

I. LEGAL PUBLICATION

TILLAMOOK BAY COMMUNITY COLLEGE EMERGENCY DECLARATION

The Tillamook Bay Community College's Board of Directors, serving as the College's Contract Review Board, will meet on Monday, March 9, 2009 at 7:00 PM for the purpose of DECLARING AN EMERGENCY under ORS 279A.010(1)(f) and the Community College Rules of Procurement Section CCR.206 OREGON STIMULUS PACKAGE PROJECTS. It is requested that the Board of Education, acting as the College's Local Contract Review Board, find that an emergency exists and thereby authorize the College administration to waive competitive bidding procedures within the parameters established within this declaration.

The Board will meet in room 9 of the First Street Campus located at 2510 First Street, Tillamook, OR 97141. Copies of the findings may be obtained by calling the office of the Construction Manager, John O. Henri, at (503) 624-9422, or obtained in person at the Construction Management office of J.J. Henri Co., Inc. at 19801 SW 72nd Ave; Tualatin, OR 97062.

Board of Education Local Contract Review Board Special Meeting Agenda

Date:
Monday, March 9, 2009

First Street Campus, Room 9
2510 First Street, Oregon 97141

Time:
7:00 p.m.

<u>Item</u>	<u>Description</u>	<u>Resource</u>
1.	Call to Order • Acknowledge Guests -----	Board Chair
2.	Approval of the Agenda ----- (Action)	Board Chair
3.	Invitation of Public Comment ----- This is an opportunity for the public to comment on any issue within the jurisdiction of the Tillamook Bay Community College Board of Education. The Board Chair may determine reasonable time, space and manner limitations. At the conclusion of public comment, individual members of the Board may respond to comments made by those who have addressed the Board, may ask staff to review a matter, or may ask that a matter be put on a future agenda.	Board Chair
4.	New Business:	
A.	Resolution 2008-2009 No. 7 ----- (Action)	President Carnahan John O. Henri
5.	Adjournment ----- (Action)	Board Chair



Tillamook Bay Community College

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**RESOLUTION DECLARING AN EMERGENCY
under ORS 279A.010(1)(f) and the
Community College Rules of Procurement Section CCR.206
OREGON STIMULUS PACKAGE PROJECTS
Resolution No. 2008-2009-#7**

REQUESTED ACTION

It is requested that the TBCC Board of Directors, acting as the College's Local Contract Review Board, find that an emergency exists and thereby authorize the College administration to waive competitive bidding procedures within the parameters established within this declaration.

FINDINGS

1. Oregon statute and College procurement procedures allow Tillamook Bay Community College to enter into public contracts without competitive bidding if an emergency exists. An emergency means circumstances that could not have been reasonably foreseen which create a substantial risk of loss or interruption of government services, requiring prompt execution of contracts in order to minimize the loss or interruption.
2. The Oregon State Legislature approved an economic stimulus package (SB 338) and declared that an emergency exists. The legislative intent behind this bill is to establish contracts on an expedited basis with a belief that such action can result in reducing the state's high unemployment rate and improving the state's economy.
 - a. Stimulus funds allocated to Tillamook Bay Community College under this legislation total approximately \$175,000.00, which is a portion of the estimated cost of the Tillamook High School Vocational Building Upgrade and Remodel Project. The remaining balance for the work shall be allocated from a separate General Obligation Bond that was passed by the voters of Tillamook County.
3. The Legislature intends to have the stimulus funds (lottery and bond proceeds) used as quickly as possible in order to stimulate work opportunities within the State. The Legislature's intent includes a requirement that projects commence on or before April 30, 2009.
4. Oregon statute requires the College to award all of its emergency contracts within 60 days of the emergency declaration. The College has a single contract to issue as part of the state's stimulus award.
5. Failure to comply with legislative intent – focused primarily on speed of execution – could potentially be taken into consideration during the community college general fund funding bill or could result in deferred maintenance funds being diverted to other institutions.
6. A DAS emergency declaration is expected to occur and would apply to state agencies. An emergency declaration adopted by the College Local Contract Review Board is consistent with actions being taken by the State.

GUIDELINES WITHIN WHICH EMERGENCY CONTRACTING WILL OCCUR

- A. This emergency declaration expedites procurement by revising the Community College Rules of Procurement (CCRP) for Oregon stimulus package projects as follows:

Process	Existing project cost	Change for purposes of this emergency
<u>DIRECT AWARD:</u> The college is encouraged but not obligated to obtain informal competitive quotes.	\$5,000 or less	\$24,999 or less
<u>COMPETITIVE QUOTES:</u> The college obtains three competitive quotes, or documents effort to obtain three quotes	\$5,001 - \$24,999	\$25,000 - 74,999
<u>FORMAL SOLICITATION:</u> (Invitation to Bid)	\$25,000 and higher	This process is waived
<u>WAIVES FORMAL SOLICITATION</u> The college obtains three competitive quotes with Board review and approval before issuing contract.		\$75,000 or more

- B. This declaration applies only to projects which are part of the Oregon stimulus package and were approved as part of Senate Bill 338. The only project that has been approved to receive State Stimulus Funding is the Tillamook High School Vocational Building Upgrade and Remodel Project.
- C. Any public improvement contract awarded under this declaration shall be awarded within 60 days following the date of the declaration of emergency unless an extension is granted by the Local Contract Review Board.
- D. The College is also authorized, as part of this emergency declaration, to immediately extend by 60 days – as needed – any existing vendor and supplier contracts in order to meet the contracting needs of this emergency. It is believed that such an extension does not inhibit competition and is in the public interest because many of these vendors have already been selected to offer services to the College through a statewide solicitation process.
- E. Furthermore, the College is authorized to “piggy back” onto existing vendor contracts with other public institutions, including State of Oregon purchasing agreements, when it is deemed to be the most cost-effective and expedient method of acquiring service. Vendors contracted in this manner will be encouraged to employ local skilled labor to provide the services contracted.
- F. In exercising authority under this exemption the College shall:

Emergency Declaration

~~February 11, 2009~~

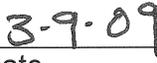
March 9, 2009

1. Make a reasonable effort to seek out and use qualified and responsible emergent and minority owned businesses to the extent possible under the circumstances;
2. To the extent possible, encourage the creation or maintenance of local and regional employment, along with price and other relevant considerations, as criteria for awarding contracts;
3. Record the measures taken to award work including: the amounts of bids, quotes or proposals; efforts to obtain quotes; reasons for selecting the awarded contractor; names and addresses of employers contracted; names and addresses of employees; Number of hours each employee works, and project start date and on-going status reports. These reports will provide the information required by OCCWD and by agents of the State of Oregon.
4. Comply with all prevailing wage and other regulatory requirements in place for construction work.
5. Comply with any other requirements mandated in the Legislative statute authorizing and funding these stimulus projects.

RESOLUTION

THEREFORE, BE IT RESOLVED that the Tillamook Bay Community College Board of Directors, acting as the College's Local Contract Review Board, and based on the above findings, hereby declares that an emergency exist and approves the above listed temporary revisions in the Community College Rules of Procurement for Oregon stimulus package projects.


Craig Wakefield, Board Chair


Date