



**DECLARING AN EMERGENCY AND EXEMPTION
FROM THE COMPETITIVE BIDDING REQUIREMENTS
IN RESPONSE TO GOVERNOR'S EXECUTIVE ORDERS
REGARDING THE COVID-19 PUBLIC HEALTH EMERGENCY
RESOLUTION #2019-2020-013**

The Reynolds School District Board of Directors, acting as the District's Local Contract Review Board, finds that an emergency exists and thereby authorizes the District's administration to waive competitive bidding procedures within the parameters established within this Resolution.

THE BOARD FINDS:

1. **Introduction:** Oregon Revised Statutes (ORS 279.010(1)(f) and ORS 279B.080) and the District Administrative Policy DJ allow the District to enter into public contracts without competitive bidding if an emergency exists. Policy DJ provides that the District Board of Directors, as the Local Contract Review Board, has delegated its authority under the Public Contracting Law to the District Superintendent, who is required to make all public purchasing processes comply with applicable state public contracting law. The Board of Directors seeks to extend the District's ability to use emergency public contracting provisions.
2. **Governor Brown's Executive Orders:** On March 8, 2020 Governor Brown declared an emergency under ORS 401.165 due to the public health threat posed by the novel infectious coronavirus (COVID-19). On March 12, 2020 Governor Brown announced the closure of Oregon K-12 schools from March 16, 2020 through March 31, 2020. On March 16, 2020 Governor Brown extended school closures through April 28, 2020.
3. **COVID-19 Is a Public Health Emergency:** The Board of Directors finds that Governor Brown's Executive Orders referenced in paragraph 2 above qualifies as an emergency for the purposes of ORS 299B.080.
4. **Services required by Governor Brown for School Districts to receive State School Funds:** On March 16, 2020 Governor Brown issued Executive Order 20-08 closing K-12 schools through April 28, 2020 and requires school districts to take certain actions as a condition to continued provision of State School Funds. The following are a synopsis of requirements:
 - a. Continue delivering supplemental education and learning supports to students to the extent practical through independent study and other appropriate options.

- b. Provide school meals in non-congregate settings through the guidance of the Oregon Department of Education and the U.S. Department of Agriculture.
- c. Provide for supplemental services and emergency management services, including the provision of childcare for first responders, emergency workers, health care professionals, and other individuals, consistent with any guidance and requirements provided by the Oregon Department of Education, if identified as a provider by the Governor.
- d. Develop plans for the operation of essential, non-educational services, including food services, to students and families.
- e. Transportation services to meet any of the requirements of the Executive Order and operations of the District as determined by the Superintendent.
- f. Continue to regularly pay all employees of public schools. A public school subject to this Executive Order may require school employees to report to work to assist with the provision of supplemental services and emergency management activities.
- g. Public school employees in at risk-categories, or public school employees who have an at-risk member of their household are not required to take action that is inconsistent with public health recommendations or the advice of the employee's physician.

5. **Addressing the Executive Orders requires the prompt execution of contracts:** Use of standard public contracting procedures for services, goods and materials to assist the District to respond to Executive Order 20-08 is not feasible, as it would result in unacceptable multi-weeks delays. Any delay would have an immediate detrimental impact on students and their families, staff, first responders and public health professionals.

6. **Authority to Enter into Emergency Contracts:** Based on the above, the Board of Directors of the Reynolds School District, acting as the District's Contract Review Board, does declare an emergency, pursuant to ORS 279B.080. This declaration of emergency authorizes the Superintendent, Chief Operations Officer, and their designees the authority for immediate negotiation and execution of contracts with one or more qualified contractors, service providers and providers of goods and materials for the following purposes:

- a. To assist the District in its response to the COVID-19 public health emergency and the Governor's Executive Order 20-08 and any subsequent Executive Order related to K-12 education.
- b. To take all necessary action to deliver supplemental education and learning supports to students during the school closure.
- c. To take all necessary action to provide meals in non-congregate areas.
- d. To take all necessary action to provide supplemental services and emergency management services.
- e. To take all necessary action to provide childcare for first responders, emergency workers and health care professionals.
- f. To develop plans for the operation of non-educational services, including food services, to students and families.

7. **Notification to Board:** The Superintendent or designee shall provide written notification to the Board of Directors of any expenditure under this Resolution in amount greater than \$150,000.

8. **Emergency Declaration:** An emergency declaration adopted by the District's Local Contract Review Board is consistent with the emergency needs of the District. The circumstances presently existing meet those contemplated in ORS 279B.080 as an emergency.

THEREFORE, BE IT RESOLVED that the Board of Directors, acting as the District's Local Contract Review Board, and based on the above findings, hereby declares that an emergency exists and approves the temporary revisions in the District's Purchasing Policies for all contracts required for the District's comprehensive response to the COVID-19 public health emergency and the District's response to Executive Order 20-08 dated March 16, 2020 and any subsequent Executive Order related to K-12 education in Oregon.

Adopted by the Reynolds Board of Directors acting as the Local Contracting Review Board this 22 day of April 2020.



Board Chair, Reynolds School District



Superintendent, Reynolds School District