nature of the project; (b) Estimated cost of the project; (c) Findings supporting why it is unlikely that an exemption from Competitive Bidding would encourage favoritism or diminish competition for the Public Contract; (d) Findings supporting that the exemption will likely result in substantial cost savings to the District; and (e) Information regarding eight specific factors set forth in OS 279C.330. The required information and Findings are set forth in Attachments A through D, attached hereto. More specifically, information regarding the factors set forth in ORS 279C.330 and PPS-49-0145(3)(e) is contained in the Attachments identified in the following table:

Reviewed and Approved by  
Executive Committee Lead

*Neil A. Sullivan*

<b>PPS 49-0145(3)(e) and ORS 279C.330 Factors:</b>	<b>Ockley Green Dance Studio Project</b>	<b>Beach Elementary Retaining Wall Project</b>
(A) Operational, budget, and financial data	See Attachment C	See Attachment D
(B) Public benefits	See Attachment C	See Attachment D
(C) Value Engineering	NA	NA
(D) Specialized expertise required	NA	See Attachment D
(E) Public safety	NA	NA
(F) Market conditions	NA	NA
(G) Technical complexity	NA	See Attachment D
(H) Funding sources	See Attachment C	See Attachment D

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### **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 contracts or classes of contracts from the standard competitive bidding process otherwise required by the Public Contracting Rules, as per ORS 279C.335(2).

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### **PROCESS / COMMUNITY ENGAGEMENT**

Where an exemption from competitive bidding on a public improvement contract is sought, the 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 will publish two separate Notices of Public Hearing, one concerning the Ockley Green dance studio and one concerning the Beach Elementary retaining wall, on April 7, 2014 in the Daily Journal of Commerce, the same Journal in which Purchasing & Contracting posts all required construction solicitation notices. Also on April 7, 2014, staff will make this Staff Report and the attached Resolutions and incorporated Findings available to the public. Instructions for requesting copies of the draft Findings are included in the Notices 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 Resolutions will not affect any other contract to which the District is a party nor effect any change in Rules or PPS policy.

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### **ALIGNMENT WITH EQUITY POLICY IMPLEMENTATION PLAN**

The changes described herein do not affect the District's Equity in Public Purchasing & Contracting Policy or Implementation Plan.

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## **BUDGET / RESOURCE IMPLICATIONS**

These exemption resolutions allow the District to efficiently complete the projects in the least costly and most expeditious manner, using contractors already in place.

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## **NEXT STEPS / TIMELINE / COMMUNICATION PLAN**

A public hearing is scheduled for the April 21, 2014 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 two attached Resolutions.

Staff from Facilities and Asset Management will be available at the April 21, 2014 Board Meeting and public hearing to respond to questions relating to the work described in the attached Resolutions and incorporated Findings.

If these Resolutions are adopted, staff in Facilities and Asset Management will prepare contract amendments for the completion of the Ockley Green dance studio and Beach retaining wall projects in accordance with the Resolutions. Contract amendments will be approved, processed, and executed in the usual matter, pursuant to PPS Rules and policies.

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## **QUESTIONS FOR BOARD DISCUSSION**

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## **ATTACHMENTS**

- A. Resolution to Authorize Contract Amendment: Ockley Green Dance Studio Project**
- B. Resolution to Authorize Contract Amendment: Beach Elementary Retaining Wall Project**
- C. Facilities and Asset Management staff memo describing Ockley Green dance studio project and change orders**
- D. Facilities and Asset Management staff memo describing Beach Elementary retaining wall project and change orders**

## ATTACHMENT C

### CONTRACT CHANGE INCREASE GREATER THAN 50% OF ORIGINAL CONTRACT SUM

Ockley Green – Install dance studio

RFQ# Q13-1683

Contract No. C-59996

Funding source: 405 (School Modernization Fund)

**Site:** Ockley Green  
**Project:** Install dance studio  
**Procurement Type:** Intermediate Procurement  
**Procurement #:** Q13-1683  
**Contract Dates:** July 22, 2013 through September 30, 2013  
**Contractor:** Todd Hess  
**Scope:** Remove cabinets on the east and west walls of dance studio, remove dust collection system, install PPS-supplied dance floor, install mirror wall.

#### Cost Summary:

Original Contract Amount \$11,748.98

<u>Approved Change Orders:</u>	<u>Amount</u>	<u>Percent</u>	<u>Cum.</u>
Change Order #1 <i>Remove metal cage, Cover screw holes in dance floor, finish north wall</i>	\$4,548	39%	
<b>APPROVED CHANGE ORDERS TOTAL:</b>	<b>\$4,548</b>	<b>39%</b>	<b>38%</b>
<u>Additional Scope</u>			
Change Order Request #2 <i>Extra labor for installing dance floor Extra cost of mirrors Cost to empty cabinets for removal</i>	\$6,834	58%	96%
<b>ADDITIONAL SCOPE TOTAL:</b>	<b>\$6,834</b>		<b>58%</b>
<b>TOTAL CHANGE ORDERS:</b>	<b>\$11,382</b>		<b>97%</b>
<b>PROPOSED TOTAL CONTRACT:</b>	<b>\$23,130.98</b>		

#### Justification:

Unforeseen Conditions –

1. The dance floor material was not part of this contract. PPS purchased it from a dance floor supplier. The supplier said it would take 1 week for two people to install the floor. That is how the install was quoted. It actually took 2 people 2 weeks to install the floor at an extra cost of \$4,620.

## ATTACHMENT C

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Ockley Green – Install dance studio

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2. The cost of the mirrors was quoted incorrectly and PPS agreed to pay half of the \$3,300 ( \$1,650 ) extra for this.

