AGENDA

1. CALL TO ORDER/ROLL CALL/WELCOME

2. CONSENT ITEM
   a. UO, Academic Learning Center for Student Athletes................................................. 1
      The University has for some time been in conversation with donors regarding the
      development of a facility to provide much needed study and tutoring space for student
      athletes, as well as space that will be available for use by the University in general
      including a large classroom/auditorium.

3. ACTION ITEM
   a. EOU, Implementation of the Repositioning Plan (Lund)

4. REPORT ITEM
   a. Internal Audit Progress Report (Snopkowski) ............................................................ 3
      This report provides information on Internal Audit Division activities as required by the
      Board audit charter.

5. DISCUSSION ITEM
   a. Proposed Purchasing, Contracting, and Construction Rules (Marlton)...................... 5
      OUS institutions are requesting the Board review and approve modifications to OUS
      administrative rules that govern procurements of professional services, goods and
      services, construction services, and purchases of real property. Board approval is
      anticipated for February 2008.

6. ADJOURNMENT
AGENDA

1. CALL TO ORDER/ROLL CALL/WELCOME

2. REPORTS
   a. Chancellor’s Report
   b. Research Council (Linton)
   c. Interinstitutional Faculty Senate (IFS) President (Carson)
   d. Oregon Student Association (OSA) Chair

3. CONSENT ITEMS
   a. EOU, Implementation of the Repositioning Plan (Lund)
   b. PSU, Undergraduate Certificate in Contemporary Turkish Studies
      Portland State University seeks Board approval to offer an instructional program leading to an Undergraduate Certificate in Contemporary Turkish Studies.
   c. UO, Master’s Degree in Strategic Communication
      The University of Oregon seeks Board approval to offer an instructional program leading to the Portland-based Master’s degree in Strategic Communication.

4. ACTION ITEMS
   a. OUS, Ratification of Sprint/Nextel EBS Lease Agreement Renewal for the Medford Area
      The OUS and SOU request that the Board ratify two Education Broadband Service Long-Term De Facto Lease Agreements as signed by the Chancellor.
   b. Annual Financial Audit Report (Moss Adams)
      The Annual Audit Statements will be presented to the Board for their acceptance. External auditor observations regarding internal controls and compliance with federal grants and contracts, and management’s responses to those observations, will also be discussed.
c. Amendment of Permanent Rules (OAR 580-043-0060 through 0100), University Venture Development Funds (Hagemann) ................................................................. 75
   These Oregon Administrative Rules will adopt the procedures necessary for each institution to establish a venture development fund.

d. Amendment of Permanent Rules (OAR 580-023-0005) Employee Background Check (Hagemann)

e. Resource Fees/Differential Tuition New Policy Approval (Kenton) .............................. 83
   The guiding principles and proposed policy changes regarding resource fees and differential tuition have been revised to address many of the concerns that were raised in the discussion at the November 2007 meeting of the State Board of Higher Education.

f. Tuition and Fee Recommendations, Residence Hall and Food Service Charges, and Amendment to OAR 580-040-0035, 2008 Summer Session Fee Book (Nelson) ........................................................................................................ 87
   The tuition and fees, housing rates, and policies submitted here for consideration relate to the 2008 summer session. There are separate tuition and fee structures for the regular academic year and continuing education programs.

5. REPORT ITEMS

a. Investment Earnings Legislative Progress Update (Green) ................................. 101

b. UO, Basketball Arena Update (Frohmayer) .............................................................. 103
   President Dave Frohmayer will provide an oral report, including the results of the feasibility assessment conducted by outside consultants, project update, and steps to date in gaining legislative approval.

6. DISCUSSION ITEMS

a. OUS, Strategic Planning (Weeks) ........................................................................... 105
   The focus of January’s Board discussion will be on the six areas of organization and deliverables identified at the December 2007 Board of Higher Education’s strategic planning work session.

b. SOU, Revised Mission Statement (Cullinan)
   SOU is in the process of revising their mission statement; it is anticipated this revision will be brought forward for action in the February 2008 meeting of the Board of Higher Education.

7. COMMITTEE REPORTS

a. Standing Committee Reports

b. Other Board Committees

8. PUBLIC INPUT
9. BOARD COMMENTS

10. DELEGATION OF AUTHORITY TO BOARD’S EXECUTIVE COMMITTEE

“Pursuant to Article II, Section 5 of the Bylaws of the Board of Higher Education, the Board delegates to the Executive Committee authority to take final action as here designated or deemed by the committee to be necessary, subsequent to the adjournment of this meeting and prior to the Board’s next meeting. The Executive Committee shall act for the Board in minor matters and in any matter where a timely response is required prior to the next Board meeting.”

11. ADJOURNMENT

Note: All docket materials are available on the OUS website at: http://www.ous.edu/board/meetingmaterials.htm. Please contact the Board’s office at (541) 346-5749 if you have any questions regarding these materials. This agenda may be amended at any time prior to 24 hours before the Board meeting. Estimated starting times for the agenda items are indicated; however, discussions may commence, or action may be taken, before or after the suggested times. Any item on the agenda may be considered at any time out of order at the discretion of the President of the Board. During the meeting, the Board may convene in Executive Session to receive legal advice regarding any item on the agenda or for any reasons permitted under Oregon law.
REGULAR MEETING #799 OF THE OREGON STATE BOARD OF HIGHER EDUCATION
PORTLAND STATE UNIVERSITY
PORTLAND, OREGON
JANUARY 4, 2008

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   Board Strategic Planning Discussion........................................................................... 105
UO, Academic Learning Center for Student Athletes

Plans to build an Academic Learning Center for Student Athletes at the University of Oregon are moving forward. Currently, Support Services for Student Athletes are provided in Esslinger Hall in offices that housed the athletic department prior to construction of the Casanova Center. These facilities are seriously deficient in both space and quality. This is especially true as the roster for track and field has grown and as recruitment has started for both the new men’s baseball team and the women’s cheer team. The University has for some time been in conversation with donors regarding the development of a facility to provide much needed study and tutoring space for student athletes, as well as space that will be available for use by the University in general including a large classroom/auditorium.

The project will provide a key anchor point for the Learning Neighborhood discussed by Senior Vice President and Provost Linda Brady at a presentation before the Board in October 2007. The neighborhood concept itself is a key companion to and an integral part of the strategic housing plan. It will focus support services for all students in one area and will connect residential campus areas with areas of instruction and research.

The new facility will be located on the west end of what is now a staff parking lot near the corner of Agate Street and Franklin Boulevard. This building, plus a proposed Alumni Center and arena, will establish the new gateway to the University.

The University is granting a license that allows Phit, LLC, a subsidiary of the University of Oregon Foundation, permission to construct a facility on that site. When completed, Phit, LLC will give the Academic Learning Center for Student Athletes to the University as a gift-in-kind. The license commenced on December 1, 2007, and construction is scheduled to begin immediately after the Olympic Trials are completed in July 2008. The license will end when the Academic Learning Center for Student Athletes is turned over to the University, but no later than July 2010.

This new facility will be an auxiliary facility. All costs of operation and maintenance will be the responsibility of the UO Athletic Department.

Staff Recommendation to the Committee:
Staff recommends acknowledging the receipt of the University of Oregon’s plan to build an Academic Learning Center for Student Athletes and approves granting of a license to Phit, LLC, with the understanding that the license will expire once the Center is turned over to the University or no later than July 2010.

(Committee action required.)
OUS Internal Audit Progress Report

The OSBHE Audit Charter states that the Oregon State Board of Higher Education (the Board) has oversight responsibility to ensure that Oregon University System (OUS) management is performing their duties of financial reporting, ensuring effective and efficient internal controls, and complying with laws, regulations, and ethics.

In order to assist the Board in carrying out its responsibility, the charter further provides that the Board shall review, at least semi-annually, the results of Internal Audit Division’s recommendations and follow-up procedures. More frequent meetings will be held as deemed necessary.

During the period from September through December 2007, the OUS Internal Audit Division issued eleven reports, including four management request engagements, one information technology project, and six reports on surplus property management and cashiering.

The results of the two scheduled projects are summarized in the following table:

<table>
<thead>
<tr>
<th>AUDIT PROJECT TITLE</th>
<th>INSTITUTION</th>
<th>Risk Rating (as of 12/18/07)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cashiering</td>
<td>UO</td>
<td>High</td>
</tr>
<tr>
<td></td>
<td>OSU</td>
<td>Medium</td>
</tr>
<tr>
<td></td>
<td>EOU</td>
<td>Medium</td>
</tr>
<tr>
<td></td>
<td>Systemwide</td>
<td>N/A</td>
</tr>
<tr>
<td>Surplus Property Management</td>
<td>PSU</td>
<td>Medium</td>
</tr>
<tr>
<td></td>
<td>Systemwide</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Ratings** – The rating relates to the selected financial, compliance, and operational areas tested. The rating is NOT a global performance rating. The rating corresponds to the level of management priority.

- **High** – Some controls exist, but they are generally not functioning as intended and additional controls are needed.
- **Medium** – Controls exist, but some controls are not functioning and/or additional controls are needed.
- **Low** – Controls are in place and functioning effectively. Additional control enhancements are outlined in the recommendation section of the report.
Proposed Purchasing, Contracting, and Construction Rules Discussion

**Summary:**
OUS institutions are requesting the Board review and approve modifications to OUS administrative rules that govern procurements of professional services, goods and services, construction services, and purchases of real property. The guiding principles behind the rule revision have centered around increased transparency, accountability and flexibility.

Staff is proposing that the rules be temporarily adopted at the February 2008 Board meeting so that institutions can modify business practices that have become administratively inefficient and out of compliance with statutory requirements. The temporary rule would remain effective for a maximum of 180 days. During that period, the Chancellor’s Office will conduct public hearings to ensure that the public has an opportunity to comment on the changed business practices prior to final Board adoption.

**Background:**
In 1995, OUS was given statutory authority to develop its own rules relating to procurements of professional services, goods and services, construction services, and purchase of real property. OAR Chapter 580, Division 40 and 50 were created to set out the procedures for conducting procurements. In addition, Internal Management Directives (IMDs) were created to further address technical aspects of procurements. For several years, OUS institutions have expressed a desire to modernize the rules to better reflect the institution business model as well as ensure OUS conducts business in a manner that is transparent, accountable, and flexible.

In preparation of the rule update, staff would like the Board to consider the following principles that were used by the rule revision committees to guide the process:

**Transparency** – OUS and its member institutions will ensure that there is openness and clarity in processes and will endeavor to be consistent, competitive and supportive of the needs of our communities, including the State of Oregon’s Minority, Women, and Emerging Small Businesses.

**Accountability** – OUS and its member institutions need to base procurements on accurate information and to monitor the responsibilities delegated to the Chancellor and presidents or appointed designees. OUS and its institutions should not impose unnecessary burdens or constraints on suppliers or potential suppliers, and conduct business without unfair discrimination, corruption, or collusion.

**Flexibility** – OUS and its member institutions should be efficient and cost effective as possible and strive to competitively procure unless there are convincing reasons to the contrary.
Because the OUS rules have not been updated for 12 years, institutions have been limited from engaging the contracting community using current market methods that would be administratively easier for both the institution and for contractors. In fact, the OUS rules reference sections of the 1995 Attorney General Model Rules that are no longer easily accessible to the contracting community. Campuses retain only a couple tattered copies of the Model Rules, which must be used on a daily basis. Another source of confusion has been IMDs, which outline Board policies that conflict with the current administrative rules and are significantly out of date.

The goal of the rule revision was to ensure that institutions adhere to the guiding principles while accommodating seven different business models. These rules provide the large framework for how the institutions will conduct business. A significant amount of flexibility was included in the rules to allow institutions to develop specific institutional policy of how they conduct business. In addition, all of the applicable Attorney General Model Rules and IMDs have been incorporated into the rules.

To develop the proposed rules, the Chancellor’s Office formed committees that included institutional vice presidents, campus General Counsels, business directors, procurement directors, facility directors, OUS Internal Audit, the Department of Justice, the Governor’s Advocate for Minority, Women, and Emerging Small Businesses, and other key procurement personnel. At every step of the rule revision process, Chancellor’s Office staff stressed that because the rules are for the benefit of all institutions, every institution should participate to ensure that campus needs are addressed. The collaboration has resulted in rules that address campus needs while ensuring that OUS is on the forefront of conducting modern business practices.

In the current OUS rules, institutions are permitted to adopt campus administrative rules upon approval of the Vice Chancellor for Finance and Administration for the procurement of professional services and goods and services. OSU and the UO have adopted their own rules for these procurements. In the past, this option has provided an opportunity for a campus to modify rules to meet specific needs. The drawback to this authority has resulted in confusion on the part of the contracting community and a concern that OUS is not conducting business in a manner that meets the principles of transparency, accountability, and flexibility.

