



**PORTLAND PUBLIC SCHOOLS
OFFICE OF PURCHASING & CONTRACTING**

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Date: November 29, 2022

To: Senior Leaders, Directors, and District Staff who work with contracts

From: Emily Courtnage, Director of Purchasing & Contracting

Re: Amendment of Expired Contracts

New Procedure

Effective immediately, amendment of expired contracts will no longer be allowed except in the narrow exceptions noted below.

Previously, we have occasionally allowed an expired contract to be amended/reinstated if the contract was pursuant to a multi-year solicitation process (e.g., an RFP with a one year term and four one-year renewal options) and an annual amendment was turned into Purchasing & Contracting after the current expiration date. We have, however, always instructed that no work could be done during the interim period before amendment approval. In recent years, we've received an increasing number of late amendments submitted well after contract expiration, and in some cases we have learned that work was ongoing after expiration. This situation presents significant risk to the District and possibly its students. For example, if contractors work without a contract in place, we have no guarantee that insurance, indemnification requirements, badging, training, and other legal obligations of the contractor – specifically including those designed to protect students – are complied with and enforceable.

Accordingly, all amendments must be submitted well in advance of contract expiration to allow time for reviews and approvals before contract expiration. Amendments submitted after contract expiration will be rejected and the contract manager will need to negotiate a new contract with the contractor. A new contract may require a new solicitation process and/or new Board approval process.

Exceptions

Amendments reinstating expired contracts will be allowed only in these circumstances:

1. Amendments to intergovernmental agreements or grants/revenue agreements.
2. Reinstatement of expired architecture, engineering, or related services contracts pursuant to PPS Public Contracting Rule 48-0310.
3. Reinstatement of an inadvertently expired contract solely to allow completion of the work specified in the original contract, with no scope change or increase in contract price, pursuant to PPS Public Contracting Rule 45-0500(3).

How to Track and Plan for Contract Expirations

There are several ways to keep track of your contract expirations:

1. Our contract management software – Cobblestone – emails on the first of each month a report of pending expiration contracts (contracts expiring within 90 days) to the District contract manager and contact person listed on the contract approval form.



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- a. If you wish to explore adding another person to be notified or have questions on how to access or use Cobblestone, please contact us at purchasing@pps.net
2. Cobblestone also sends email notifications for each expiring contract, typically 90 days before expiration and on the date of expiration.
3. Cobblestone users can log in and see on their dashboard at any time (a) a report with all of their active contracts, including expiration dates, and (b) a report of their pending expiration contracts.

Work Without Active Contract Prohibited

As before, work may not take place without a valid contract in place, signed by authorized signers for both PPS and the contractor. No work may begin until the contract is signed and you are notified by Purchasing & Contracting that the contract is finalized. Similarly, no work may take place after the contract expiration date. Accounts Payable cannot pay on a contract for work that occurred outside of the contract period.

Thank you for your work to improve contract management at PPS!