3. The cabinets that were scheduled for removal were originally going to be emptied by school staff. The contractor had to empty the cabinets and get the contents to the correct people. The extra cost for this was \$564

Estimated cost for completing work -- \$6,834

#### **Background:**

As part of the 2013 merger of Ockley Green and Chief Joseph a request was approved to convert the old industrial arts room at Ockley Green into a dance studio.

On July 18, 2013 the District received 3 quotes for the dance studio installation. Todd Hess was awarded the contract based on their low bid of \$11,748.98.

1. During the demolition portion of the project the school agreed to empty the industrial arts cabinets of their contents. Due to staff reassignments and capacity issues, staff was not able to remove the contents of the cabinets that were scheduled for removal. The project was on a fast track to be completed for the start of school and the cabinet removal was one of the first things that had to be completed. To save time, the contractor was asked to remove the contents. Cost \$564
2. After the mirrors had been ordered the contractor found that the number they quoted was \$3,300 more than the actual cost. Since PPS was getting all the mirrors installed we agreed to pay ½ of the extra cost which was still \$1,650 less than the actual cost.
3. When researching the dance floor materials and getting pricing I asked the supplier how many labor hours it would take to install the dance floor. They told me two carpenters could get it done in one week. That must have been a crew that had installed several of the floors and had a system. It took the Todd Hess crew two weeks to install the floor. I checked on them during the installation and I did not observe any extra hours charged where no work was completed. The system appears easy enough until all the pieces are made and then put together. We elected to have a contractor install the floor using PPS supplied material to save on cost. The same floor if totally contracted out for installation and materials would have cost close to \$33,000. The way the floor was completed including any change orders was approximately \$20,000.

## ATTACHMENT D

### CONTRACT CHANGE INCREASE GREATER THAN 50% OF ORIGINAL CONTRACT SUM

BEACH – Replace Retaining Wall

RFQ# 14-2013-2270

Contract No. C-59882

Funding source: 438 (Facilities Capital Fund)

**Site:** Beach Elementary  
**Project:** Replace Retaining Wall on South Side Playground  
**Procurement Type:** Intermediate Procurement  
**Procurement #:** 140-2013-2270  
**Contract Dates:** June 10, 2013 through August 31, 2013  
**Contractor:** TerraFirma  
**Scope:** Provide and Install 29 Tiebacks 5'-0" O.C  
 Concrete Crack Repair  
 Concrete Spall Repair  
 Weep Hole Repair  
 Galvanized Tieback Plates

**Cost Summary:**

Original Contract Amount      \$58,506.00

<u>Additional Scope</u>	<u>Amount</u>	<u>Percent</u>	<u>Cum.</u>
Change Order Request #1 Additional Materials Installed	\$14,715.00	25%	
Change Order Request #2 Additional Materials Installed	\$14,472.00	25%	50%
Change Order Request #3 Additional Materials Installed Additional Mobilizations/Lost Opportunity Rental Equipment (from additional Mobilizations) Materials (Dirt) Removed Bearing Plate Redesign	\$20,050.85	34%	84%
Change Order Request #4 11 Grouted Piers	\$54,647.00	94%	178%
<b>ADDITIONAL SCOPE TOTAL:</b>	<b>\$103,884.85</b>		<b>178%</b>
<b>PROPOSED TOTAL CONTRACT:</b>	<b>\$162,390.85</b>		

**Justification:**

1. Unforeseen Conditions: Test borings were not indicative of the soil content throughout area of work, thus requiring more materials to meet engineered torque requirements.
2. The proposed design is to install grouted helical pier anchors in the 11 remaining locations currently not meeting the required torque. During the initial installation of helical tie-back anchors, the city experienced an unusually heavy precipitation that resulted in soil migration through penetrations in the retaining wall causing additional work to remove soils from the

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Contract No. C-59882

Funding source: 438 (Facilities Capital Fund)

construction area. The migrated soil left voids behind the wall which will also need to be filled with a grouted slurry mixture. Estimated cost to complete the work -- \$74,697.85.

#### Background:

April 9<sup>th</sup>, 2012 -- Facilities & Asset Management received a Project Development Request to address failing retaining wall at Beach Elementary School:

***“replace large retaining wall on south side of playground. Wall is approximately 1 block and 30’ tall, from N. Blandean St. Will need to account for drainage from playground. Large civil project.”***

1. April 13<sup>th</sup>, 2012 -- The District requested a proposal from James G. Pierson Structural Engineers (JGP) to analyze the wall and provide permit documents with the assumed solution to be helical tie-back anchors. The scope would also include crack repair, concrete patching and epoxy injection. On April 23<sup>rd</sup>, 2012 the District received the proposal in the amount of \$2200, which also included construction observation services in addition to the aforementioned.
2. May 17<sup>th</sup>, 2012 -- JGP received the original drawings for the retaining wall installed in 1928.
3. May 18<sup>th</sup>, 2012 -- JGP provided a preliminary construction estimate recommending helical tie-back anchor solution at \$30,000.
4. November 2, 2012 -- At JGP's request, the District received a proposal from Alder Geotechnical Services (AGS) to drill and analyze two soil borings at 25' to 30' depths – one at 10' from the back of the wall and one at 25' from the back of wall. The findings were to be utilized by JGP to determine the design requirements for the helical tie-back anchors. AGS contract, in the amount of \$4,230, began March 1, 2013.
5. January 29<sup>th</sup>, 2013 -- JGP design drawings submitted for District initial design review. Contractors Western Construction Systems LLC and TerraFirma were provided the schematic design drawings for preliminary pricing. TerraFirma submitted a construction estimate of \$53,921.
6. March 28<sup>th</sup>, 2013 -- Two 4-inch diameter soil borings were drilled at 26.5" deep. AGS produced a geotechnical report dated April 30, 2013. The report included design recommendations including the following:

***“To achieve the required tension capacity, anchor lengths of 60 feet in top row and 40 feet in the bottom row will likely be required.”***

7. May 13<sup>th</sup>, 2013 -- JGP submitted updated permit drawings and calculations. The drawings detailed two horizontal rows of anchors with minimum anchor lengths of 40 feet in the top row and 25 feet in the bottom row. Final installation torque must meet 4806 ft lb for the top row and 5283 ft lb for the bottom row.