In particular, the proposed rules were modified upon request by the UO, OSU, and PSU to address campus specific needs. The proposed rules do not contemplate institutions creating their own procurement rules. In the event the Board grants institutions that authority, staff recommends that such rules be approved by the Board for continued use and for all future rule modification.

Table 1 presents a contrast of the current rules versus the set of proposed rules for the significant activities and authorities contemplated in the re-write. This proposed environment is predicated on doing business with more decentralized authority and responsibility balanced with personal accountability for the discharge of procurement duties.
A structural change was made to the rules to better outline the business practice for each type of procurement. Separate divisions of administrative rules were created: Division 60 – Real Property, Facility, and Campus Planning; Division 61 – OUS Procurement and Contracting Code; Division 62 – Purchasing and Contracts for Personal or Professional Services and Goods and Services; and Division 63 – Capital Construction and Contracting.

**Staff Recommendation to the Committee:**
Although this is a discussion item, the staff intends to seek Board approval at the February meeting to repeal System OAR chapters 580-040-0100 through 0295 and 580-042-0005(1)(f), 580 Division 50 in its entirety; repeal OSU OAR chapter 576-008-0200 through 0295; repeal UO OAR chapter 571-040-0010 through 0460; and delete the below listed Internal Management Directives. Additionally, approval to temporarily adopt the rules titled: Division 60 – Real Property, Facility, and Campus Planning; Division 61 – OUS Procurement and Contracting Code; Division 62 – Purchasing and Contracts for Personal or Professional Services and Goods and Services; and Division 63 – Capital Construction and Contracting.

**Internal Management Directives to be repealed:**

Section 6 – Gift, Grant, and Contract Management
- 6.100 ... Grants and Contracts
- 6.101 ... Personal Service Contracts: Definitions, Standards, and Procedures
- 6.102 ... Authority to Enter into Personal Services Contracts
- 6.103 ... Justification of Personal Services Contracts

Section 6 – Property Procurement/Management
- 6.150 ... Assignment of Responsibility – Personal Property
- 6.155 ... Purchases to Conform with Department of General Services Regulations
- 6.160 ... Purchase of Books and Periodicals
- 6.170 ... Responsibility for Review, Retention, and Disposition of Real Property
- 6.175 ... Guidelines for Real Property Retention and Disposition Decisions

Section 7 – Planning, Facilities, Physical Plan, and Equipment
- 7.001 ... Land Acquisition Policies
- 7.010 ... Rededication of Physical Facilities
- 7.100 ... Long-Range Campus Development Planning
- 7.105 ... Space Use Objectives and Building Planning Standards
- 7.106 ... Authorization to Undertake Capital Construction Projects
- 7.110 ... Categories of Capital Outlay Expenditures
- 7.115 ... Cost Allocation of Utility Services
- 7.125 ... Air Conditioning
- 7.130 ... Approval of Plans, Specifications, and Contracts
- 7.140 ... Acceptance of Buildings
- 7.145 ... Plant Rehabilitation
7.155 ... Use of Facilities for Other Than State Purposes
7.160 ... Lease of Retail Store Spaces in Institutions Buildings
7.170 ... Board-Provided Housing ]
## Table 1: Administrative Rule Changes Being Contemplated for Divisions 40 and 50

<table>
<thead>
<tr>
<th>Proposed Major Changes</th>
<th>Current Rule</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Miscellaneous</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Authorizes Campus to adopt unique rules</td>
<td>Permitted for Division 40 upon Vice Chancellor approval</td>
<td>No provisions for separate campus rules.</td>
</tr>
<tr>
<td>Definitions and Contracting Code</td>
<td>Separate for Division 40 and 50</td>
<td>Consolidated Division 40 and 50 into single Division 61</td>
</tr>
<tr>
<td>Advertising of Opportunities</td>
<td>Publish in Newspapers for Formal Procurements</td>
<td>Notice provided on OUS Opportunities Web Site</td>
</tr>
<tr>
<td>MWESB Notice and Reporting</td>
<td>To Gov’s Advocate or ORPIN (DAS Procurement System)</td>
<td>Notice and Reporting provided by OUS Opportunities Web Site</td>
</tr>
<tr>
<td>Code of Ethics/Conflict of Interest Declaration</td>
<td>None</td>
<td>Requires members of Evaluation Committee to complete conflict of interest declaration</td>
</tr>
<tr>
<td>Sexual Harassment Policy</td>
<td>None</td>
<td>Added per 9/9/2005 Board requirement</td>
</tr>
<tr>
<td><strong>Use of Property</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchase and Sale of Property</td>
<td>Board Approval</td>
<td>Institution President Approves up to $1 million; Board for amounts &gt;$1 million</td>
</tr>
<tr>
<td>Leases</td>
<td>Informal Policy: Board Approval if over 5 years</td>
<td>Institution President Approves up to 10 year lease, Board approved leases longer than 10 years and improvements if over $5 million</td>
</tr>
<tr>
<td><strong>Capital Construction Contracting</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Procurement</td>
<td>Authorized</td>
<td>Board approves any amount; institution president may authorize up to $5,000,000; Must document and report annually to the Board each occurrence of &gt;$25,000.</td>
</tr>
<tr>
<td>Sole Source</td>
<td>Not authorized</td>
<td></td>
</tr>
<tr>
<td><strong>Contracts for Professional Consultants</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct Procurement</td>
<td>Under $75,000, direct procurement for any consultant</td>
<td>No change under retainer program. Up to $25,000 for standard procurement.</td>
</tr>
<tr>
<td>Informal</td>
<td>$75,000 to $200,000, select from retainer or formal RFP for standard procurement</td>
<td>Solicit 3 proposals: Retainer = $75,000 to $250,000 Standard = $25,000 to $75,000</td>
</tr>
<tr>
<td>Formal</td>
<td>Above $200,000 requires formal RFP</td>
<td>$250,000 to $1 million, advertise to all on retainer or formal RFP above $75,000 for standard procurement</td>
</tr>
<tr>
<td><strong>Contracts for Construction Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct Procurement</td>
<td>Under $25,000 direct procurement for any contractor</td>
<td>Retainer up to $50,000 and standard procurement up to $25,000.</td>
</tr>
<tr>
<td>Informal</td>
<td>$25,000 to $500,000 Solicit 2 bids from retainer or formal RFP</td>
<td>Solicit 3 bids: Retainer = $50,000 to $500,000 Standard = $25,000 to $100,000</td>
</tr>
<tr>
<td>Formal</td>
<td>$500,000+ formal RFP</td>
<td>$500,000 to $1 million, solicit bids from all retainer contractors or formal RFP above $75,000 for standard procurement</td>
</tr>
<tr>
<td><strong>Professional, Goods and Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Contracts for Professional Consultants</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct Procurement</td>
<td>Under $5,000, direct procurement</td>
<td>Under $25,000, direct procurement</td>
</tr>
<tr>
<td>Informal</td>
<td>$5,000 to $25,000, 3 bids</td>
<td>$25,000 to $75,000, 3 bids</td>
</tr>
<tr>
<td>Formal</td>
<td>$25,000+, formal RFP</td>
<td>$75,000+, formal RFP</td>
</tr>
<tr>
<td><strong>Contracts for Goods and Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct Procurement</td>
<td>Under $5,000, direct procurement</td>
<td>Under $25,000, direct procurement</td>
</tr>
<tr>
<td>Informal</td>
<td>$5,000 to $50,000, 3 bids</td>
<td>$25,000 to $100,000, 3 bids</td>
</tr>
<tr>
<td>Formal</td>
<td>$50,000+, formal RFP</td>
<td>$100,000+, formal RFP</td>
</tr>
<tr>
<td>Negotiation</td>
<td>Not Authorized</td>
<td>Follows DOJ Model Rules when conducting</td>
</tr>
<tr>
<td>Exemptions</td>
<td>Authorizes specific goods or services to be exempt from competitive process</td>
<td>Adds to exempt: doctors, nurses, performers, artists, utilities, employee benefits, banking, and finance agreements</td>
</tr>
<tr>
<td><strong>Rule hierarchy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding agencies may have more stringent requirements that must be followed when making procurements using their funds</td>
<td>Funding agencies may have more stringent requirements that must be followed when making procurements using their funds</td>
<td></td>
</tr>
</tbody>
</table>
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DIVISION 60
REAL PROPERTY, FACILITY, AND CAMPUS PLANNING

580-060-0000
Authority
These rules establish the procedures that will be followed by Institutions of the Oregon University System to acquire, receive, hold, control, convey, sell, manage, operate, lease, lend, improve, and develop all real property given to any of the Institutions under the control of the Board by private donors or acquired by any other method or from any source, except for any structure, or asset encumbered by a certificate of participation.

Stat. Auth.: ORS 351.060
Stats. Implemented:

580-060-0005
Definitions
All capitalized terms in chapter 580, division 60 have the meanings set forth in OAR 580-61-0010 unless the context requires otherwise or except as stated.

Stat. Auth.: 
Stats. Implemented:

580-060-0010
Comprehensive Plan Coordination
(1) Each of the Institutions will maintain a long-range campus development plan covering approved campus boundaries, including real property that is not contiguous to the main campus. The combined institutional plans will be known as the Oregon University System Comprehensive Plan. Institutional plans will conform to OAR Chapter 660, Division 30 of the Land Conservation and Development Commission, which includes, but is not limited to, conforming the Institutional plans to regulations of the applicable local jurisdiction. Institutional plans will be approved by the Institution President and by the Board or a sub-committee thereof as appropriate due to major revisions of campus boundaries approved by the Board. The Board will approve revisions to the campus boundaries.

Stat. Auth.: 
Stats. Implemented:

580-060-0015
Records
The Office of Capital Construction, Planning, and Budget of the Chancellor’s Office will be the official record keeper for all documents that affect real property under the control of the Board. Documents affecting real property include, but are not limited to, all instruments that acquire, transfer, sell, or alter the character of land. All documents will
be provided by Institutions to the Office of Capital Construction, Planning, and Budget in a timely manner.

Stat. Auth.: 
Stats. Implemented:

580-060-0020
Purchase of Real Property
All purchases will be in the name of the State of Oregon. All instruments acquiring title to real property must be executed by the Board President and Board Secretary in accordance with ORS 351.150. All purchases will be for the present or future development of the Institution.

(1) The Institution President has the authority to approve purchases of real property after obtaining at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value if the consideration is less than $1,000,000. The Institution President must ensure that an environmental assessment has been completed and that any risk associated with the real property is reasonable under the circumstances and OUS Systemwide legislative expenditure limitation has been obtained prior to approving the purchase of real property.

(2) For the purchase of real property where the consideration exceeds $1,000,000, the Institution President or designee must:

(a) Obtain at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value, and

(b) Obtain prior approval of the acquisition by the Board, and

(c) Complete an environmental assessment and confirm that any risk associated with the real property is reasonable under the circumstances, and

(d) Obtain Legislative Limitation.

(3) All purchases of real property will comply with the applicable requirements of ORS Chapter 270.

Stat. Auth.: 
Stats. Implemented:

580-060-0025
Gifts of Real Property
The Institution President may accept gifts of real property on behalf of the Board. The Institution President must ensure that an environmental assessment has been completed prior to accepting the gift of real property and that any risk associated with the real property is reasonable under the circumstances. Legal title to all real property
gifted to the Institution must be taken and held in the name of the State of Oregon and executed by the Board President and Board Secretary.

Stat. Auth.: 
Stats. Implemented:

580-060-0030
Condemnation
Acquisition of real property by condemnation will be conducted in accordance with ORS Chapter 35 and must be approved by the Board.

Stat. Auth.: 
Stats. Implemented:

580-060-0035
Sale of Real Property
(1) All instruments transferring title to real property must be executed by the Board President and Board Secretary.

(2) The Institution President has the authority to approve the sale of real property after obtaining at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value if the consideration is less than $1,000,000.

(3) For the sale of real property where the consideration exceeds $1,000,000, the Institution President must obtain at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value and must obtain prior approval of the sale by the Board.

Stat. Auth.: 
Stats. Implemented:

580-060-0040
Easements
(1) All instruments granting or acquiring an easement must be executed by the Board President and Board Secretary.

(2) The Institution President or designee has the authority to approve acquisition or grant of an easement reasonably related to the operation of the Institution if the consideration does not exceed $1,000,000.

(3) The Institution President or designee must obtain Board approval for all other easement grants or acquisitions.

Stat. Auth.: 
Stats. Implemented:
580-060-0045
Use of Facilities for Other than Institutional Purposes
Institutions normally will not make available Institutional buildings and other facilities to individuals for essentially private use or to outside organizations, unless approved in Institutional policy or required by law. Exceptions will be made only if the proposed use is consistent with Institutional policies and missions and the individual or organization fully reimburses the Institution for all appropriate costs. The Institutional President or designee will confer with the OUS Controller's Division to determine compliance with bond restrictions.

