

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

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OFFICE OF THE BOARD OF EDUCATION
SCHOOL DISTRICT NO. 1J, MULTNOMAH COUNTY, OREGON
BLANCHARD EDUCATION SERVICE CENTER
PORTLAND, OREGON

The regular meeting of the Board of Education came to order at 7:02pm at the call of Co-Chair Pam Knowles in the Board Auditorium of the Blanchard Education Service Center, 501 N. Dixon St, Portland, Oregon.

There were present:

Pam Knowles, Co-Chair
Ruth Adkins
Bobbie Regan - *absent*
Tom Koehler
Steve Buel
Matt Morton - *absent*
Greg Belisle, Co-Chair

Andrew Davidson, Student Representative

Staff

Carole Smith, Superintendent
Caren Huson, Board Clerk

PARTNERSHIP RECOGNITION

The Board recognized the Mt. Hood Cable Regulatory Commission and the Rose Festival.

PORTLAND PUBLIC SCHOOLS FOUNDATION EQUITY GRANT FUNDS

Dan Ryan, Executive Director of All Hands Raised, announced that 1/3 of the money they receive goes into the equity fund. This past year was a record year as \$4.1 million was received, so 1/3 of those funds were placed into the equity fund. 118 teachers and staff were supplemented by the equity fund, with 47 awards announced. Peyton Chapman, Lincoln High School Principal, stated that she was proud of the work for the Lincoln Foundation. Erica Glaser, Alameda Foundation parent, commented that when they ask for donations that donors are told that 1/3 of the funds raised will help the entire city. Lavert Robertson, Cesar Chavez Principal, spoke on the benefits of the funding.

Director Buel questioned what funds were used for the All Hands Raised staff. Mr. Ryan responded that there was a division between the donation funds and the funds for their partnership with Multnomah County.

CONFERENCE REPORT: COUNCIL OF THE GREAT CITY SCHOOLS

Co-Chair Knowles provided a report on the conference she attended which was hosted by the Council of the Great City Schools. She was able to speak personally with Senator Merkley, and conference topics included the common core and testing.

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STUDENT REPRESENTATIVE'S REPORT

Student Representative Davidson also provided a report on the Council of Great City Schools Conference which we attended with other PPS students. Superintendents from various school districts were interested in how SuperSAC operated and student voice.

Student Representative Davidson read his student report into the record, focusing mainly on the common core. SuperSAC will host an evening of discussion on the topic of testing.

PUBLIC COMMENT

Joshua Curtis, Co-Chair of Our Portland Our Schools (OPOS), stated their disappointment for the District's process in determining a new high school schedule for 2014-2015. It was frustrating and discouraging that teachers were only allowed cursory input. Teachers had previously presented schedule options based on their experience, and OPOS does not feel that the District took their information into consideration. The District also needs to bring parents into the decision making process. OPOS was requesting that the District restart the high school scheduling process for 2014-2015.

Bill Porter, parent of two students at PPS, stated his excitement about the Common Core and that he was disappointed in Director Buel's draft resolution against the Common Core. Tests are needed to measure student progress, and the Common Core was much better than what we currently have in Oregon.

Bruce Scherer, MLC parent, stated that the problems continue to compound at MLC, and he spoke on the definition of "rigor". Mr. Scherer stated that student poverty was the real problem in the schools.

Katie Zechnich, Beaverton student, commented that she was working on a project to reduce carbon emissions. She would like the amount of meat served in schools to be reduced, and that a vegetarian meal be offered at least once a week as that was a good way to reduce carbon emissions.

CONTRACT AMENDMENTS

Co-Chair Knowles recessed the Board from its regular meeting and convened the Board as the Local Contract Review Board.

Emily Courtnage, Contracts Director, provided background information on the two proposed contract amendments, and stated that staff was recommending the Board approve the proposed two resolutions.

Director Buel asked what caused the change to the dance studio contract. Tony Magliano, Chief Operating Officer, responded that the floor cost more than the original bid and that the contractor had to perform some work that staff was supposed to do. Director Buel questioned the contract amendment for the Beach retaining wall. Mr. Magliano responded that the retaining wall was quite large and ran along the east side of the school; the wall was failing and was a safety issue. The engineer provided an estimate for the original scope of work. However, the auger that was recommended for the work could not handle the job. Then the rain came and filled in all the holes that the auger had made.