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BEACH – Replace Retaining Wall

RFQ# 14-2013-2270

Contract No. C-59882

Funding source: 438 (Facilities Capital Fund)

8. May 15<sup>th</sup>, 2013 -- The District solicited construction quotes from Contractors. Quotes were as follows:
  - a. PLI Systems - \$67,280.00
  - b. Oregon Helical Piers - \$64,838.29
  - c. TerraFirma - \$56,282.00
  - d. Additional helical pier lengths required to meet the torque were proposed at additional cost of: PLI \$56.65Inft, Oregon Helical Piers \$30.00Inft, and TerraFirma \$27.00Inft. JGP and AGS reviewed all quotes and concluded that TerraFirma’s proposal was the lowest.
  - e. The lowest base bid from TerraFirma was accepted as well as Alternate #1 for Weep Hole Repairs for \$524.00 and Alternate #2 Galvanized Plates for \$1700.00. This resulted in a total Original Contracted Amount of \$58,506.
9. June 10, 2013 -- Construction contract with Terra Firma executed.
10. July 2, 2013 -- TerraFirma proposed a design change based on availability of materials and City of Portland permitting process. This increased the minimum anchor lengths to 65’ on the top row and 50’ for the bottom row. The proposed change was reviewed and approved by JPG.
11. Prior to submittal of a Change Order Request and subsequent execution and approval of a Change Order, TerraFirma scheduled work around the City of Portland Sewer work being performed in the same locations and attempted to begin work on wall during the week of July 15<sup>th</sup>, 2013. The City’s contractor did not allow Terra Firma access on the agreed-upon dates a total of nine times. Ultimately, the work was not able to start until the City’s contractor vacated the area in September. Despite their proceeding without direction from the District project manager, the value of the work is a cost PPS would have incurred regardless.

Once work was able to commence, despite the geotechnical survey, a majority of helical tie-back anchors exceeded the minimum length to meet the required torque.

Pier	Length	Pier	Length
1	54	16	54
*2	131	17	66
3	89	*18	96
4	75	19	66
5	89	20	73
6	68	*21	0
7	61	*22	0
8	54	*23	0
9	80	*24	87
10	52	25	83
11	47	26	87
12	54	*27	106

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### CONTRACT CHANGE INCREASE GREATER THAN 50% OF ORIGINAL CONTRACT SUM

BEACH – Replace Retaining Wall

RFQ# 14-2013-2270

Contract No. C-59882

Funding source: 438 (Facilities Capital Fund)

*13	103	*28	0
14	68	*29	0
*15	103		

*\* indicates required torque not met*



## Division 22 Standards for Public Elementary and Secondary Schools 2013-2014 Assurances

### Instructions for Completing Form

1. Determine your district's compliance with the Oregon Administrative Rules (OARs) located in Chapter 581, Division 22. The OARs are available for review in ODE's [2013 Quick Reference](#) guide or on the Secretary of State's webpage at [http://arcweb.sos.state.or.us/pages/rules/oars\\_500/oar\\_581/581\\_022.html](http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_581/581_022.html).
2. Identify areas of compliance and non-compliance by checking the appropriate boxes in the chart below.
3. Create a plan that details how your district will correct the identified areas of non-compliance. Provide the plan in the expandable text box.
4. Complete the questions related to the Focus OARs.
5. Certify that your district's annual report was presented to the community, as required by the Department of Education. Please include evidence (such as school board minutes or a newspaper article) with the completed assurance form. This evidence should document that the report was made to the community.
6. Obtain your District Superintendent's signature on the Assurance Form.
7. Upload the completed (and signed) Assurance Form with any necessary attachments to Indistar system, <http://www.indistar.org> by **April 15, 2014**. Directions for uploading the document(s) are provided at the end of this form.

**Please note:** The Oregon Department of Education does not require that districts submit evidence of compliance at this time. Any files, documents, or artifacts collected during the assurances process are at the discretion of the local district.

If you have questions or need further assistance, please email Andrea Morgan, Education Specialist, at [andrea.morgan@state.or.us](mailto:andrea.morgan@state.or.us) or call (503) 947-5772.



\_\_\_\_\_  
School District

\_\_\_\_\_  
County

**DIVISION 22  
STANDARDS FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS  
2013-2014 ASSURANCE FORM**

I hereby certify that \_\_\_\_\_ has completed and presented its annual report to the community and is in compliance with and implementing as required, **all** of the applicable Standards for Public Elementary and Secondary Schools as set out in OAR Chapter 581, Division 22.