Stat. Auth.:  
Stats. Implemented:

580-060-0050
Transfers of Interests in Real Property
(1) Private Activity Limitations: If an Institution intends to execute any transfer of an interest in real property owned by the Board or the right to use Board real property, including a lease or license, and either (a) the term of the transfer exceeds 50 days in total or (b) the arrangement was not set at fair market value, then prior to the execution of that interest in real property, the Institution President or designee will confer with the OUS Controller’s Division to determine compliance with bond restrictions.

(2) Authority to Execute Agreements: The Institution President or designee is authorized to execute documents transferring such interests for real property owned or controlled by the Board or real property for the use of the Institution if the term of the agreement and all extensions do not exceed ten years.

(3) Improvements to Board Owned Property: The Institution President or designee will obtain prior approval of the Board for agreements permitting the construction on or renovation to Board owned property if such improvements exceed $5,000,000 during the term of the agreement. To obtain approval from the Board, the Institution must specify where funding for operations and maintenance will come from.

(a) If the Institution permits construction on or renovation to Board-owned property, the Institution must approve all plans and specifications prior to the commencement of work and obtain record drawings upon termination of the agreement or completion of the work, whichever first occurs.

Stat. Auth.:  
Stats. Implemented:

580-060-0055
Naming Buildings
An Institution President is authorized to name buildings. No building or structure of the Oregon University System will be named after a living person. However, the Board may
make exceptions to this rule if a donor contributes a substantial share of the cost of construction or if other unusually meritorious reasons exist.

Stat. Auth.:  
Stats. Implemented:

580-060-0060  
Board of Higher Education-Provided Housing  
(1) Consistent with ORS 182.415 to 182.435, the Board will collect rent for housing provided to officers and employees. Each Institution will:

(a) Examine periodically, but not less frequently than once every five years, each rental unit’s fair rental value. Fair rental value will be determined by a qualified appraiser certified under ORS 308.010 or licensed or certified under ORS 674.310. The rental rate will be adjusted annually to reflect changes in community real estate values, if any.

(b) Collect rent for such housing based on the fair rental value, subject to any rental rate reductions authorized in subsection (2).

(c) Deposit such rental income in an appropriate Institution account.

(d) Provide no furnishings except as authorized by ORS 182.415(1).

(e) Determine whether to provide or to what extent the Institution will provide utilities and services for each housing unit.

(2) Each Institution providing housing for officers or employees may reduce the rent charged, by up to 100 percent from the fair rental value based on the following factors:

(a) Rental reduction for Institution need provided.

   (A) If residence in the housing unit is a job requirement, as evidenced by contract or position description and not offered as an incentive or a fringe benefit to the resident state employee—50 percent reduction; or

   (B) If residence in the housing unit is not a job-related requirement but it is a distinct advantage to the Institution to have the officer or employee live near the job in case of an emergency or for general protection of Board property in the area—20 percent reduction; or

   (C) If residence in the housing unit is not a job requirement and the only advantage to the Institution is to reduce the chance of vandalism and deterioration to a Board-owned or controlled residence—10 percent reduction; or
(D) If residence in the housing unit is not a job requirement nor is it for the benefit of the Institution, but is solely for the benefit of the occupant—No reduction.

(b) Rental reduction for invasion of privacy.

(A) If the housing unit or a significant part of it is used for a public office or public business or is so located that invasion of privacy by the public or by guests invited for Institution-related activities is expected or usual—30 percent reduction; or

(B) If the public is not invited and invasion of privacy is not the usual occurrence, but the residence location or architecture plainly indicates state ownership and there is little or no restriction of public or Institution client traffic—20 percent reduction; or

(C) Invasion of privacy is an occasional or seasonal occurrence and there is some restriction to public traffic—10 percent reduction; or

(D) Invasion of privacy is no more than would be expected for an average privately owned residence—No reduction.

(c) Rental reduction for isolation.

(A) If the housing unit is located in an isolated area, defined as being more than 50 miles distance or 90 minutes travel by automobile from the nearest full service community, or the travel conditions are usually severe or hazardous—20 percent reduction. A full-service community is one with a supermarket, department store, medical doctor, dentist, church, school, etc; or

(B) If the housing unit is located 30 to 50 miles distance or 60 to 90 minutes travel by automobile from the nearest full-service community or the travel conditions are seasonally severe or hazardous—15 percent reduction; or

(C) If the housing unit is located 10 to 30 miles distance or 30 to 60 minutes travel time by automobile from the nearest full-service community, the travel conditions are only occasionally severe or hazardous—10 percent reduction; or

(D) The housing unit is located within 10 miles and not over 30 minutes travel time by automobile from the nearest full-service community and the travel conditions are rarely severe or hazardous—No reduction.

(d) Rental reduction for unique conditions. Certain unique conditions may arise or exist in addition to those in subsections (a)–(c) above. Rent may be reduced as follows:
(A) To correct inequities between the fair rental value as determined in subsection (1) and the salary of the officer or employee occupying the residence—reduction to the extent necessary and reasonable;

(B) Because of unique conditions in the Board's title to the property (e.g., the Board's ownership is conditioned upon residence by a specified employee) —up to 100 percent of the fair rental value; and

(C) Other factors necessary for effective program management (cannot include factors reflecting only the convenience or comfort of an employee)—a reduction of up to 20 percent.

(3) At least once every five years, Institutions will prepare a report indicating the fair rental value of each housing unit, the date of the most recent appraisal, and the amount of any reductions from the fair rental value and the reasons for the reductions. This report will be available for public inspection.

Stat. Auth.: ORS 182.415, 182.425 & 351.070
Stats. Implemented:
DIVISION 61
OUS PROCUREMENT AND CONTRACTING CODE

580-061-0000
Code of Ethics
(1) The following Code of Ethics will apply to Oregon University System employees in relation to Chapter 580, Division 60, 61, 62, and 63. Employees will:

(a) Give first consideration to the objectives and policies of the Board, OUS, and the Institution;

(b) Strive to obtain the best value for expenditures;

(c) Fairly consider prospective Contractors insofar as state or federal statutes and institutional rules and policies require;

(d) Conduct business in an atmosphere of good faith;

(e) Demand honesty in representations made by prospective Contractors;

(f) Promote competition by encouraging the participation of Oregon businesses, emerging small and minority-owned and women-owned businesses, and Qualified Rehabilitation Facilities;

(g) Comply with the applicable provisions of ORS Chapter 244 and other applicable rules and policies on conflict of interest that may be more restrictive;

(h) Refrain from having financial interests incompatible with the impartial, objective, and effective performance of duties. Activities that may create a conflict of interest must be addressed in accordance with the procedures outlined in the Oregon University System's Internal Management Directives and other applicable rules and policies;

(i) Receive the written consent of the originator of proprietary ideas and designs before using them; and

(j) Foster fair, ethical, and legal trade practices.

(k) Execute the OUS Conflict of Interest Statement before any person may participate in the evaluation or selection of a Contractor or vendor under a Formal Procurement process.
(2) This code is for the Oregon University System's internal use only and creates no obligations enforceable by Contractors, Proposers, Bidders, or other parties doing business with an Institution, nor may it be used by Contractors, Proposers, Bidders, or other parties doing business with an Institution who are challenging actions taken by an Institution or its officers, employees, or agents. This code may not be the only statement on ethics applicable to an employee.

Stat. Auth.:  
Stats. Implemented:

580-061-0005  
**Applicable Model Public Contract Rules**  
The Attorney General's Model Public Contract Rules adopted by the Oregon Attorney General pursuant to ORS 279A.065 are generally inapplicable to the contracting activities of Institutions unless specifically referenced and adopted herein.

Stat. Auth.:  
Stats. Implemented:

580-061-0010  
**Definitions**  
The following Definitions will apply to Chapter 580, Divisions 60, 61, 62, and 63, unless the context requires otherwise:

(1) “Addendum” or “Addenda” means an addition to, deletion from, a material change in, or general interest explanation of the Solicitation Document. Addenda will be labeled as such and distributed to all interested Bidders or Proposers.

(2) “Award” means, as the context requires, identifying the Entity with whom the Institution intends to enter into a Contract following the resolution of any protest of the selection of that Entity and the completion of all Contract negotiations.

(3) “Bid” means an offer, binding on the Bidder and submitted in response to a Solicitation Document.

(4) “Bidder” means an Entity that submits a Bid in response to a Solicitation Document.

(5) “Board” means the Oregon State Board of Higher Education.

(6) “Change Order” or “Contract Amendment” means a written order issued by an Institution to the Contractor requiring a change in the Work within the general scope of the original Contract.

(7) “Closing” means the date and time specified in a Solicitation Document as the deadline for submitting Bids or Proposals.
(8) “Competitive Process” means the process of procuring goods and services and construction related services by fair and open competition, under varying market conditions, with the intent of minimizing opportunities for favoritism and assuring that Contracts are awarded equitably and economically using various factors in determining such equitability and economy.

(9) “Contract” means a contract for sale or other disposal, or a purchase, lease, rental, or other acquisition, by an Institution of personal property, services, including personal or professional services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement. “Contract” does not include grants. “Contract” may also mean a purchase order, Price Agreement, or other Contract document in addition to an Institution’s Solicitation Document and the accepted portions of a Bid or Proposal.

(10) “Contract Officer” means the Vice President for Finance and Administration or his or her designee at an Institution or the Vice Chancellor for Finance and Administration or his or her designee with the authority to negotiate and execute Contracts.

(11) “Contract Price” means, as the context requires, the maximum monetary obligation that an Institution either will or may incur under a Contract, including bonuses, incentives and contingency amounts, Addenda, Change Orders, or approved alternates, if the Contractor fully performs under the Contract.

(12) “Contractor” means the Entity awarded a Contract to furnish an Institution goods, services, or Work.

(13) “Days” means calendar days, including weekdays, weekends, and holidays, unless otherwise specified.

(14) “Disadvantaged Business Enterprise” means a small business concern as defined in ORS 200.005, as may be amended.

(15) “Disqualification or Disqualify” means the preclusion of an Entity from contracting with an agency of the State of Oregon in accordance with OAR 580-061-0160.

(16) “Electronic Bid or Proposal” means a response to a Solicitation Document submitted to an Institution via the World Wide Web or some other internet protocol.

(17) “Emergency” means an unexpected, serious situation that creates a significant risk of loss, damage, interruption of service, or threat to the public health or safety that requires prompt action to remedy the condition.

(18) “Emerging Small Business” means an Emerging Small Business as defined in ORS 200.005 as may be amended and that maintains a current certification issued by the Oregon Department of Consumer and Business Services.

(19) “Entity” means a natural person capable of being legally bound, sole proprietorship, corporation, partnership, limited liability company or partnership, limited partnership,
profit or nonprofit unincorporated association, business trust, two or more persons having a joint or common economic interest, or any other person with legal capacity to Contract, or a government or governmental subdivision.

(20) “Facsimile” means a document that has been transmitted to and received by an Institution in a format that is capable of being received via a device commonly known as a facsimile machine.

(21) “Grant” means:

(a) An agreement under which an Institution receives money, property, or other assistance, including, but not limited to, federal assistance that is characterized as a Grant by federal law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, from a grantor for the purpose of supporting or stimulating a program or activity of the Institution and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the Grant conditions; or

(b) An agreement under which an Institution provides money, property, or other assistance, including, but not limited to, federal assistance that is characterized as a Grant by federal law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient and in which no substantial involvement by the Institution is anticipated in the program or activity other than involvement associated with monitoring compliance with the Grant conditions.

(c) "Grant" does not include a Public Improvement Contract or a Contract for Emergency work.

(22) “Institution” means a university under the authority of the Board, including the Chancellor’s Office.

(23) “Invitation to Bid” (ITB) means a Solicitation Document for the solicitation of competitive, written, signed, and sealed Bids in which Specifications, price, and delivery (or project completion) are the predominant award criteria.

(24) “Minority Business Enterprise” means a Minority Business Enterprise as defined in ORS 200.005 as may be amended and that maintains a current certification issued by the Oregon Department of Consumer and Business Services.

(25) “Opening” means the date, time, and place specified in the Solicitation Document for the public opening of written sealed Bids or Proposals.

(26) “Owner” means the State of Oregon acting by and through the Board, in its own right or on behalf of one if its Institutions as identified in the Solicitation Document, also known as the Oregon University System (OUS).
(27) “President” mean the president of one of the Institutions and, in the case of the Chancellor’s Office, the Chancellor. Where the term “Institution President” is used, it refers to the president of the Institution at issue.

