

EXHIBIT B

FINDINGS IN SUPPORT OF THE DESIGNATION OF CERTAIN CLASSES OF CONTRACTS FOR GOODS AND SERVICES AS SPECIAL CLASS PROCUREMENTS UNDER ORS 279B.085

The Board of Directors of School District No. 1J, Multnomah County, Oregon, acting as the Local Public Contract Review Board (the "Board"), makes the following findings in support of amendments and additions to the District's class special procurements for goods and services incorporated in the District's 2024 amendments to its Public Contracting Rules ("2024 Amendments").

I. Class Special Procurements.

A. Applicable Criteria. ORS 279B.085(4) empowers the Board to designate classes of contracts for goods or services for special procurement outside of the competitive procurement processes otherwise required under ORS Chapter 279B and the District's Public Contracting Rules. In order to approve a class special procurement, the Board must find that the designation of a class of contracts for special procurement:

1. Is unlikely to encourage favoritism in the award of public contracts or to substantially diminish competition for public contracts; and
2. Either:
 - a. Is reasonably expected to result in substantial cost savings to the contracting agency or to the public; or
 - b. Otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with the requirements that are otherwise applicable under ORS Chapter 279B or the District's rules adopted to implement those rules.

B. Findings. The District's class special procurements are set forth in District Public Contracting Rules at PPS-47-0288 (Exhibit A). The District's 2019 Amendments amend two existing class special procurements:

1. Copyrighted Materials and Creative Works (PPS-47-0288(4)).
 - a. Findings of Fact. The 2024 Rules amend this section to clarify that it applies to curriculum, reference materials, copyrighted materials, and creative works in any format. This amendment considers that modern learning and creative works come in multiple formats and sometime in more than format (e.g., hard copy and electronic/digital).
 - b. Conclusions of Law. This amendment will not discourage competition because learning and creative materials in any format are so specialized or unique that they cannot be effectively competed. In addition, many instructional materials must be reviewed prior to approval for use at the District, and this allows for creation of a list of vetted and approved materials, including format, from which programs and teachers can select. This promotes the public interest in high quality and relevant instructional materials in a way that cannot practicably be realized through the standard ORS 279B procurement process.

2. Software and Hardware Maintenance, Licenses, Subscriptions, and Upgrades (PPS-47-0288(11)).

a. Findings of Fact. The 2024 Rules modify this special procurement to allow direct procurement of software and hardware maintenance, licenses, subscriptions, and upgrades in any format where they are only available from a single source or, when available from multiple providers, are best procured from the incumbent provider who has knowledge of the District's systems. The superintendent must document the reasons for exercising this exemption in the procurement file. Similar to the above amendment, this amendment is designed to apply to the expanded array of available resources in multiple formats.

b. Conclusions of Law. This amendment is unlikely to diminish competition because it can only be employed where no competition exists, or where the contract has previously been completed and the product is already fully integrated with the District's systems, or the incumbent provider has specialized knowledge of the District's systems. It promotes the public interest in a way that cannot practicably be realized through the standard ORS 279B procurement process because it makes efficient use of the District's existing systems and does not require the District to conduct a competitive process where no effective competition exists.

II. Existing Special Procurement and Exemptions Continued. Although the 2024 Rules make a number of formatting and editorial changes to other class special procurements, the 2024 Rules make no other substantive amendments to existing special procurements or propose new special procurements as part of the 2024 Amendments to the District's Public Contracting Rules.