OAR Number	Title	Compliance Status	
		Yes, in compliance	No, not in compliance
<a href="#">0413</a>	Prevention Education Programs in Drugs and Alcohol		
<a href="#">0416</a>	Anabolic Steroids and Performance Enhancing Substances		
<a href="#">0421</a>	Safety of School Sports -- Concussions		
<a href="#">0606</a>	District Improvement Plan		
<a href="#">0610</a>	Administration of State Assessments		
<a href="#">0612</a>	Exception of Students with Disabilities from State Assessment Testing		
<a href="#">0615</a>	Assessment of Essential Skills		
<a href="#">0617</a>	Essential Skill Assessments for English Language Learners		
<a href="#">0705</a>	Health Services		
<a href="#">0711</a>	Policies on Reporting Child Abuse		
<a href="#">0807</a>	Standardization		
<a href="#">1060</a>	School and District Performance Report Criteria		
<a href="#">1130</a>	Diploma Requirements		
<a href="#">1131</a>	Credit Options		
<a href="#">1133</a>	Extended Diploma		
<a href="#">1134</a>	Modified Diploma		
<a href="#">1135</a>	Alternative Certificate		
<a href="#">1140</a>	Equal Education Opportunity (includes Harassment, Intimidation, Bullying and Cyberbullying)		
<a href="#">1210</a>	District Curriculum		
<a href="#">1215</a>	Literacy Instruction		
<a href="#">1310</a>	Identification of Academically Talented and Intellectually Gifted Students		
<a href="#">1320</a>	Rights of Parents of Talented and Gifted Students		
<a href="#">1330</a>	Programs and Services for Talented and Gifted Students		
<a href="#">1340</a>	Special Education for Children with Disabilities		
<a href="#">1350</a>	Alternative Education Programs		
<a href="#">1360</a>	Expanded Options Program Annual Notice		
<a href="#">1364</a>	Expanded Options - Requirements for Oregon Public School Districts		
<a href="#">1420</a>	Emergency Plans and Safety Programs		

<a href="#">1430</a>	Asbestos Management Plans		
<a href="#">1440</a>	Human Sexuality Education		
<a href="#">1510</a>	Comprehensive Guidance and Counseling		
<a href="#">1512</a>	Child Development Specialist Programs		
<a href="#">1520</a>	Media Programs		
<a href="#">1530</a>	Auxiliary Services		
<a href="#">1610</a>	Operating Policies and Procedures		
<a href="#">1620</a>	Required Instructional Time		
<a href="#">1622</a>	Independent Adoptions of Instructional Materials		
<a href="#">1640</a>	Instructional Materials Adoption		
<a href="#">1650</a>	Postponement of Purchase of State-Adopted Instructional Materials		
<a href="#">1660</a>	Records and Reports		
<a href="#">1661</a>	Report on Physical Education Data		
<a href="#">1670</a>	Individual Student Assessment, Recordkeeping, Grading, and Reporting		
<a href="#">1710</a>	Personnel		
<a href="#">1720</a>	Personnel Policies		
<a href="#">1723</a>	Teacher and Administrator Evaluation and Support		
<a href="#">1724</a>	Core Teaching Standards		
<a href="#">1725</a>	Educational Leadership—Administrator Standards		
<a href="#">1730</a>	Fingerprinting of Subject Individuals in Positions Not Requiring Licensure as Teachers, Administrators, Personnel Specialists, School Nurses		
<a href="#">1910</a>	Exemptions		
<a href="#">1941</a>	Complaint Procedures		
<a href="#">2130</a>	Kindergarten Assessment		

**FOCUS OARS:** This year, three rules have been selected for additional attention within the assurances process, OAR 581-022-1723, OAR 581-022-1330, and OAR 581-022-1620.

**OAR 581-022-1723 Teacher and Administrator Evaluation and Support**

Yes	No	
		The district evaluation and support system is aligned with the five elements of the Oregon Framework for Teacher and Administrator Evaluation and Support Systems and includes:
		1. Standards of Professional Practice
		2. Differentiated Performance Levels
		3. Multiple Measures
		4. Evaluation and Professional Growth Cycle
		5. Aligned Professional Learning
		The district has a plan to monitor progress and refine the local evaluation and support system.

**OAR 581-022-1330 Programs and Services for Talented and Gifted Students**

Yes	No	
		The district written plan for Talented and Gifted Education programs and services has been submitted to the Oregon Department of Education. The plan includes:
		(a) A statement of school district policy on the education of talented and gifted children;
		(b) An assessment of current special programs and services provided by the district for talented and gifted children;
		(c) A statement of district goals for providing comprehensive special programs and services and over what span of time the goals will be achieved;
		(d) A description of the nature of the special programs and services which will be provided to accomplish the goals; and
		(e) A plan for evaluating progress on the district plan including each component program and service.
		The instruction provided to identified students shall be designed to accommodate their assessed levels of learning and accelerated rates of learning.

**OAR 581-022-1620 Required Instructional Time**

(Please fill in the blanks within the following questions with your district’s information.)

Our district has adopted a school calendar that nets \_\_\_\_\_ instructional hours at grade K, \_\_\_\_\_ instructional hours at grades 1-3, \_\_\_\_\_ instructional hours at grades 4-8, and \_\_\_\_\_ at grades 9-12.

Please list any Division 22 rule(s), including the OAR number and title, with which the district is not in compliance and detailed plans to correct. Attach a separate document if necessary.

**SIGNED ASSURANCES**

I certify that any Division 22 rules with which the district does not yet comply are noted below. An explanation of why the district is not in compliance and a plan for correcting the deficiency (or deficiencies) is attached.

I hereby certify that the district's annual report was presented to the community on \_\_\_\_\_, as required by OAR 581-022-0807. Evidence (school board minutes or a newspaper article) is attached.

I further certify that all representations in this Assurance Form are true and correct to the best of my knowledge.