(28) “Personal or Professional Services Contract” means a Contract with an Entity whose primary purpose is to acquire specialized skills, knowledge, and resources in the application of technical or scientific expertise, or the exercise of professional, artistic, or management discretion or judgment, including, without limitation, a Contract for the services of an accountant, physician or dentist, educator, consultant, broadcaster or artist (including a photographer, filmmaker, painter, weaver, or sculptor). “Personal or Professional Services Contract” under this definition does not include an architect, engineer, planners, land surveyors, appraisers, construction managers, and similar professional consultants for construction work.

(29) “Price Agreement” means a binding nonexclusive agreement in which the Contractor agrees to provide specific items or services to an Institution at a set price during a specified period of time.

(30) “Proposal” means a binding competitive offer submitted in response to a Request for Proposals.

(31) “Proposer” means an Entity that submits a Proposal in response to a Request for Proposals.

(32) “Public Improvement” means a project for construction, reconstruction, or major renovation on real property by or for an Institution. “Public Improvement” does not include:

(a) Projects for which no funds of an Institution are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or

(b) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a Public Improvement.

(33) “Public Improvement Contract” means a Contract for a Public Improvement. “Public Improvement Contract” does not include a Contract for Emergency work, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement.

(34) “Public Work” as defined by the Bureau of Labor and Industries (BOLI) includes, but is not limited to, roads, highways, buildings, structures, and improvements of all types, the construction, reconstruction, major renovation or painting of which is carried on or contracted for by an Institution or the Board to serve the public interest but does not include the reconstruction or renovation of privately owned property that is leased by the Board or an Institution.
(35) “Qualified Rehabilitation Facility” means a nonprofit activity center or rehabilitation facility authorized by the Oregon Department of Administrative Services to provide goods or services in accordance with ORS 279.835 et seq.

(36) “Request for Information (RFI)” means a Solicitation Document seeking information regarding products or services that an Institution is interested in procuring.

(37) “Request for Proposals (RFP)” means a Solicitation Document to obtain written, competitive Proposals to be used as a basis for making an acquisition or entering into a Contract when price will not necessarily be the predominant award criteria.

(38) “Request for Qualifications (RFQ)” means a Solicitation Document issued by an Institution to which interested Contractors respond in writing by describing their experience with and qualifications to provide the services, personal services or architectural, engineering or land surveying services, or related services described in the Solicitation Document.

(39) “Responsible Bidder or Proposer” means an Entity that demonstrates their ability to perform satisfactorily under a Contract by meeting the applicable standards of responsibility outlined in OAR 580-061-0130.

(40) “Responsive Bid or Proposal” means a Bid or Proposal that has substantially complied in all material respects with the criteria outlined in a Solicitation Document.

(41) “Retainer Contract” means a Contract by which, pursuant to a Request for Proposals or Invitation to Bid, multiple Contractors are authorized to provide specific supplies or equipment to or perform specific services for an Institution(s). Contractors on a Retainer Contract may provide goods or services on a non-exclusive and as-needed basis.

(42) “Signed or Signature” mean any Written mark, word, or symbol that is made or adopted by an Entity with the intent to be bound and that is attached to or logically associated with a Written document to which the Entity intends to be bound.

(43) “Single Seller” means the only Contractor of a particular product or service reasonably available.

(44) “Solicitation Document” means an Invitation to Bid, Request for Proposals, Request for Qualifications or any other written document issued or posted on the OUS procurement website by an Institution that outlines the required Specifications necessary to submit a Bid, Proposal, or other response.

(45) “Specifications” means a description of the physical or functional characteristics, or of the nature of the goods or services, including any requirement for inspecting, testing, or preparing the goods or services for delivery and the quantities or qualities of the goods or services to be furnished under a Contract. Specifications generally will state the result to be obtained and may describe the method and manner of performance.
(46) “Women Business Enterprise” means a Women Business Enterprise as defined in ORS 200.005 as may be amended and that maintains a current certification issued by the Oregon Department of Consumer and Business Services.

(47) “Work” means the furnishing of all materials, equipment, labor, transportation, services, and incidentals necessary to successfully complete any individual item or the entire Contract and carrying out and completion of all duties and obligations imposed by the Contract.

(48) “Written or Writing” means letters, characters, and symbols inscribed on paper by hand, print, type, or other method of impression intended to represent or convey particular ideas or means. “Writing,” when required or permitted by law, or required or permitted in a Solicitation Document, also means letters, characters, and symbols made in electronic form and intended to represent or convey particular ideas or meanings.

Stat. Auth.: Stats. Implemented:

580-061-0015
Purchasing and Contract Records
(1) Institutions will maintain records relating to all Institutional purchasing and contracting transactions in accordance with the requirements of the Secretary of State and OUS administrative rule.

(2) Documentation of all purchasing and contracting transactions will be made available for inspection by the public as outlined in applicable public records laws as may be amended.

(3) Institutions will maintain records relating to all Institutional purchasing and contracting transactions that may include:

(a) An executed Contract and any amendments or Change Orders;
(b) The record of the actions used to develop the Contract;
(c) A copy of the Solicitation Document, if any;
(d) Any required findings or statement of justification for the selection of the Contractor or the procurement method used;
(e) The record of any negotiation of the Specifications and results;
(f) All information describing how the Contractor was selected, including the basis for awarding the Contract;
(g) The names of Entities and cost estimates considered.

Stat. Auth.:  
Stats. Implemented:

580-061-0020  
Designation of Contract Officers
Each Institutional Vice President for Finance and Administration or the Vice Chancellor for Finance and Administration will designate staff authorized to enter into Contracts and Public Improvement Contracts for the Institution.

(1) Institutions will maintain a list identifying Contract Officers and describing the types and Contract Price of Contracts and Public Improvement Contracts they are authorized to enter into. The list will be updated annually in the Chancellor’s Office.

(2) Contracts or Public Improvement Contracts entered into by individuals not designated as authorized Contract Officers will be voidable at the sole discretion of the Institution. Institutions may take appropriate action in response to execution of Contracts contrary to this rule. Such actions include, but are not limited to, providing educational guidance, imposing disciplinary measures, and holding individuals personally liable for such Contracts.

(3) Authorized Contract Officers will be responsible for ensuring that the proper procedures are followed as outlined in chapter 580, Divisions 60, 61, 62, and 63.

(4) Unless otherwise specified in Chapter 580, Divisions 60, 61, 62, and 63, the Contracting Officer will perform all the duties of the Owner on behalf of the Board.

(5) The Institution President may, by Written agreement with the President of another Institution or the Chancellor, and after notice to the Chancellor, transfer such delegation to a person at another Institution.

Stat. Auth.:  
Stats. Implemented:

580-061-0025  
Policy Governing the Acquisition of Goods and Services available from Qualified Rehabilitation Facilities
Institutions will purchase goods and services from Qualified Rehabilitation Facilities in accordance with the provisions of ORS 279.835 to 279.855 and applicable administrative rules, as may be amended.

Stat. Auth.:  
Stats. Implemented:
580-061-0030
**Affirmative Action; General Policy**

(1) The general policy of OUS Institutions will be to expand economic opportunities for Minority Business Enterprises, Women Business Enterprises, and Emerging Small Businesses by offering them the contracting and subcontracting opportunities available through Institution Contracts. Notice of all Contract procured through a Competitive Process will be provided to the Advocate for Minority, Women, and Emerging Small Business, unless otherwise provided, using the OUS procurement website.

(2) OUS will not knowingly contract with or procure goods or services from any Entity that discriminates on the basis of age, disability, national origin, race, marital status, religion, sex, or sexual orientation.

(3) Bidders and Proposers will certify, as part of the Bids or Proposals that such Bidder or Proposer has not discriminated against Minority, Women or Emerging Small Business Enterprises in obtaining any required subcontracts.

Stat. Auth.: ORS 351
Stats. Implemented:: ORS 351.070

580-061-0035
**Emerging Small Business Program**

(1) The Board encourages participation of Emerging Small Businesses by creating an Emerging Small Business Program. The Emerging Small Business Program is limited to businesses that meet the definition in ORS 200.005(3) and that maintain a current certification issued by the Oregon Department of Consumer and Business Services. When conducting procurements, Institutions may implement the Emerging Small Business Program by methods including, but not limited to:

   (a) Priority of Contract Award. In the event of a tie low Bid, when price is the sole determinative factor, give priority to a certified Emerging Small Business;

   (b) Exclusive Emerging Small Business Opportunities. Institutions have the authority to create opportunities that are only open to certified Emerging Small Businesses. When an Institution issues a Solicitation Document, the Institution may determine that it is in the Institution’s interest to limit the opportunity to only qualified and certified Emerging Small Businesses.

   (c) Evaluation Criteria. An Institution may identify in a Solicitation Document that it will award additional evaluation points based on certified Emerging Small Business status.

(2) On an annual basis, Institutional Presidents will report to the Board statistical information regarding the number of Contracts awarded and the cumulative dollar amount of Contracts awarded to Minority Business Enterprises, Women Business Enterprises, Emerging Small Businesses, Oregon-based businesses, out of state businesses, and international businesses. The report will include information describing
Institutional programs or initiatives to expand contracting opportunities to Minority, Women, Emerging Small Businesses, and Oregon based businesses.

Stat. Auth.:  
Stats. Implemented:

580-061-0040  
**Sexual Harassment Policy**  
All Contractors will be notified that the Board has adopted policies applicable to Contractors that prohibit sexual harassment and that the Contractor’s company and employees are required to adhere to the Institution’s policy prohibiting sexual harassment in their interactions with members of the Institution’s community.

Stat. Auth.:  
Stats. Implemented:

580-061-0045  
**Insurance or Bond Requirements**  
All Contractors will provide and maintain insurance or bonding as may be required by the Institution. Such insurance or bonding will remain in force throughout the term of the Contract, including any extensions.

Stat. Auth.:  
Stats. Implemented:

580-061-0050  
**Interest on Overdue Charges**  
The policy of the Board is that an Institution pay any overdue account charge, in accordance with ORS 293.462 as may be amended, incurred by an Institution when payment for goods and services have not been reasonably made.

(a) Overdue claims will be those that have not been paid within 45 days from the latest of the following dates: The date of the receipt of the accurate invoice, the date of the initial billing statement if no invoice is received, the date all goods have been received, or the date the claim is made certain by agreement of the parties or by operation of law. However, overdue account charges will not accrue on any purchases made by an Institution during time of civil emergency or in the event of a natural disaster that prevents the timely payment of accounts. In such instances, accounts will be paid in as timely a manner as possible.

(b) The maximum overdue charge incidental to procurement of the goods or services will be at a rate of two-thirds of one percent per month, but not more than eight percent per annum.

Stat. Auth.:  
Stats. Implemented:: ORS 293.462
580-061-0055
Invitation to Bid Required Provision
If an Invitation to Bid is issued for a Contract for goods or services, the Institution will ensure that the following statement is contained in the Invitation to Bid: “Contractors will use recyclable products to the maximum extent economically feasible in the performance of the Contract.”

Stat. Auth.:  
Stats. Implemented:

580-061-0060
Basis for Awarding Contracts
Institutions will select Contractors and award Contracts based on such factors as are identified in the Solicitation Document and such other factors as are reasonable under the circumstances.

Stat. Auth.:  
Stats. Implemented:

580-061-0065
Contract Amendments (Including Change Orders and Extra Work) and Expired Contracts
An amendment for additional Work or goods that is reasonably related to the scope of Work under the original Contract, including Change Orders, extra work, field orders, or other change in the original Specifications that increases the original Contract Price or length of time, may be made with the Contractor without using a Competitive Process provided that the amendment does not materially alter such a Contract. An amendment that extends the Contract past the period set out in the Solicitation Document for anything other than completion of the Work contemplated in the original Contract as extended, will require a new Competitive Process, unless approved by the Vice President for Finance and Administration or Vice Chancellor for Finance and Administration for good cause. Expired Contracts may be revived and reinstated upon the approval of the Vice President for Finance and Administration or Vice Chancellor for Finance and Administration or their designees, subject to receiving all required approvals.

Stat. Auth.:  
Stats. Implemented:

580-061-0070
Bids or Proposals are Offers
(1) Offer and Acceptance. The Bid or Proposal is the Bidder’s or Proposer’s offer to enter into a Contract that will be binding upon the Bidder or Proposer for thirty (30) days, unless a different time frame is specified in the Solicitation Document. An Institution’s award of the Contract constitutes acceptance of the offer and binds the Bidder or Proposer.
(2) The Bid or Proposal will be a complete offer and fully responsive to the Solicitation Document, unless Bidders or Proposers are specifically authorized by the Solicitation Document to take exceptions or to leave terms open to negotiation.