Co-Chair Belisle questioned if the contractor was looking at the City as they did not allow the work to occur when we wanted it to. Mr. Magliano responded that he was not sure that would be an option, but he would look into it.

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REPORT: DIVISION 22

Amanda Whalen, Senior Policy Advisor to the Superintendent, reported that a Division 22 Report was required per State OAR 581-022-1510. The requirement to submit the Assurance Form had been suspended by the Oregon Department of Education for the past 2 years. There were seven regulations that PPS was not in compliance with: credit options, expanded options annual notice, expanded options requirements, report to community on compliance with Division 22, personnel policies, and complaint procedures.

Director Buel moved to adopt his resolution on complaint procedures; Director Koehler seconded. Director Buel read a statement into the record on his perspectives of the complaint process.

Director Belisle stated that staff was just presented with assurances that all subjects we were not in compliance with will be resolved, so he will not be voting yes on Director Buel's resolution.

Co-Chair Knowles indicated that she will also vote against Director Buel's proposed resolution as it has been consistently stated that the Board will not hear motions that come before them during a Board meeting without the information having been included in the Board materials that are provided days prior to the meeting.

The Board voted 2-3 (2-yes, 3-no [Adkins, Belisle, Knowles]) on Director Buel's motion. Student Representative Davidson voted yes, unofficial. The motion failed.

Director Buel challenged Co-Chair Knowles on her decision to not hear motions the night of a Board meeting. There was no law that said a motion could not be presented at a meeting. Director Buel insisted that he could make a motion whenever he wanted to.

ADJOURN

Co-Chair Knowles adjourned the meeting at 8:37pm.

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Personnel

The Superintendent RECOMMENDED adoption of the following item:

Numbers 4903

Director Adkins moved and Director Koehler seconded the motion to adopt the above numbered item. The motion was put to a voice vote and passed by a vote of 4-1 (yes-4, no-1 [Buel]); With Directors Regan and Morton absent and Student Representative Davidson voting yes, unofficial).

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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.

First	Last	ID	Eff. Date	Term Date
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

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Purchases, Bids, Contracts

The Superintendent RECOMMENDED adoption of the following item:

Numbers 4904

Director Adkins moved and Director Koehler seconded the motion to adopt the above numbered item. The motion was put to a voice vote and passed by a vote of 4-1 (yes-4, no-1 [Buel]); with Directors Regan and Morton absent and Student Representative Davidson voting yes, unofficial).

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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

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
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

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Other Items Requiring Board Action

The Superintendent RECOMMENDED adoption of the following items:

Number 4905 through 4907

During the Committee of the Whole, Director Adkins moved and Director Belisle seconded the motion to adopt Resolution 4905. The motion was put to a voice vote and passed by a vote of 5-0 (yes-0, no-0, with Directors Regan and Morton absent and Student Representative Davidson voting yes, unofficial).

During the Committee of the Whole, Director Belisle moved and Director Koehler seconded the motion to adopt Resolution 4906. The motion was put to a voice vote and passed by a vote of 5-0 (yes-0, no-0, with Directors Regan and Morton absent and Student Representative Davidson voting yes, unofficial).

Director Adkins moved and Director Koehler seconded the motion to adopt Resolution 4907. The motion was put to a voice vote and passed by a vote of 4-1 (yes-4, no-1 [Buel]; with Directors Regan and Morton absent and Student Representative Davidson voting yes, unofficial).

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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%.

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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

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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

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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

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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

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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

April 21, 2014

ATTACHMENT "A" TO RESOLUTION No. 4907
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
Total	5,882,955	8,052,548	-	8,052,548

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	-	-	-	-
Total	5,882,955	8,052,548	-	8,052,548

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	-	-	-	-
Total	103,620,062	109,263,424	-	109,263,424

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	-	-	-	-
Total	103,620,062	109,263,424	-	109,263,424