\_\_\_\_\_  
Name of District Superintendent

  
Signature

\_\_\_\_\_  
Name of person completing form

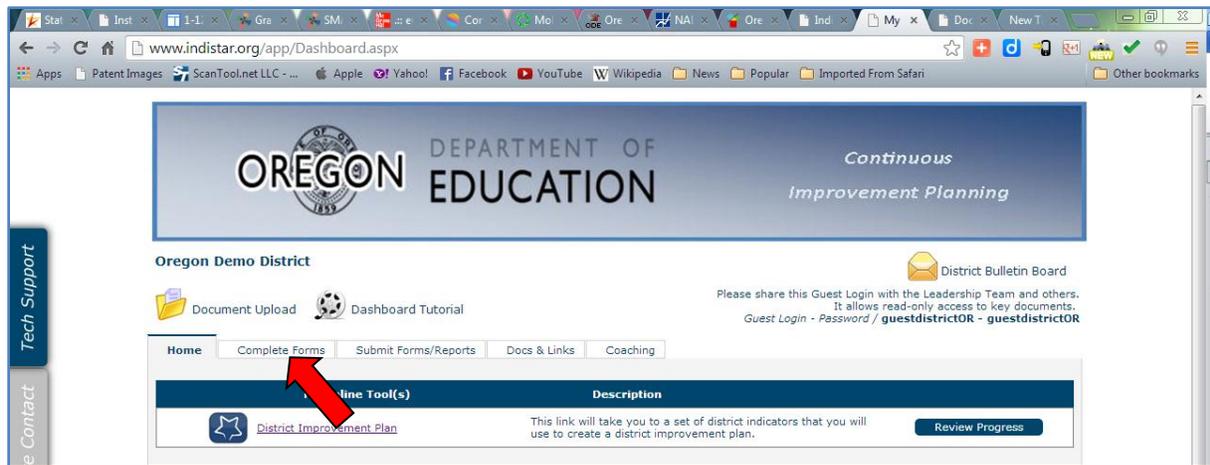
\_\_\_\_\_  
Date

**Please return the 2013-2014 Assurance Form by April 15, 2014 to:**  
<http://www.indistar.org>

## UPLOADING DIVISION 22 ASSURANCES TO INDISTAR

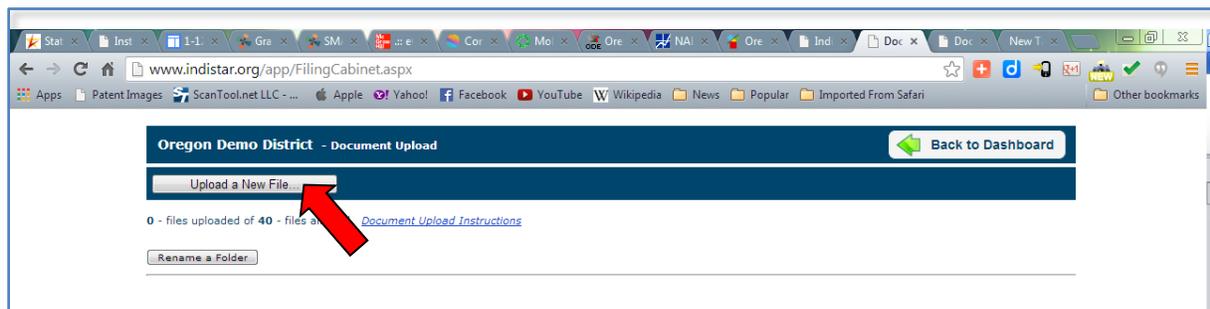
Your Division 22 Assurances form is a PDF Document that is found under "Complete Forms" on the Indistar Dashboard.

Start by logging into Indistar at [www.Indistar.org](http://www.Indistar.org) in your web browser. Your login information is available from your district security administrator.



Use the link to open the form and complete it. In order to save the changes you make to it, follow these steps:

1. Use the link to open the PDF form.
2. Click on the "save" icon in the upper left corner of the PDF.
3. Navigate to the folder where you will save it on your computer, and give it a name (ex. "2014 Div.22 Assurances").
4. Open the document from where you have saved it on your computer.
5. Make the needed changes to the document.
6. Save and close it.
7. Click on "Upload a New File."



8. Follow the instructions in the "Upload a New File" to upload your renamed document to Indistar.

The screenshot shows a web browser window with the URL [www.indistar.org/app/FilingCabinet.aspx](http://www.indistar.org/app/FilingCabinet.aspx). The page title is "Oregon Demo District - Document Upload". At the top right, there is a "Back to Dashboard" button. Below the title bar, there is a "Upload a New File..." section. The form contains the following elements:

- Document Type:** A radio button is selected for "New File". A "Choose File" button is next to it, and the text "No file chosen" is displayed.
- Allowed File Types:** .doc, .docx, .xls, .xlsx, .pdf, .ppt, .pptx, .txt; limit 100 MB
- Note:** For browser compatibility, any spaces in the file name of the file you are uploading will be replaced with underscores "\_".
- Link to a Web Page / URL:** An unselected radio button.
- Title:** A text input field with a placeholder "Title:" and a note "Maximum title length is 100 characters."
- Add in Folder:** A dropdown menu with "-select folder-" and a text input field for "or create a new folder:". A note below says "(optional) Maximum folder name length is 100 characters."
- Description:** A large text area with a placeholder "Description:".
- Uploaded By:** A text input field.
- Buttons:** "Upload" and "Cancel". A red arrow points to the "Upload" button.

At the bottom of the page, there is a status bar: "0 - files uploaded of 40 - files allowed" and a link to "Documents and Instructions". A "Rename a Folder" button is also visible at the bottom left.