(3) Unless expressly authorized by the Solicitation Document, Bidders or Proposers will not make their Bids or Proposals contingent upon the Institution’s acceptance of Specifications or contract terms that conflict with or are in addition to those in the Solicitation Document.

Stat. Auth.:  
Stats. Implemented:

580-061-0075  
Facsimile and Electronic Bids and Proposals  
(1) Institutions may authorize submission of Bids or Proposals through facsimile or electronic methods if:

(a) The Solicitation Document permits submission via facsimile or electronic means; and

(b) The Institution establishes methods of receiving, identifying, recording, and preserving the “sealed” requirement of the Competitive Process.

(c) Bids or Proposals submitted through facsimile and electronic methods must contain Written signatures indicating intent to be bound by the offer.

(2) Institutions may execute or open electronic submissions to verify receipt of documents prior to the Closing, but will not verify responsiveness.

Stat. Auth.:  
Stats. Implemented:

580-061-0080  
Bid or Proposal Submissions  
(1) Identification of Bids or Proposals. To ensure proper identification and special handling, Bids or Proposals will be submitted in a sealed envelope appropriately marked or in the envelope provided by the Institution, whichever is applicable. The Institution will not be responsible for the proper identification and handling of Bids or Proposals not submitted in the designated manner or format as required in the Solicitation Document.
(2) Receipt of Bids or Proposals. It is the Bidder’s or Proposer’s responsibility to ensure that Bids or Proposals are received by the Institution at the required delivery point, prior to the Closing as indicated in the Solicitation Document, regardless of the method used to submit or transmit the Bid or Proposal.

Stat. Auth.:  
Stats. Implemented:

580-061-0085  
Pre-Bid and Pre-Proposal Conferences  
(1) Pre-Bid or pre-Proposal conferences may be scheduled. Each pre-Bid or pre-Proposal conference will be described in the Solicitation Document as “voluntary” or “mandatory.” If such a conference is designated as “mandatory,” a Bidder or Proposer must attend in order to submit a Bid or Proposal.

(2) If the Bidder or Proposer is an individual, the Bidder or Proposer may authorize a representative other than himself/herself to attend the pre-Bid or pre-Proposal conference.

(3) Statements made by Institutional representatives at the pre-Bid or pre-Proposal conference will not be binding unless a Written Addendum to the Solicitation Document is issued.

Stat. Auth.:  
Stats. Implemented:

580-061-0090  
Bid or Proposal Security  
(1) The Institution may require in the Solicitation Document submission of a Bid or Proposal security. Security includes, but is not limited to, a surety bond from a surety company authorized to do business in the state of Oregon, cashier’s check, certified check, or savings and loan secured check.

(2) The Bid or Proposal security of all unsuccessful Bidders or Proposers will be returned or released after a Contract has been executed and a performance bond provided (if such a bond is required), or after all Bids or Proposals have been rejected.

Stat. Auth.:  
Stats. Implemented:

580-061-0095  
Addenda to Solicitation Document  
(1) The Institution may change a Solicitation Document by Written Addenda. Institutions will make reasonable efforts to notify potential Bidders or Proposers of such Written Addenda by methods that may include, but are not limited to, publication of the Written
Addenda on the OUS procurement website or requiring submission of a notice of interest by potential Bidders or Proposers to receive Addenda.

(2) The Institution will issue the Written Addenda within a reasonable time prior to Closing to allow prospective Bidders or Proposers to consider the Addenda in preparing their Bids or Proposals. The Institution may extend the Closing if it determines prospective Bidders or Proposers need additional time to review and respond to Addenda.

Stat. Auth.:  
Stats. Implemented:

580-061-0100  
Clarification of Solicitation Document and Requests for Change  
Unless a different deadline is specified in the Solicitation Document, requests for clarification or change of the Solicitation Document must be received by the Institution in Writing at least ten (10) days prior to the Closing.

(a) Such request for clarification or change will include the reasons for the clarification or change, and any proposed changes to Specifications or provisions.

(b) The Institution will consider all requests for clarification or change and, if appropriate, amend the Solicitation Document by issuing Addenda.

Stat. Auth.:  
Stats. Implemented:

580-061-0105  
Pre-Closing Modifications or Withdrawal of Bids or Proposals  
(1) Modifications. A Bidder or Proposer may modify its Bid or Proposal in Writing prior to the Closing. Any modification must include a statement that the modification amends and supersedes the prior Bid or Proposal.

(2) Withdrawals. A Bidder or Proposer may withdraw its Bid or Proposal by Written notice submitted on the Bidder or Proposer’s letterhead, signed by an authorized representative of the Bidder or Proposer, delivered to the individual and location specified in the Solicitation Document (or the place of Closing if no location is specified), and received by the Institution prior to the Closing. The Bidder or Proposer, or authorized representative of the Bidder or Proposer, may also withdraw its Bid or Proposal in person prior to the Closing, upon presentation of appropriate identification and evidence of authority satisfactory to the Institution.

Stat. Auth.:  
Stats. Implemented:
580-061-0110
Receipt, Opening, and Recording of Bids and Proposals
(1) Receipt. An Institution will electronically or mechanically time-stamp or hand-mark each Bid or Proposal and any modification upon receipt. Except as provided in OAR 580-061-00075(2) the Institution will not open the Bid or Proposal or modification, but will store it in a secure place until Opening. If the Institution inadvertently opens a Bid or Proposal or a modification prior to the Opening, the Institution will reseal and store the opened Bid or Proposal or modification until the Opening. The Institution will document the resealing for the solicitation file (e.g., "Institution inadvertently opened the Bid/Proposal due to improper identification of the Bid/Proposal.").

(2) Opening and Recording. An Institution will publicly open Bids or Proposals including any modifications made to the Bid or Proposal. Unless otherwise specified in the Solicitation Document, the name of the Entity submitting a Bid or Proposal will be the only information that may be made public until notice of the intent to Award or an Award has been issued.

Stat. Auth.: 
Stats. Implemented:

580-061-0115
Late Bids and Proposals, Late Withdrawals, and Late Modifications
Any Bid or Proposal, modification, or withdrawal received after the Closing is late. An Institution will not consider late Bids, Proposals, modifications, or withdrawals except as permitted in OAR 580-061-0120.

Stat. Auth.: 
Stats. Implemented:

580-061-0120
Mistakes
(1) Generally. To protect the integrity of the Competitive Process and to assure fair treatment of Bidders and Proposers, an Institution should carefully consider whether to permit waiver, correction, or withdrawal for certain mistakes.

(2) Institution Treatment of Mistakes. An Institution will not allow a Bidder or Proposer to correct or withdraw a Bid or Proposal for an error in judgment. If the Institution discovers certain mistakes in a Bid or Proposal after Opening, but before award of the Contract, the Institution may take the following action:

(a) An Institution, in its sole discretion, may waive or permit a Bidder or Proposer to correct a minor informality. A minor informality is a matter of form rather than substance that is evident on the face of the Bid or Proposal or an insignificant mistake that can be waived or corrected without prejudice to other Bidders or Proposers. Examples of minor informalities include a Bidder or Proposer's failure to:
(A) Return the correct number of Signed Bids or Proposals or the correct number of other documents required by the Solicitation Document; or

(B) Sign the Bid or Proposal in the designated block, provided a Signature appears elsewhere in the Bid or Proposal, evidencing an intent to be bound; or

(C) Acknowledge receipt of an Addendum to the Solicitation Document, provided it is clear on the face of the Bid or Proposal that the Bidder or Proposer received the Addendum and intended to be bound by its terms, or the Addendum involved did not affect price, quality, or delivery.

(b) An Institution may correct a clerical error if the error is evident on the face of the Bid or Proposal or other documents submitted with the Bid or Proposal and the Bidder’s or Proposer confirms the Institution’s correction in Writing. A clerical error is a Bidder or Proposer’s error in transcribing its Bid or Proposal. Examples include, but are not limited to, typographical mistakes, errors in extending unit prices, transposition errors, and arithmetical errors, instances in which the intended correct unit or amount is evident by simple arithmetic calculations. In the event of a discrepancy, unit prices will prevail over extended prices.

(c) An Institution may permit a Bidder or Proposer to withdraw a Bid or Proposal after Closing based on one or more clerical errors in the Bid or Proposal only if the Bidder or Proposer shows with objective proof and by clear and convincing evidence:

(A) The nature of the error;

(B) That the error is not a minor informality under this subsection or an error in judgment;

(C) That the error cannot be corrected under subsection (b) of this subsection;

(D) That the Bidder or Proposer acted in good faith in submitting a Bid or Proposal that contained the claimed error and in claiming that the alleged error in the Bid or Proposal exists;

(E) That the Bidder or Proposer acted without gross negligence in submitting a Bid or Proposal that contained a claimed error;

(F) That the Bidder or Proposer will suffer substantial detriment if the Institution does not grant it permission to withdraw the Bid or Proposal;

(G) That the Institution’s or the public’s status has not changed so significantly that withdrawal of the Bid or Proposal will work a substantial hardship on the Institution or the public it represents; and
(H) That the Bidder or Proposer promptly gave notice of the claimed error to the Institution.

(d) The criteria in subsection (2)(a) of this rule will determine whether an Institution will permit a Bidder or Proposer to withdraw its Bid or Proposal after Closing. These criteria also will apply to the question whether an Institution will permit a Bidder or Proposer to withdraw its Bid or Proposal without forfeiture of its Bid bond (or other Bid security) or without liability to the Institution based on the difference between the amount of the Bidder’s or Proposer’s Bid or Proposal and the amount of the Contract actually awarded by the Institution, whether by Award to the next lowest Responsive and Responsible Bidder or the best Responsive and Responsible Proposer or by resort to a new solicitation.

(3) Rejection for Mistakes. The Institution will reject any Bidder or Proposer in which a mistake is evident on the face of the Bid or Proposal and the intended correct Bid or Proposal is not evident or cannot be substantiated from documents submitted with the Bid or Proposal.

Stat. Auth.:  
Stats. Implemented:

580-061-0125  
Low Tie Bids  
(1) Definition. Low Tie Bids are low tie Responsive Responsible Bidders that are identical in price, fitness, availability, and quality and that meet all the requirements and criteria set forth in the Solicitation Document.

(2) Award. In the event of a Low Tie Bid, the Institution will award the Contract based on the following order of precedence:

   (a) An Emerging Small Business that meets the definition in ORS 200.005(3) and that maintains a current certification issued by the Oregon Department of Consumer and Business Services;

   (b) An Entity whose principal offices or headquarters are located in Oregon;

   (c) If neither subsection (a) or (b) apply, award of the Contract will be made by drawing lots.

Stat. Auth.:  
Stats. Implemented:
580-061-0130
Rejection of Individual Bids or Proposals and Bidders or Proposers

(1) An Institution may reject, in whole or in part, any Bid or Proposal not in compliance with all prescribed Bid or Proposal procedures, Contract provisions, and Specifications contained in the Solicitation Document or if upon written finding by the Institution that it is in the public interest to do so.

(2) Reasons for rejection. An Institution may reject a Bid or Proposal upon the Institution’s findings that include, but are not limited to, the Bid or Proposal:

   (a) Is contingent upon the Institution’s acceptance of terms and conditions that differ from the Solicitation Document; or
   
   (b) Takes exception to the terms and conditions (including Specifications) set forth in the Solicitation Document; or
   
   (c) Attempts to prevent public disclosure of matters in contravention of the terms and conditions of the Solicitation Document or in contravention of applicable law; or
   
   (d) Offers goods or services that fail to meet the Specifications of the Solicitation Document; or
   
   (e) Is late; or
   
   (f) Is not in substantial compliance with the Solicitation Document; or
   
   (g) Is not in substantial compliance with all prescribed solicitation procedures; or
   
   (h) Does not include the Bid or Proposal security as required by the Solicitation Document; or
   
   (i) Does not include an executed certification of non-discrimination in compliance with 580-061-0035 and compliance with Oregon tax laws.

(3) An Institution may reject a Bidder or Proposer upon the Institution’s findings that include, but are not limited to, the Bidder or Proposer:

   (a) Has not met any required mandatory prequalification;
   
   (b) Has been disqualified pursuant to OAR 137-046-0210(4) (Disadvantaged Business Enterprise Disqualification), as may be amended;
   
   (c) Has not met the requirements of the Emerging Small Business Program created in OAR 580-061-0035, if required in the Solicitation Document.
   
