

COMMUNITY COLLEGE MODEL RULES TASK FORCE MEETING
04/06/10, 9:00 AM-12:00 PM
LOCATION: PORTLAND COMMUNITY COLLEGE

Task force participants in attendance were: Eileen Miller, Chemeketa Community College; Topher McClellan, Blue Mountain Community College; Julie Mosier, Central Oregon Community College; Chris Robuck, Clackamas Community College; Margaret Antilla, Clatsop Community College; Kayleen Warner-Arens, Columbia Gorge Community College; Jack Nowak, Klamath Community College; Bob Baldwin, Lane Community College; Elaine McDougal, Linn-Benton Community College; Greg Gomez, Mt Hood Community College, Avelina Gulmatico and Steve Hopf, Portland Community College; and Linda Spaccarotelli, Umpqua Community College.

Introduction/Background

Since our last meeting a few more colleges have adopted the CCRPs and about ten have signed a POCC agreement. Not all of those colleges have adopted the changes discussed this last fall but expect to do so soon.

To repeat a paragraph from the last minutes of October 20, 2009, which are also true for the meeting today, "The Task Force revisited its history (e.g. began meeting in January 2004 as a result of the rewrite of ORS 279 which went into effect March 2005), original objective (i.e. maintain a statewide document to provide continuity in purchasing and contracting decisions throughout the state's community college system), to ensure compliance with recent statutory changes, as well as address any housekeeping measures. Task force participants were again advised that changes to Section 100 and 200 are to be made only by consensus of the Participating Oregon Community College members." Changes that the individual colleges want to make to Sections 100 and 200 can be made in Section 300 to be relevant to that college only.

HB 2867 and Cost Analysis Requirements . . . the Sequel

DAS has identified four operative challenges with HB 2867:

1. Unknown aggregate for statewide operative agreements;
2. Price agreements – prices up front not available;
3. Emergencies – Conflicting requirements;
4. How to show contractor profit in the cost analysis.

In the POCC discussion, different items were brought up. We found that Personal Services are defined somewhat differently by each college. Hopf indicated that PCC has exempted most contracts for services, so they're not dealing much with HB 2867. Chemeketa has been using the Feasibility Determination for contracts for services, including construction, but not contracts for Personal Services.

Using the “Make-or-Buy Decision Tree” we read through and discussed the “Not Feasible” Determinations (on the right side of Tree in yellow). Comment was made concerning #7 Policy Goals . . . that NOT using a QRF when indicated by statute would appear to be a conflict with complying with the ORS statutes, so you might use this one as a “not feasible” determination when working with QRFs.

We talked about enforcement of HB 2867 and determined that it would probably be up to the entity affected, or possibly to the labor unions, to challenge the public agencies’ handling of contracts under HB 2867.

Miller has recently received word on A&E contracts and construction contracts and that such contracts are handled in ORS 279C and will not be subject to the Cost Analysis provisions of HB 2867.

Proposed CCRP Amendment(s) for Summer 2010

The **new POCC website** is <http://www.occa17.com/mc/page.do?sitePageId=98519> and shows the current POCC Rules of Procurement for sections 100 & 200, which are the same for all of the participating community colleges with each college making their own changes in section 300. The section 300 shown in the website is Chemeketa CC’s version provided as an example.

Attorney General’s Model Public Contract Rules are located at http://www.doj.state.or.us/ca/business_transactions.shtml. Discussion of the changes to the CCRPs began with the Table of Contents for the A/G Model Rules, which are incorporated within the CCRP, but with some of the titles in the Table of Contents being crossed out, since they would not apply to POCC members. These rules can be viewed online; however, you may want to get the full hard copy book as that is the only place you can see the commentary which gives a better understanding of the policy.

Several of the changes being made to the CCRPs are due to SB 479. Most of the changes were due to clerical “cleanup” but they did include some substantive changes. These will be reviewed by each College and discussed via email until this summer when the changes will be solidified.

The last items discussed included the handouts and most were just read with few comments. We appreciate Eileen sharing Chemeketa’s procurement guides and most of the attendees to this meeting agreed that the article dealing with discounts showed an ethics problem that Purchasing people have to teach about and deal with daily.

Other issues

Multi-step process and Request for Qualification: An increase in alternative contracting methods have been used due to the poor economy. The RFQ followed by ITB has been used with some success by Chemeketa, but it is important to determine if a contractor really is eligible and qualified to bid on a project. Just be sure to state your criteria

clearly.

Few colleges are using AIA documents or are greatly modifying them.

As yet, no one is using electronic versus hard copy bids yet.

The eBay policies are still being worked out so it may be a year or so, before a new draft is written.

Handouts from this Meeting:

Agenda

Community College Model Rules Task Force list

Make-or-Buy Decision Tree for Contracts for Services (Other than Personal Services)

House Bill 2867 Deciding When to Contract Out for Services

Transparency in Public Contracting

House Bill 2867 Challenges in Applying an Untested Law

Feasibility Determination, Cost Analysis and Evaluation Form

Chemeketa CC: Guide to Contracting for Personal Services

Chemeketa CC: Pocket-Sized Procurement Guide

Memo to Eileen and others, "Responses to eBay and Broker Purchase Inquiry"

News article: Cinabarre expands 25% lunch discount offer (Ethics question)

Proposed Changes to the Community College Rules of Procurement for Summer 2010

Next Meeting: Clackamas Community College in October 2010, Details TBD