



## PORTLAND PUBLIC SCHOOLS

### PURCHASING & CONTRACTING

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## MEMO

**Date:** February 7, 2024

**To:** All PPS Staff Involved in Purchasing or Contracting

**From:** Emily Courtnage, Director of Purchasing & Contracting

**Subject:** Updates to Public Contracting Rules – Effective Immediately

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On February 6, 2024, the School Board approved updates to the District's Public Contracting Rules ("Rules"). Many of those updates, summarized below, reflect recent legislative changes to the state Public Contracting Code and revisions to the Attorney General's Model Public Contracting Rules. Other updates are meant to improve internal alignment, efficiency, and effectiveness. These changes are effective immediately, applying to all procurements beginning February 6 or later.

### **Changes to small procurement thresholds (*i.e.*, the dollar amount at or below which no competition is required):**

- Raised the small procurement threshold for **Construction** contracts from \$10,000 to \$25,000
- Raised the small procurement threshold for **Goods and Services** contracts from \$10,000 to \$25,000
- Raised the small procurement threshold for **Personal Services** from \$50,000 to \$75,000

### **Changes to formal procurement thresholds (*i.e.*, the dollar amount above which the District must conduct a formally advertised, public Request for Proposals or Invitation to Bid solicitation process):**

- Raised the formal procurement threshold for **Goods and Services** contracts from \$150,000 to \$250,000
- Raised the formal procurement threshold for **Personal Services** contracts from \$150,000 to \$250,000
- Reinstated the informal procurement process for **Architecture, Engineering, and Related Services** between \$100,000 and \$250,000, with the formal procurement threshold now at \$250,000

### Other Rules Updates:

- **Removal of the 125% cumulative amendment cap** for Personal Services contracts
- New rule allowing direct negotiation, without justification paperwork, for all **medical services** (PPS 46-0525(14))
- Revised special class procurement rules for Copyrighted Materials and Creative Works (PPS 47-0288(4)) and Software and Hardware Maintenance, License, Subscriptions, and Upgrades (PPS 47-0288(11)) to more clearly cover curriculum materials in all modern forms as well as all digital resources including cloud-based programs and applications.

### Important Caveats:

- There are no changes to the **Board approval threshold**. It remains at \$150,000.
- There are no changes to the \$100,000 formal procurement threshold for **Construction** contracts.
- The competitive procurement thresholds for **contracts using federal funds** have not changed. The federal small procurement threshold remains at \$10,000 and federal formal procurement threshold at \$250,000.
- **Applicability:** Procurements and contracts initiated before the Rule changes are subject to the older competitive procurement thresholds. For example, a \$100,000 contract for services procured by informal methods in January 2024 is still subject to the \$150,000 formal procurement threshold; as such, that contract cannot be amended above \$150,000 even though the new formal procurement threshold is \$250,000.

For your convenience, I've attached the updated Solicitation Dollar Threshold Chart. That chart, and the new Rules, are also available on our webpage under "Staff Quick Links."

Please reach out to Purchasing & Contracting staff if you have any questions about the new Rules or their applicability.

## Solicitation Dollar Threshold Chart - Purchasing & Contracting at Portland Public Schools

IF:		THEN:	
Purchase Type	Cost	Vendor Selection Method	Awarded Based On:
<b>DIVISION 46: All Public Contracts and Personal Services Contracts</b>			
Personal Services: professional development, consulting (other than Division 48), facilitation, coaching, education, management, auditing etc	\$0 - \$75,000	Competition not required	Contractor is qualified and able to provide personal services meeting or exceeding PPS needs
	\$75,001 - \$250,000	Informal Request for Proposals	
	\$250,000+	Request for Proposals or Invitation to Bid	Highest scoring responsive & responsible proposer based on price and other criteria
<b>DIVISION 47: Goods and/or Services Other than Personal Services</b>			
Goods: products, including supplies and equipment	\$0 - \$25,000	Competition not required	Identified vendor is qualified and able to provide goods meeting or exceeding PPS needs
	\$25,001 - \$250,000	Quotes	Lowest priced or highest scoring responsive & responsible bidder based on price or price and other criteria
	\$250,000+	Request for Proposals or Invit. to Bid	
Services: delivery, printing, window-washing, minor alterations, and ordinary repair and maintenance	\$0 - \$25,000	Competition not required	Identified vendor is qualified and able to provide services meeting or exceeding PPS needs
	\$25,001 - \$250,000	Quotes or Informal Request for Proposals	Lowest priced or highest scoring responsive & responsible bidder based on price or price and other criteria
	\$250,000+	Request for Proposals or Invitation to Bid	
<b>DIVISION 48: Consultant Selection: Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services and Related Services</b>			
Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, Land Surveying, or Related Services	\$0 - \$100,000	Competition not required	Contractor is qualified and able to provide A&E or related services meeting or exceeding PPS needs
	\$100,001 to \$250,000	Informal Request for Proposals	Highest scoring responsive & responsible offeror based on price and other criteria
	\$250,000+	Request for Proposals	Highest scoring responsive & responsible offeror based on price and other criteria
<b>DIVISION 49: Contracts for Public Improvements and/or Public Works</b>			
Public Improvement: Construction, reconstruction, or major renovation	\$0 - \$25,000	Competition not required	Identified vendor is qualified and able to provide goods/services meeting or exceeding PPS needs
	\$25,001 - \$100,000	Quotes	Lowest priced responsive & responsible bidder
	\$100,000+	Invitation to Bid-Construction	
<b>OTHER: Federally Funded Contracts</b>			
All Contract Types Using Federal Funds	\$0-\$10,000	Competition not required	
	\$10,001 to \$250,000	Quotes or Informal Request for Proposals	
	\$250,000+	Request for Proposals or Invitation to Bid	