   (d) Being submitted by an Entity that has been debarred in accordance with ORS 279B130 or 279C.440, as may be amended;
(e) Has been declared ineligible by the Commissioner of Bureau of Labor and Industries under ORS 279C.860, as may be amended;

(f) Has within the last five years been found, in a civil, criminal, or administrative proceeding, to have committed or engaged in fraud, misrepresentation, price-rigging, unlawful anti-competitive conduct, or similar behavior;

(g) Is non-Responsible. Bidders or Proposers are required to demonstrate their ability to perform satisfactorily under a Contract. Before Awarding a Contract, the Institution must have information that indicates that the Bidder or Proposer meets the applicable standards of Responsibility. To be a Responsible Bidder or Proposer, the Institution may consider:

(A) If the Bidder or Proposer has appropriate financial, material, equipment, facility, and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to indicate the capability of the Bidder or Proposer to meet all contractual responsibilities;

(B) If the Bidder or Proposer has a satisfactory record of contract performance. The Institution may consider both private and public contracts in determining responsible performance under a contract;

(C) If the Bidder or Proposer has a satisfactory record of integrity. A Bidder or Proposer may lack integrity if an Institution determines the Bidder or Proposer demonstrates a lack of business ethics such as violation of state environmental laws or false certifications made to a state agency. An Institution may find a Bidder or Proposer non-Responsible based on the lack of integrity of any person having influence or control over the Bidder or Proposer (such as a key employee of the Bidder or Proposer that has the authority to significantly influence the Bidder’s or Proposer’s performance of the Contract or a parent company, predecessor or successor person);

(D) If the Bidder or Proposer is qualified legally to Contract with the Institution;

(E) If the Bidder or Proposer has supplied all necessary information in connection with the inquiry concerning Responsibility. If the Bidder or Proposer fails to promptly supply information requested by the Institution concerning responsibility, the Institution may base the determination of responsibility upon any available information or may find the Bidder or Proposer non-Responsible.

(4) Form of Business Entity. For purposes of this rule, the Institution may investigate any Entity submitting a Bid or Proposal. The investigation may include the Entity’s officers, directors, owners, affiliates, or any other person acquiring ownership of the Entity to determine application of this rule.
(5) Notice. If a Bidder or Proposer or a Bid or Proposal is rejected in accordance with this rule, the Institution will provide written notice of such rejection to the Bidder or Proposer. The notice will include the grounds for rejection and a statement of the Bidder’s or Proposer’s appeal rights and applicable appeal deadlines.

(a) If a Bidder or Proposer wishes to appeal the decision to reject the Bidder or Proposer or Bid or Proposal, the Bidder or Proposer must notify the Institution, in Writing, within three Days after receipt of the notification.

Stat. Auth.:  
Stats. Implemented:  

580-061-0135  
Rejection of All Bids or Proposals  
(1) Rejection. An Institution may reject all Bids or Proposals for good cause upon a Written finding that it is in the public interest to do so. Notification of rejection of all Bids or Proposals, along with the good cause justification and finding of public interest, will be sent to all who submitted a Bid or Proposal.

(2) Criteria. The Institution may reject all Bids or Proposals based upon the following criteria:

(a) The content of or an error in the Solicitation Document or the procurement process unnecessarily restricted competition for the Contract;

(b) The price, quality, or performance presented by the Bidders or Proposers are too costly or of insufficient quality to justify acceptance of any Bid or Proposal;

(c) Misconduct, error, or ambiguous or misleading provisions in the Solicitation Document threaten the fairness and integrity of the Competitive Process;

(d) Causes other than legitimate market forces threaten the integrity of the Competitive Process. These causes may include, without limitation, those that tend to limit competition, such as restrictions on competition, collusion, corruption, unlawful anti-competitive conduct, and inadvertent or intentional errors in the Solicitation Document;

(e) Any other circumstance indicating that Awarding the Contract would not be in the public interest.

Stat. Auth.:  
Stats. Implemented:
580-061-0140
Disposition of Bids or Proposals if Solicitation Cancelled

(1) Prior to Bid or Proposal Opening. When a solicitation is cancelled prior to Opening, all Bids or Proposals received will be returned to Bidders or Proposers unopened if submitted in a hard copy format with a clearly visible return address. If there is no return address on the envelope, the Bid or Proposal will be opened to determine the source and then returned to the sender.

(2) After Bid or Proposal Opening. When all Bids or Proposals are rejected, the Bids or Proposals received will be retained and become part of the Institution’s permanent solicitation file.

Stat. Auth.: 
Stats. Implemented:

580-061-0145
Protest of Contractor Selection, Contract Award

(1) The purpose of this rule is to require adversely affected or aggrieved Bidders or Proposers on an Institution solicitation to exhaust all avenues of administrative review and relief before seeking judicial review of the Institution’s selection or Award decision.

(2) Types of Protests. The following matters may be protested:

(a) A determination of responsibility or lack thereof;

(b) A determination of responsiveness or lack thereof;

(c) The rejection of a Bid or Proposal;

(d) The content of a Solicitation Document;

(e) The selection of one or more Contractors. A protest may be submitted only by an Entity that can demonstrate that it has been or is being adversely affected by an Institution decision or the content of a Solicitation Document.

(3) Delivery. Unless otherwise specified in the Solicitation Document, a Bidder or Proposer must deliver a Written protest to the Institution within seven (7) Days after the Award of a Contract or issuance of the notice of intent to Award the Contract, whichever occurs first. Protests must be clearly marked on the outside of the envelope with the title or the number of the Bid or Proposal and that it is a protest to ensure that it is recognized and recorded.

(4) Content of Protest. A Bidder’s or Proposer’s protest must fully specify the grounds for the protest and include all evidence that the protestor wishes the System Vice Chancellor for Finance and Administration, Institution Vice President for Finance and Administration, or designee to consider. Failure to include any ground for the protest or any evidence in support of it will constitute a final, knowing, and voluntary waiver of the
right to assert such ground or evidence. A protest must include a conspicuous marking identifying the type and nature of the protest.

(5) A protest of a Solicitation Document may be made only if a term or condition of the Solicitation Document, including, but not limited to, Specifications or Contract terms violates applicable law. The Institution will (upon altering the Solicitation Document in response to a protest) promptly transmit the revised Solicitation Document to all Bidders and Proposers and extend the Closing where appropriate. The Institution may choose, in its sole discretion, to close the procurement process without making an Award and begin a new procurement process.

(6) A protest of the selection of one or more Contractors requires the protestor to demonstrate, as applicable;

(a) That all higher-ranked Bidders or Proposers were ineligible for selection or that the protestor would have been "next in line" to receive the Award and was eligible for selection; and

(b) That the Bidder or Proposer selected was ineligible.

(7) A protest of the rejection of a Bid or Proposal must demonstrate that the Institution's decision was materially in error or that the Institution committed a material procedural error and that any such error, alone or in combination with other errors, was a “but for” cause of the rejection.

(8) Response. The Vice Chancellor for Finance and Administration or the Institution Vice President for Finance and Administration, or their designee, will have the authority to settle or resolve a Written protest. A protest received after the time set out in the Solicitation Document will not be considered. The Vice Chancellor for Finance and Administration, or Vice President for Finance and Administration, or designee will issue a Written final agency order of the protest in a timely manner. If the protest is upheld, in whole or in part, the Institution may, in its sole discretion, either Award the Contract to the successful protestor or cancel the procurement or solicitation. Contract Award may be made prior to issuance of the final agency order if authorized by the Vice Chancellor for Finance and Administration, Vice President for Finance and Administration, or their designee.

(9) Judicial Review. Judicial review of the Institution’ decision relating to a Contract Award protest will be available pursuant to the provisions of ORS 183.480 et seq.

Stat. Auth.:  
Stats. Implemented:
580-061-0150
Right to Inspect Plant
The Institution may, at reasonable times, inspect the part of the plant or place of business of a Contractor or any subcontractor that is related to the performance of any prospective Contract or Awarded Contract.

Stat. Auth.: 
Stats. Implemented:

580-061-0155
Negotiations
(1) The Institution may negotiate in accordance with sections (4) and (5) of this rule with the highest-ranked Bidders or Proposers after determining that all Responsible Responsive Bids or Proposals exceed the Institution’s cost estimate.

(2) The Institution may also commence negotiations with Proposers in the competitive range following the:

   (a) Initial determination of the competitive range based on evaluating all Responsive Proposals in accordance with the evaluation criteria set forth in the Solicitation Document. After evaluation of all Proposals in accordance with the criteria set forth in the Solicitation Document, the Institution will determine Proposers in the competitive range.

   (b) The Institution may increase the number of Proposers in the competitive range if the Institution’s evaluation of Proposals establishes a natural break in the scores of Proposers indicating a number of Proposers greater than the initial competitive range are closely competitive or have a reasonable chance of being determined the best Proposer. The Institution may decrease the number of Proposers in the initial competitive range only if the excluded Proposers have no reasonable chance to be the best Proposer.

   (c) The Institution will provide Written notice to all Proposers identifying Proposers in the competitive range.

   (d) After determination of the competitive range, the Institution may either:

       (A) Provide Written notice to all Proposers in the competitive range of its intent to Award the Contract to the highest-ranked Proposer in the competitive range; or

       (B) Engage in discussions with Proposers in the competitive range and accept revised Proposals from them as set forth in section (3) of this rule and following such discussions and receipt and evaluation of revised Proposals, conduct negotiations as set forth in sections (3) and (4) of this rule with the Proposers in the competitive range.
(3) If the Institution chooses to enter into discussions with and receive best and final Proposals, the Institution will proceed as follows:

(a) The Institution will initiate oral or written discussions with all Proposers submitting Responsive Proposals or all Proposers in the competitive range regarding their Proposals with respect to the provisions of the Solicitation Document that the Institution identified in the Solicitation Document as the subject of discussions. The Institution may conduct discussions for the following purposes:

(A) Informing eligible Proposers of deficiencies in their initial Proposals;

(B) Notifying eligible Proposers of parts of their Proposals for which the Institution would like additional information; or

(C) Otherwise allowing eligible Proposers to develop revised Proposals that will allow the Institution to obtain the best Proposal based on the requirements and evaluation criteria set forth in the Solicitation Document.

(b) The Institution may conduct discussions with each eligible Proposer necessary to fulfill the purposes of this section (3), but need not conduct the same amount of discussions with each eligible Proposer. The Institution may terminate discussions with any eligible Proposer at any time. However, the Institution will offer all eligible Proposers the same opportunity to discuss their Proposals with the Institution before the Institution notifies eligible Proposers of the date and time pursuant to section (6) that best and final Proposals will be due. At any time during the time allowed for discussions, the Institution may:

(A) Continue discussions with a particular eligible Proposer;

(B) Terminate discussions with a particular eligible Proposer and continue discussions with other eligible Proposers; or

(C) Conclude discussions with all remaining eligible Proposers and provide notice pursuant to section (6) of this rule to the eligible Proposers requesting best and final Proposals.

(c) The Institution may adjust the evaluation of a Proposal as a result of a discussion under this section. The conditions, terms, or price of the Proposal may be altered or otherwise changed during the course of the discussions provided the changes are within the scope of the Solicitation Document.

(4) Negotiations.

(a) The Institution may commence serial negotiations with the highest-ranked eligible Bidder or Proposer or commence simultaneous negotiations with all eligible Bidders or Proposers.
(b) The Institution may negotiate:

(A) The statement of Work;

(B) The Contract Price as it is affected by negotiating the statement of Work; and

(C) Any other terms and conditions reasonably related to those expressly authorized for negotiation in the Solicitation Document. Accordingly, Bidders or Proposers will not submit and the Institution will not accept for negotiation, any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the Solicitation Document.

(5) At any time during discussions or negotiations that the Institution conducts in accordance with this rule, the Institution may terminate discussions or negotiations with the highest-ranked Bidder or Proposer or the Bidder or Proposer with whom it is currently discussing or negotiating, if the Institution reasonably believes that:

(a) The Bidder or Proposer is not discussing or negotiating in good faith; or

(b) Further discussions or negotiations with the Bidder or Proposer will not result in the parties agreeing to the terms and conditions of a final Contract in a timely manner.

(c) If the Institution is conducting serial negotiations and the Institution terminates negotiations with a Proposer in accordance with section (3)(b)(B) of this rule, the Institution may then commence negotiations with the next highest scoring Proposer in the competitive range and continue the process described in section (3) of this rule until the Institution has either:

(A) Determined to Award the Contract to the Proposer with whom it is currently discussing or negotiating; or

(B) Completed one round of discussions or negotiations with all Proposers in the competitive range, unless the Institution provided for more than one round of discussions or negotiations in the Solicitation Document.

(d) If the Institution chooses to conduct competitive negotiations, the Institution may negotiate simultaneously with competing Proposers. The Institution:

(A) Will treat all Proposers fairly and will not favor any Proposer over another;

(B) May disclose other Proposer’s Proposals or the substance of negotiations with other Proposers only if the Institution notifies all of the Proposers with whom the Institution will engage in negotiations of the
Institution’s intent to disclose before engaging in negotiations with any Proposer.

(e) Any oral modification of a Proposal resulting from negotiations under sections (4) and (5) will be reduced to Writing by the Proposer.

