



PORTLAND PUBLIC SCHOOLS
OFFICE OF PURCHASING & CONTRACTING

501 North Dixon Street / Portland, OR 97227
Telephone: (503) 916-3421 / Fax: (503) 916-3109
Mailing Address: P. O. Box 3107 / 97208-3107

Date: May 20, 2021

To: Superintendent Guadalupe Guerrero

From: Claire Hertz, Deputy Superintendent, Business and Operations

Via: Emily Courtnage, Director of Purchasing & Contracting

Cc: Jonathan Garcia, Chief of Staff
Dani Ledezma, Senior Advisor on Racial Equity and Social Justice
Aurora Hymel, Senior Director, College and Career Readiness
Liz Large, Contract General Counsel
Kate Wilkinson, Assistant General Counsel

Subject: Emergency Declaration

This is to notify you that pursuant to PPS Contracting Rule PPS-46-0110 (28), the Deputy Superintendent of Business and Operations, in conjunction with the Offices of College and Career Readiness and Racial Equity and Social Justice, is declaring an emergency because the District needs to utilize Funds allocated by the Oregon legislature for 2021 summer learning in response to the COVID-19 public health emergency.

The Oregon legislature has allocated funding for school district use during summer 2021. Those funds must be spent between May - September 2021. The District's normal competitive public bidding and contracting process will impose significant and unacceptable delays in the District's abilities to utilize the funds on a timely basis and for the purposes intended.

The COVID-19 pandemic could not have been reasonably foreseen and, on March 13, 2020, the President declared a national emergency. The COVID-19 pandemic has greatly impacted education and resulted in school closures and disruptions.

The pandemic has created a loss and interruption of public school services and created a substantial threat to the health, welfare and safety of District families and students.

The funds allocated by the legislature for summer learning are intended to assist in countering those threats. In order to utilize those funds for summer 2021, the District needs the ability to contract for services on an expedited basis.

Our declaration is due to emergency circumstances that require prompt execution of a public contract. The situation qualifies as an Emergency because the situation:

1. Could not have been reasonably foreseen;

2. Creates a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
3. Requires prompt execution of a contract to remedy the condition.

The Office of Business and Operations anticipates the costs not to exceed \$10 (ten) million dollars.

We have confirmed with District legal counsel that this Emergency Declaration is in compliance with statute: ORS 279C.320(1), ORS 279B.080, and Public Contracting Rules: PPS-46-0110 (28), PPS-47-0280, and/or PPS-49-0150.

AD 8.50.105

XIII. 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 contract to remedy the condition.

(2) Emergency Declaration: The Superintendent's designee may declare that emergency circumstances exist that require prompt execution of a public 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 Program Director of Purchasing & Contracting.
- c) The emergency declaration memorandum, public contract, and associated documentation shall be kept on file as a public record.

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

Position Title	Scope/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