## **PORTLAND PUBLIC SCHOOL DISTRICT 1J**

Division 22 rule(s), including the OAR number and title, with which the district is not in compliance and detailed plans to correct. See below:

**581-022-1311 Credit Options:** Per the March 14, 2014 letter from Deputy Director Saxton, PPS was found to be out of compliance with this requirement. Attached please find the two 8 period schedules for 2014-15 school year where all courses will meet the 130 credit hour requirement. PPS will provide this information as part of the corrective action plan due to the Oregon Department of Education on June 11, 2014.

### **581-022-1360 Expanded Options Annual Notice and 581-022-1364 Expanded Options- Requirements for Oregon Public School Districts:**

In past years, PPS received waivers from these two requirements but had not done so for the 2013-14 school year. PPS has now submitted this waiver to Mr. Carlile at the Department of Education because PPS believes that the intent of the Expanded Options Policy – to increase the participation of at-risk and historically underrepresented students in dual credit learning options- is best served by expanding existing dual credit programs and developing new dual credit opportunities targeted specifically at underserved and at-risk students. PPS is actively working with post-secondary and community partners to create and expand such programs. For the 2014-15 school year, PPS will submit its waiver to the Oregon Department of Education prior to the start of the school year.

**581-022-1610 Operating Policies and Procedures:** PPS is in compliance with sections 1-3, but did not make its report to the community on compliance with Division 22 by January 15, 2014 because there was an outstanding complaint to the Oregon Department of Education. PPS did not receive this information from the Oregon Department of Education until March 14, 2014. PPS will remedy its compliance with this standard by presenting this information to the School Board on April 21, 2014. PPS will present the information for 2014-15 by January 15, 2015.

### **581-022-1720 Personnel Policies**

Subsection (1)(f) of OAR 581-022-1720 requires the adoption and implementation of a personnel policy that addresses the requirement for releasing to TSPC, another district or any person upon request the disciplinary records of an employee or former school employee if the employee was convicted of a crime listed in ORS 342.143. The District complies with state law requirements, including Oregon Public Records Law requirements regarding release of employee disciplinary records if there is a request about a conviction. However, it does not have a specific policy regarding a records release in this circumstance. The District's Office of Legal Counsel expects to draft amendments to the District's current administrative regulations relating to its criminal history check process no later than June 1, 2014, in order to address this requirement.

### **581-022-1910 Exemptions**

When awarding alternative credit to students, parents or guardians of the student make a request to the district listing the reasons for the request and a proposed alternative for an individualized learning activity, and schools review all requests. For the 2013-14 school year, these were not brought to the School Board. For the 2014-15 school year all requests to award alternative credit will be brought to the Board of Education.

**581-022-1941 Complaint Procedures:** Deputy Director Saxton's March 14, 2014 letter found that PPS's complaint policy was out of compliance with this standard. PPS is in the process of hiring a district Ombudsman and revising our complaint policies and procedures. A process for revising this policy and

bringing it into compliance will be part of our corrective action plan due to the Oregon Department of Education on June 11, 2014.

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

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Personnel

The Superintendent RECOMMENDS adoption of the following item:

Numbers 4903

**RESOLUTION No. 4903**

Appointment of Temporary Teachers and Notice of Non-renewal

**RESOLUTION**

The Board of Education accepts the recommendation to designate the following persons as temporary teachers for the term listed below. These temporary contracts will not be renewed beyond their respective termination dates because the assignments are temporary and District does not require the teachers' services beyond completion of their respective temporary assignments.

<b>First</b>	<b>Last</b>	<b>ID</b>	<b>Eff. Date</b>	<b>Term Date</b>
Teri	Cahill	022234	4/3/2014	6/13/2014
Kaitlyn	Duffy	022144	2/19/2014	6/13/2014
Nathan	Pier	018008	3/10/2014	6/13/2014
Julie	Rindone	020002	3/11/2014	6/13/2014
Jennifer	Sollman	022443	3/31/2014	6/13/2014
Connie	Spieler Compton	020844	3/17/2014	5/31/2014
Corinne	Thomas-Kersting	006406	3/21/2014	6/13/2014

*S. Murray*

Purchases, Bids, Contracts

The Superintendent RECOMMENDS adoption of the following item:

Numbers 4904

**RESOLUTION No. 4904**

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 agreements in a form approved by General Counsel for the District.

**NEW CONTRACTS**

<b>Contractor</b>	<b>Contract Term</b>	<b>Contract Type</b>	<b>Description of Services</b>	<b>Contract Amount</b>	<b>Responsible Administrator, Funding Source</b>
Mountain States Networking	4/15/2014	Purchase Order PO 118702	District-wide: Replace obsolete and unsupported wireless access points, controller, and networking equipment with new equipment allowing for continued use and future growth of the wireless network.	\$349,463	J. Klein Fund 101 Dept. 5581
XIOLOGIX LLC	4/11/2014	Purchase Order PO 118637	District-wide: Upgrade of Storage Area Network’s hardware and software.	\$273,812	J. Klein Fund 101 Dept. 5581
Brown & Brown Northwest, Inc.	4/15/2014 through 4/14/2019	Insurance Premium	District-wide: Provide an Owner Controlled Insurance Program (OCIP) to provide specific insurances for all contractors on all Bond funded construction and all other construction greater than \$100,000.	\$2,199,843	J. Owens & T. Magliano Funds 451 and 191 Depts. 5511 and 5597 Projects DF120 and F1052

**NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)**

No New IGAs

**AMENDMENTS TO EXISTING CONTRACTS**

No New Amendments to Existing Contracts

*N. Sullivan*

Other Items Requiring Board Action

The Superintendent RECOMMENDS adoption of the following items:

Number 4905 through 4907

**RESOLUTION NO. 4905**

**Resolution to Authorize Contract Amendment:  
Ockley Green Dance Studio Project**

**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 certain findings.
- C. The District solicited a contract to remodel the industrial arts room into a dance studio using the intermediate procurement process (competitive quotes) pursuant to District Public Contract Rule PPS-49-0160 based upon a reasonable estimate that the cost of the project would be less than \$100,000.
- D. The District awarded a contract dated July 21, 2013, to Todd Hess Construction, the contractor submitting the lowest competitive quote, in the amount of \$11,748.98.
- E. The District discovered the following during the course of the work:
  - 1. The District provided the dance flooring material and solicited the project based upon the supplier's estimate that it would take two persons one week to install the flooring. It actually took two persons two weeks to install the floor.
  - 2. The contractor misquoted the cost of the wall mirrors. The District agreed to pay half of the additional cost of the mirrors, with the contractor bearing half of the cost increase.
  - 3. Though not included in the original scope of work, the District asked the Contractor to remove the cabinet contents so that the project could proceed in a timely manner.
- D. Addressing these unforeseen circumstances increased the contract price by \$11,382, resulting in a total estimated contract price of \$23,131, an increase of 97% over the original contract price.
- E. District Contracting Rule PPS-49-0160(6) and (7) prohibits the District from amending a contract solicited pursuant to an intermediate procurement by more than 50% unless the Board grants an exemption from competitive bidding.
- F. Staff requests such an exemption because the additional work/costs were unforeseen and would have been necessary in any event.

**RESOLUTION**

- 1. The Board hereby approves an exemption from the competitive bidding requirements of ORS Chapter 279C and its local Public Contracting Rules to authorize a contract amendment to an intermediate procurement contract to increase the contract price in excess of 50%.

2. The exemption granted in Section 1 of this Resolution is based upon the following findings pursuant to ORS 279C.335(2):
  - a. The Board finds that this contract exemption is unlikely to encourage favoritism in the award of public contracts or substantially diminish competition because the contract was originally awarded through a competitive quotes process and the increase in total contract prices is still well under the \$100,000 ceiling for the competitive quotes process, and because the circumstances creating the need to increase the scope of work arose after contract award and could not have been reasonably foreseen at the time of the solicitation. Further, even with the increase in the contract price, the contract is still a relatively small contract and the price increase is highly unlikely to have changed the pool of contractors who would have been interested in submitting quotes on the work.
  - b. The Board further finds that allowing this contract exemption will result in substantial cost savings to the District because the work would have been required in any event, and the Contractor's willingness to participate in the payment for the error reduces the cost over what the District would have paid if the mirrors had been properly quoted or another contractor performed the work.
3. In making the above findings, the Board considered information regarding the factors identified in ORS 279C.330 and set forth in the Staff Report.
4. Pursuant to these findings and decision, the Superintendent is hereby authorized to negotiate and execute an amendment to the July 21, 2013, contract with Todd Hess Construction to add additional scope of work as described herein and to increase the total contract price to an amount not to exceed \$23,200.

*N. Sullivan*

## **RESOLUTION No. 4906**

### Resolution to Authorize Contract Amendment: Beach Elementary School Retaining Wall Project

#### **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 certain findings.
- C. The District solicited a contract to replace the retaining wall on the Southside playground at Beach Elementary School using the intermediate procurement process (competitive quotes) pursuant to District Public Contract Rule PPS-49-0160 based upon a reasonable estimate that the cost of the project would be less than \$100,000.
- D. The District awarded a contract dated June 10, 2013, to TerraFirma Foundation Systems, the contractor submitting the lowest competitive quote, in the amount of \$58,506.
- E. The District discovered during the course of the work that the initial test borings were not indicative of the actual soil content and that the work required more materials to meet engineered torque requirements.
- F. During initial installation of helical tie-back anchors, the city experienced unusually heavy precipitation that resulted in soil migration through penetrations in the retaining wall, thus requiring additional work to remove soils from the construction area and requiring a void to be filled with a grouted slurry mixture.
- D. Addressing these unforeseen circumstances requires installation of additional materials, removal of dirt, redesign of the bearing plates, and installation of 11 grouted piers. Adding this additional scope will increase the contract price by \$103,885, resulting in a total estimated contract price of \$162,391, an increase of 178% over the original contract price.
- E. District Contracting Rule PPS-49-0160(6) and (7) prohibits the District from amending a contract solicited pursuant to an intermediate procurement by more than 50% unless the Board grants an exemption from competitive bidding (which is otherwise required for contracts in excess of \$100,000).
- F. Staff requests such an exemption because amending the existing contract to include the increased scope is the least costly and more expeditious way to complete the project.

#### **RESOLUTION**

- 1. The Board hereby approves an exemption from the competitive bidding requirements of ORS Chapter 279C and its local Public Contracting Rules to authorize a contract amendment to an intermediate procurement contract to increase the contract price in excess of 50%.
- 2. The exemption granted in Section 1 of this Resolution is based upon the following findings pursuant to ORS 279C.335(2):
  - a. The Board finds that this contract exemption is unlikely to encourage favoritism in the award of public contracts or substantially diminish competition because the contract was originally awarded through a competitive quotes process based upon a reasonable engineer's estimate

of cost, and because the circumstances and events creating the need to increase the scope of work arose after contract award and could not have been reasonably foreseen at the time of the solicitation.

- b. The Board further finds that allowing this contract exemption will result in substantial cost savings to the District because the existing contractor has already constructed part of the work, is familiar with the site, is mobilized, and can most quickly complete the project.
  - c. The Board further finds that instituting a competitive bidding process to complete the work would cause significant delay and would likely increase project costs based upon lack of familiarity with the existing work. Moreover, using a different contractor to complete the work may complicate warranty and liability responsibilities.
3. In making the above findings, the Board considered information regarding the factors identified in ORS 279C.330 and set forth in the Staff Report.
  4. Pursuant to these findings and decision, the Superintendent is hereby authorized to negotiate and execute an amendment to the June 10, 2013, contract with TerraFirma Foundation Systems to add additional scope of work as described herein and to increase the total contract price to an amount not to exceed \$162,500.