(6) If best and final Proposals are required, the Institution will establish a common date and time by which Proposers must submit best and final Proposals. Best and final Proposals will be submitted only once, provided, however, the Institution may make a written determination that it is in the Institution’s best interest to conduct additional discussions, negotiations, or change the Institution’s requirements and require another submission of best and final Proposals. The Institution will evaluate Proposals as modified.

Stat. Auth.: Stats. Implemented:

580-061-0160
Disqualification from Consideration for Award of Contracts
(1) An Institution may disqualify an Entity from consideration for award of Institution Contracts for the reasons listed in subsection (2) of this section after providing the Entity with notice and a reasonable opportunity to be heard.

(a) All OUS Institutions may rely upon a disqualification of an Entity by another Institution. The Chancellor’s Office will maintain a current roster for Entities that have been disqualified.

(b) In lieu of the disqualification process described in this rule, an Institution contracting for a Public Improvement may petition the Construction Contractors Board to disqualify an Entity from consideration for award of the Institution’s Public Improvement Contracts for the reasons listed in subsection 2 of this rule.

(2) An Entity may be disqualified from consideration for Award of a Contract for any of the following reasons:

(a) A primary employee of the Entity has been convicted of a criminal offense as an incident of obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract;

(b) A primary employee of the Entity has been convicted under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty that currently, seriously, and directly affects the person's responsibility for the Entity;

(c) A primary employee of the Entity has been convicted under state or federal antitrust statutes;
(d) A primary employee of the Entity has committed a violation of a contract provision that is regarded by an Institution or the Construction Contractors Board to be so serious as to justify disqualification. A violation may include, but is not limited to, a failure to perform the terms of a contract or an unsatisfactory performance in accordance with the terms of the contract. However, a failure to perform or an unsatisfactory performance caused by acts beyond the control of the Entity may not be considered to be a basis for disqualification;

(e) The Entity does not carry workers’ compensation or unemployment insurance as required by statute.

(3) An Institution will issue a Written decision to disqualify an Entity under this section. The decision will:

(a) State the reasons for the action taken; and

(b) Inform the disqualified Entity of the appeal rights of the Entity under ORS 279C.445 and 279C.450, as may be amended.

(4) A copy of the decision issued under subsection (3) of this section must be mailed or otherwise furnished immediately to the disqualified Entity.

(5) Appeal of Disqualification. An Entity who wishes to appeal disqualification will, within three (3) business days after receipt of notice of disqualification, notify the Institution in Writing that the Entity appeals the disqualification. Immediately upon receipt of the notice of appeal, the Institution will notify the Director of the Oregon Department of Administrative Services, or designee.

(6) The Oregon Department of Administrative Services will conduct the appeal in accordance with ORS 279C.450, as may be amended.
DIVISION 62
PURCHASING AND CONTRACTS FOR PERSONAL OR PROFESSIONAL SERVICES AND GOODS AND SERVICES

580-062-0000
Definitions
All capitalized terms in chapter 580, division 62 have the meanings set forth in OAR 580-061-0010 unless the context requires otherwise or except as stated.

Stat. Auth.:  
Stats. Implemented:

580-062-0005
Procurement and Contracting Procedures
The procedures set out in OAR 580-061-0000 through 580-061-0160 will be used for the procurement of personal or professional services or goods and services.

Stat. Auth.:  
Stats. Implemented:

580-062-0010
Procurement Card
The Chancellor’s Office may maintain procurement card services for the benefit of the Institutions. The Controller’s Office of the Chancellor's Office will publish policies governing use of the procurement card.

Stat. Auth.:  
Stats. Implemented:

580-062-0015
Personal/Professional Services Contracts Procurement Thresholds
(1) The Board and Institutions periodically require the services of an Entity to perform personal or professional services when the specialized skills, knowledge, and resources are not available within OUS; when the work cannot be done in a reasonable time with OUS’ own workforce; when an independent and impartial evaluation of a situation is required by an Entity with recognized professional expertise and stature in a field; when it will be less expensive to contract for the work; or when grants require subcontracting.

(2) When procuring personal or professional services, not including Professional Consultants as defined in chapter 580, division 63, Institutions will conduct the procurement in accordance with the Direct Procurement, Informal Procurement, or Formal Procurement method, unless another method is applicable, based on the anticipated contract price, including consultant fees, reimbursable expenses, and all amendments contemplated by the parties. Multiple Contracts, purchase orders, or purchasing requisitions will not be issued separately with the intent to circumvent these rules.
(a) $25,000 or less – Direct Procurement or other method of procurement that the Institution deems beneficial to the procurement.

(b) $25,000.01 to $75,000 – Informal Procurement, Formal Procurement, or other method of procurement, except the Direct Procurement method, that the Institution deems beneficial to the procurement.

(c) Greater than $75,000 – Formal Procurement or other method of procurement, except the Direct Procurement or Informal Procurement methods, that the Institution deems beneficial to the procurement.

(3) Notwithstanding subsection (2), if the source of the funding for the procurement requires a different procurement method, the Institution will comply with the procurement method required by the funding source.

Stat. Auth.: Stats. Implemented:

580-062-0020 Goods and Services Contracts Procurement Thresholds
(1) When procuring goods and services, Institutions will conduct the procurement in accordance with the Direct Procurement, Informal Procurement, or Formal Procurement method, unless another method is applicable, based on the anticipated contract price. Multiple contracts, purchase orders, or purchasing requisitions will not be issued separately with the intent to circumvent these rules.

(a) $25,000 or less – Direct Procurement or other method of procurement that the Institution deems beneficial to the procurement.

(b) $25,000.01 to $100,000 – Informal Procurement, Formal Procurement, or other method of procurement, except the Direct Procurement method, that the Institution deems beneficial to the procurement.

(c) Greater than $100,000 – Formal Procurement or other method of procurement, except the Direct Procurement or Informal Procurement methods, that the Institution deems beneficial to the procurement.

(2) Notwithstanding subsection (1), if the source of the funding for the procurement requires a different procurement method, the Institution will comply with the procurement method required by the funding source.

Stat. Auth.: Stats. Implemented:
Methods of Procurement

Institutions will use the following methods of procurement when procuring personal or professional services or goods and services.

(1) Direct Procurement. A process where the Institution negotiates directly with a single Entity to provide personal or professional services or goods and services.

(2) Informal Procurement. A Competitive Process where the Institution posts an advertisement of the opportunity on the OUS procurement website for a reasonable time necessary to obtain at least three Bids or Proposals. The Institution may also directly contact prospective Bidders or Proposers. If the notice has been posted for a reasonable time period and fewer than three Bids or Proposals have been submitted, the Institution may enter into a Contract with a Responsible Bidder or Proposer based on the Specifications contained in the Solicitation Document.

(3) Formal Procurement. A Competitive Process where the Institution:

   (a) Creates a Solicitation Document that contains the procurement procedures and necessary Specifications.

   (b) Publishes a notice of the procurement on the OUS procurement website and, if beneficial to the procurement, in a trade periodical, newspaper of general circulation, or other minority, women, and emerging small business targeted periodicals, Institution website, or other medium for advertising. The notice must specify when and where the Solicitation Document may be obtained and the Closing Date/Time. The notice must be published for a duration reasonable under the circumstances for the procurement.

   (c) Conducts the procurement in accordance with Chapter 580, Division 61, section 0000 through 0160.

(4) Emergency Procurement. The Institution President, Chancellor, or designee may declare an Emergency when such a declaration is deemed appropriate. The reasons for the declaration will be documented and will include justifications for the procedure used to select the Entity for a Contract within the scope of the Emergency declaration. After the Institution President, Chancellor, or designee has declared an Emergency, the Institution may negotiate a Contract with any qualified Entity for services included in the scope of the Emergency. The Institution will maintain appropriate records of negotiations carried out as part of the contracting process.

(5) Retainer. Institutions may conduct a Formal Procurement to enter into Retainer Contracts with multiple Entities to provide personal or professional services or goods and services at contracted rates of compensation or based on pre-qualifications.

(6) Alternative Processes. Notwithstanding the foregoing procedures, the Institution Contract Officer may authorize alternative procurement methods that provide a
Competitive Process to two or more Entities to Contract with the Institution and meet the following objectives:

(a) Responds to innovative business and market methods; or

(b) Contributes to Institution productivity improvement and process redesign; or

(c) Results in comprehensive cost-effectiveness and productivity for the Institution.

(7) Exempt. Institutions need not follow, regardless of value, a Competitive Process when seeking or acquiring or paying for the following goods and services:

(a) Educational services.

(b) Brand-name goods and services or product prequalification. Institutions may specify brand names in the procurement of goods and services if that particular product or service has attributes not found in other goods or services. In addition, when specific design or performance specifications must be met for a good or service to be purchased, an Institution may specify a list of qualified goods or services by reference to the qualified goods or services of a particular contractor or potential contractor.

(c) Advertising and media services, excluding consulting services.

(d) Price-regulated goods and services, including utilities, where the rate or price for the goods or services being purchased is established by federal, state, or local regulatory authority.

(e) Goods or services under federal contracts. When the price of goods and services has been established by a contract with an agency of the federal government pursuant to a federal contract award, Institutions may purchase the goods and services in accordance with the federal contract. In addition, Institutions may purchase specific equipment that is only available from one source or use specific Entities that are expressly required under the terms of the contract.

(f) Copyrighted materials. Copyrighted materials covered by this exemption may include, but are not limited to, textbooks, workbooks, curriculum kits, reference materials, software, periodicals, library books, library materials, and audio, visual, and electronic media.

(g) Investment contracts and retirement plan services, excluding consulting services.

(h) Food and food-related products.

(i) Maintenance services directly from the contractor providing the goods.
(j) Used personal property.

(k) Goods purchased for resale to outside entities.

(L) Goods or services related to intercollegiate athletic programs.

(m) Cadavers or Cadaveric organs.

(n) Hotel sites for large conferences and workshops.

(o) Dues, registrations, and membership fees.

(p) Gasoline, diesel fuel, heating oil, lubricants, natural gas, electricity, and similar commodities and products and the transportation thereof.

(q) Supplies, maintenance, and services for ocean-going vessels when they are in other than home port.

(r) Repair and overhaul of goods or equipment.

(s) Goods or services purchased in foreign countries.

(t) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135, and 414.145 for purposes of source selection.

(u) Grants.

(v) Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which an Institution is or may become interested.

(w) Contracts entered into, issued, or established in connection with:

(A) The incurring of debt by an Institution, including but not limited to the issuance of bonds, certificates of participation, and other debt repayment obligations, and any associated Contracts, regardless of whether the obligations that the Contracts establish are general, special, or limited;

(B) The making of program loans and similar extensions or advances of funds, aid, or assistance by an Institution to a public or private body for the purpose of carrying out, promoting, or sustaining activities or programs authorized by law; or

(C) The investment of funds by an Institution as authorized by law and other financial transactions of an Institution that by their character cannot practically be established under the Competitive Process.
(x) Contracts for employee benefit plans as authorized by law.

(y) Services provided by those in the medical community including, but not limited to, doctors, physicians, psychologists, nurses, veterinarians, and those with specific license to administer treatments for the health and well-being of people or animals.

(z) Artists, performers, photographers, graphic designers, website design, and speakers.

(aa) Sponsorship agreements for Institution events or facilities.

(8) Sole Source. A process where the Institution President, Chancellor, or designee has made a Written determination that due to special needs or qualifications, only a single Entity is reasonably available to provide such personal or professional services or goods or services.

(a) On or before the first day in February of each year, Institution Presidents, Chancellor, or designees will submit a report to the Board summarizing approved sole source justifications for the prior calendar year.

(9) Special Entity. Institutions may enter into Contracts without using a Competitive Process when the contracting Entity is a federal, state, or local governmental agency, or a state Qualified Rehabilitation Facility certified by the Oregon Department of Human Services or the Oregon State Procurement Office. Institutions may participate in cooperative procurements with other contracting agencies if it is determined, in Writing, that the solicitation and award process for the Contract is substantially equivalent to the respective process established in these rules.

Stat. Auth.: 
Stats. Implemented:
DIVISION 63
CAPITAL CONSTRUCTION AND CONTRACTING

580-063-0000
Authority

These rules establish the procedures that will be followed by the Institutions of the Oregon University System (OUS) to erect, improve, repair, maintain, equip, and furnish buildings and structures under the control of the Board.

Stat. Auth.: ORS 351.060
Stats. Implemented:

580-063-0005
Authorization to Undertake Capital Construction Projects

(1) Before an Institution contracts for capital construction on land owned or controlled by the Board, or prepares other than conceptual plans or preconstruction design, the Institution will obtain Board approval, regardless of the source of funds or method by which the project is to be financed. To obtain approval, the Institution will describe the project, the financing plan for design and construction, and the operation and maintenance cost of the proposed project. Capital construction is defined as any construction or facility improvement that costs $500,000 or more and is not considered maintenance or repair.