*N. Sullivan*

## RESOLUTION No. 4907

### Amendment No. 2 to the 2013/14 Budget for School District No. 1J, Multnomah County, Oregon

#### RECITALS

- A. On June 17, 2013 the Board, by way of Resolution No. 4775, voted to adopt an annual budget for the Fiscal Year 2013/14 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 of Education ("Board").
- C. Oregon Local Budget Law, ORS 294.471, allows budget changes after adoption under prescribed guidelines.
- D. On January 27, 2014, by way of Resolution No. 4864, the Board amended the FY 2013/14 budget.
- E. This Amendment No. 2 further revises the FY 2013/2014 Adopted Budget under ORS 294.471 guidelines, which state the budget may be amended at a regular meeting of the governing body.
- F. Amendment No. 2 adjusts specified program allocations for funds to more accurately reflect intended expenditures. PPS is putting in place an Owner Controlled Insurance Program (OCIP) and these expenditures are required to be appropriated as a Support Services program. The current budget only has funds appropriated for the Facilities Acquisition and Construction program.
- G. An OCIP provides advantages to Portland Public Schools (PPS) for its major capital improvement projects. In large scope of work construction contracts there are likely to be liability claims. PPS' bond supported capital construction program will involve multiple school sites over several years. An OCIP will be one liability insurance program to provide protection to PPS as compared to many insurance companies with varying policies and the involvement of multiple law firms. Furthermore, an OCIP will enable PPS to be the public face to our community with respect to any claim rather than the General Contractor which would be the case in other forms of insurance programs.
- H. In addition, an important benefit in support of the PPS Equity in Public Purchasing and Contracting policy is that the OCIP reduces the barrier of difficulty to obtain construction insurance for minority, women and emerging small business owned firms. Additional benefits include: better and more consistent insurance protection and claims management provided for PPS; costs are assumed to be neutral based on reduced insurance costs in contractor bidding; the OCIP reduces risk to PPS' existing insurance program as construction contract claims cannot adversely affect existing program annual premiums; and, the OCIP removes the burden of managing Certificates of Insurance coverage specifically for large public projects of \$100,000 and above from both PPS and contractors.
- I. This form of insurance coverage is considered a "best practice" across the U.S. and is used by many public entities engaged in a large scale capital construction programs. For example, locally construction contracts on all of the Tri Met MAX lines have been covered by an OCIP. The recent Port of Portland building expansion was covered by an OCIP.

- J. The premium cost of the OCIP will be amortized and budgeted over the five-year life of the contract. This budget amendment transfers the estimated initial cost of the OCIP for the remainder of FY 2013/14 from the appropriation category of Facilities Acquisition and Construction to Support Services. The OCIP will cover capital construction work under the capital bond and other large capital projects undertaken under the auspices of PPS Facilities Department. The cost of the OCIP is allocated 1% to the Facilities Capital Fund (Fund 438) and 99% to the GO Bonds Fund (Fund 450).
- K. 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, 2013.

*D. Wynde / N. Sullivan*

**ATTACHMENT "A" TO RESOLUTION No. 4905**  
 Amendment 2 for the 2013/14 Budget

Schedule of Changes in Appropriations and Other Balances

Fund 438 - Facilities Capital Fund	Adopted Budget	Amendment #1	This Amendment	Amendment #2
Resources				
Beginning Fund Balance	3,898,931	5,908,524	-	5,908,524
Local Sources	3,000	163,000	-	163,000
Intermediate Sources	-	-	-	-
State Sources	1,300,000	1,300,000	-	1,300,000
Federal Sources	-	-	-	-
Other Sources	681,024	681,024	-	681,024
<b>Total</b>	<b>5,882,955</b>	<b>8,052,548</b>	<b>-</b>	<b>8,052,548</b>

Requirements				
Instruction	-	-	-	-
Support Services	-	-	1,500	1,500
Enterprise & Community Services	-	-	-	-
Facilities Acquisition & Construction	5,882,955	8,052,548	(1,500)	8,051,048
Debt Service & Transfers Out	-	-	-	-
Contingency	-	-	-	-
Ending Fund Balance	-	-	-	-
<b>Total</b>	<b>5,882,955</b>	<b>8,052,548</b>	<b>-</b>	<b>8,052,548</b>

Fund 450 - GO Bonds Fund	Adopted Budget	Amendment #1	This Amendment	Amendment #2
Resources				
Beginning Fund Balance	103,592,062	109,235,424	-	109,235,424
Local Sources	28,000	28,000	-	28,000
Intermediate Sources	-	-	-	-
State Sources	-	-	-	-
Federal Sources	-	-	-	-
Other Sources	-	-	-	-
<b>Total</b>	<b>103,620,062</b>	<b>109,263,424</b>	<b>-</b>	<b>109,263,424</b>

Requirements				
Instruction	-	-	-	-
Support Services	-	-	148,500	148,500
Enterprise & Community Services	-	-	-	-
Facilities Acquisition & Construction	36,304,899	38,899,570	(148,500)	38,751,070
Debt Service & Transfers Out	-	-	-	-
Contingency	67,315,163	70,363,854	-	70,363,854
Ending Fund Balance	-	-	-	-
<b>Total</b>	<b>103,620,062</b>	<b>109,263,424</b>	<b>-</b>	<b>109,263,424</b>