(2) Unless appropriate limitation exists for a capital construction project that totals $500,000 or more but less than $5 million, inclusive of all fund sources, Legislative approval is required.

Stat. Auth.: 
Stats. Implemented:

580-063-0010
Definitions

All capitalized terms in chapter 580, division 63, have the meanings set forth in OAR 580-061-0010 unless set forth below, or unless the context requires otherwise or except as stated.

(1) “Construction Related Services” means one or more related services, which includes, but is not limited to: finance, design, preconstruction, and construction services. The project delivery methods that use Construction-Related Services include: design-build, construction manager at risk, agency construction management, and performance contracting.
(2) “Professional Consultant” means architects, engineers, planners, land surveyors, appraisers, construction managers, and similar professional consultants.

Stat. Auth.:  
Stats. Implemented:

**580-063-0015**  
**Procurement and Contracting Procedures**  
The procedures set out in OAR 580-061-0000 through 580-061-0160 will be used for the procurement of Construction-Related Services and Professional Consultants.

Stat. Auth.:  
Stats. Implemented:

**580-063-0020**  
**Methods of Procurement**  
Institutions will use the following methods of procurement when procuring Professional Consultant services or Construction-Related Services.

(1) Direct Procurement. A process where the Institution negotiates directly with a single Entity to provide Professional Consultant services or Construction-Related Services.

(2) Informal Procurement. A competitive process where the Institution posts an advertisement of the opportunity on the OUS procurement website for a reasonable time necessary to obtain at least three Bids or Proposals. The Institution may also directly contact prospective Bidders or Proposers. If the notice has been posted for a reasonable time period and fewer than three Bids or Proposals have been submitted, the Institution may enter into a Contract with a Responsible Bidder or Proposer based on the Specifications contained in the Solicitation Document.

(3) Formal Procurement. A Competitive Process where the Institution:

   (a) Creates a Solicitation Document that contains the procurement procedures and necessary Specifications.

   (b) Publishes a notice of the procurement on the OUS procurement website and, if beneficial to the procurement, in a trade periodical, newspaper of general circulation, or other minority, women, and emerging small business targeted periodicals, institutional website, or other medium for advertising. The notice must specify when and where the Solicitation Document may be obtained and the Closing Date/Time. The notice must be published for a duration reasonable under the circumstances for the procurement.

   (c) Conducts the procurement in accordance with Chapter 580, Division 61, section 0000 through 0160.
(4) Emergency Procurement. The Institution President, Chancellor, or designee may declare an Emergency when such a declaration is deemed appropriate. The reasons for the declaration will be documented and will include justifications for the procedure used to select the Contractor or Professional Consultant for a Contract or Public Improvement Contract within the scope of the Emergency declaration. After the Institution President, Chancellor, or designee has declared an Emergency, the Institution may negotiate a Contract or Public Improvement Contract with any qualified Entity or Professional Consultant for services included in the scope of the Emergency declaration. The Institution will maintain appropriate records of negotiations carried out as part of the contracting process.

(5) OUS Retainer Contract Program

(a) The OUS Capital Construction and Planning Office will maintain Retainer Contracts for Professional Consultants, Construction Related Services, and any other service that may from time to time benefit Institutions. The Retainer Contracts will be established in accordance with this subsection.

(A) Periodically, but no less often than every two years, the OUS Capital Construction and Planning Office will invite interested Contractors to submit business information that meets minimum qualifications as described in a Solicitation Document. Contractors that meet the minimum qualifications and have not been disbarred or disqualified by an agency of the State of Oregon as outlined in OAR 580-061-0160, may be offered a Retainer Contract to be listed on the respective retainer program to provide services in a non-exclusive and on an as-needed basis.

(B) Notice of the procurement will be published on the OUS procurement website and, if beneficial to the procurement, in a trade periodical, newspaper of general circulation, or other minority, women, and emerging small business targeted periodicals, Institution website, or other medium for advertisement.

(b) The OUS Capital Construction and Planning Office may enter into interagency agreements to permit other public agencies to utilize the services offered by Entities that have entered into Retainer Contracts if the public agency agrees to conditions, including but not limited to:

(A) Follow the procurement processes established in these rules.

(B) Use the contract templates associated with each retainer program.

(C) Any service procured will be the sole financial responsibility of the public agency.

(D) The public agency will be solely liable to resolve all disputes that may arise from breach of contract.
(E) The OUS Capital Construction, Planning, and Budget Office may impose a reasonable administrative fee on the public agency using the Retainer Contracts based on the compensation for services procured to recover administrative costs, legal review fees, and to improve or expand retainer programs.

(c) The OUS Capital Construction, Planning, and Budget Office will maintain an electronic roster of all Professional Consultants and Contractors who have entered into Retainer Contracts. Institutions that utilize retainer programs will follow the procedures established in these rules and will only execute contracts from templates that have been approved for each respective retainer program.

(6) Sole Source. A process where the Institution President, Chancellor, or designee has made a Written determination that due to special needs or qualifications, only a single Entity is reasonably available to provide such construction related services. Sole source procurement will be avoided except when no reasonable alternative source exists.

(a) All sole source justifications for Professional Consultants or Construction Related Services greater than $5,000,000 will be approved in advance by the Board prior to Contract execution.

(b) Each Institution will maintain a record listing all sole source procurements in excess of $25,000 for Professional Consultants and Construction Related Services. The records will be made available for public inspection and reported to the Board annually.

Stat. Auth.:  
Stats. Implemented:

580-063-0025  
Contracts for Professional Consultants  
Institutions will use one of the following two procedures when contracting for Professional Consultant services:

(1) OUS Capital Construction Retainer Program for Professional Consultants.

(a) For Professional Consultant service contracts where the anticipated Contract Price, including consultant fees, reimbursable expenses, and all amendments contemplated by the parties is $75,000 or less, the Institution may select a Professional Consultant that has entered into a Retainer Contract.

(b) For Professional Consultant service contracts where the anticipated Contract Price, including consultant fees, reimbursable expenses, and all amendments contemplated by the parties is $75,000.01 to $250,000, the Institution must select at least three Professional Consultants who have entered into Retainer Contracts to provide proposals for the service. Selection of a Professional Consultant from
submitted proposals will be based on the criteria set forth in the Solicitation Document.

(c) For Professional Consultant service contracts where the anticipated Contract Price, including consultant fees, reimbursable expenses, and all amendments contemplated by the parties is $250,000.01 to $1,000,000, the Institution will post an advertisement of the opportunity on the OUS procurement website. All eligible Professional Consultants that have entered into Retainer Contracts will have an opportunity to submit a proposal in response to the opportunity. Selection of a Professional Consultant from submitted proposals will be based on the criteria set forth in the Solicitation Document.

(2) Standard Procurement. When procuring Professional Consultant services, Institutions will conduct the procurement in accordance with the Direct Procurement, Informal Procurement, or Formal Procurement method, unless another method is applicable, based on the anticipated Contract Price, including consultant fees, reimbursable expenses, and all amendments contemplated by the parties. Multiple Contracts, purchase orders, or purchasing requisitions will not be issued separately with the intent to circumvent these rules.

(a) $25,000 or less – Direct Procurement or other method of procurement that the Institution deems beneficial to the procurement.

(b) $25,000.01 to $75,000 – Informal Procurement, Formal Procurement, or other method of procurement, except the Direct Procurement method, that the Institution deems beneficial to the procurement.

(c) Greater than $75,000 – Formal Procurement or other method of procurement, except the Direct Procurement or Informal Procurement methods, that the Institution deems beneficial to the procurement.

Stat. Auth.: Stats. Implemented:

580-063-0030
Contracts for Construction Services
Institutions will use one of the following policies and procedures when procuring Construction-Related Services for a Contract or Public Improvement Contract:

(1) OUS Capital Construction Retainer Program for Construction Related Services.

(a) For Construction-Related Services Contracts or Public Improvement Contracts where the anticipated Contract Price, including reimbursable expenses and all Change Orders contemplated by the parties is $50,000 or less, the Institution may select a Contractor that has entered into a Retainer Contract.
(b) For Construction-Related Services Contracts or Public Improvement Contracts where the anticipated Contract Price, including reimbursable expenses and all Change Orders contemplated by the parties is $50,000.01 to $500,000, the Institution must select at least three Contractors that have entered into Retainer Contracts to provide Bids or Proposals for the service. Selection of a Contractor from submitted Bids or Proposals will be based on the criteria set forth in the opportunity.

(c) For Construction-Related Services Contracts or Public Improvement Contracts where the anticipated Contract Price, including reimbursable expenses and all Change Orders contemplated by the parties is $500,000.01 to $1,000,000, the Institution will post an advertisement of the opportunity on the OUS procurement website. All eligible Contractors that have entered into Retainer Contracts will have an opportunity to submit a Bid or Proposal in response to the opportunity. Selection of a Contractor from submitted Bids or Proposals will be based on the criteria set forth in the opportunity.

(2) Standard Procurement. When procuring Construction Related Services, Institutions will conduct the procurement in accordance with the Direct Procurement, Informal Procurement, or Formal Procurement method, unless another method is applicable, based on the anticipated Contract Price, including reimbursable expenses and all Change Orders contemplated by the parties. Multiple Contracts, purchase orders, or purchasing requisitions will not be issued separately with the intent to circumvent these rules.

(a) $25,000 or less – Direct Procurement or other method of procurement that the Institution deems beneficial to the procurement.

(b) $25,000.01 to $100,000 – Informal Procurement, Formal Procurement, or other method of procurement, except the Direct Procurement method, that the Institution deems beneficial to the procurement.

(c) Greater than $100,000 – Formal Procurement or other method of procurement, except the Direct Procurement or Informal Procurement methods, that the Institution deems beneficial to the procurement.

(3) In accordance with ORS 279C.800 et seq, as may be amended, projects having a total Contract Price of $50,000 or more, or on a project where the combined Contract Price of all contracts awarded on the project is more than $50,000, will be subject to the Bureau of Labor and Industries Prevailing Wage Laws. Projects may not be divided into more than one Contract to avoid the application of this subsection. Projects funded in part or wholly by federal funds will comply with the higher of the state or federal prevailing rate of wage.

(4) No Contract will be awarded to any construction firm that is not licensed to do business in the State of Oregon, registered or licensed by the appropriate state licensing boards, or listed as ineligible to enter into Contracts or Public Improvement Contracts by the Bureau of Labor and Industries.
(5) Contractors will post and maintain performance and payment bonds as required in the Solicitation Document. For Public Improvement Contracts with a total Contract Price in excess of $100,000, one hundred percent performance and payment bonds will be required.

Stat. Auth.:
Stats. Implemented:

580-063-0035
Oregon’s Percent for Art
The “Percent for Art” legislation governed by ORS 276.073 through 276.090, as may be amended, guides the acquisition of Oregon’s state art collection. For acquisition of art work in state buildings, this program sets aside no less than 1 percent of the construction funds of buildings with a construction budget of $100,000 or more. The Institution will be responsible to ensure compliance with the “Percent for Art” for applicable projects.

Stat. Auth.:
Stats. Implemented:

580-063-0040
Design Standards
All major facility projects will be planned, designed, constructed, and renovated to meet high performance building standards for energy efficiency and environmental sustainability as defined by the Department of Energy and the State of Oregon.

(1) State Energy Efficiency Design is the policy of the State of Oregon that facilities to be constructed or purchased by authorized state agencies be designed, constructed, renovated, and operated so as to minimize the use of nonrenewable energy resources and to serve as models of energy efficiency per ORS 276.900 through 276.915, as may be amended.

(2) Green building design and construction is an integral part of OUS Capital Construction. Institution projects should consider design standards that incorporate the 'Leadership in Energy & Environmental Design' (LEED) Silver standards, which promote buildings that significantly reduce or eliminate the negative impact of buildings on the environment and occupants.

Stat. Auth.:
Stats. Implemented:
580-063-0045
Retainage Processing Charges
(1) The Institution may require a retainage for Construction Related Services under $1,000,000. For Construction Related Services over $1,000,000, the Institution will withhold a retainage.

(2) An Institution will not retain an amount in excess of five percent (5%) of the Contract Price for Work completed. If the Contractor has performed at least fifty percent (50%) of the Work and is progressing satisfactorily, upon the Contractor's submission of Written application containing the surety's written approval, the Institution may, in its discretion, reduce or eliminate retainage on any remaining progress payments. The Institution will respond in Writing to all such applications within a reasonable time. When the Work is ninety-seven and a half percent (97.5%) completed, the Institution may, at its discretion and without application by the Contractor, reduce the retained amount to one hundred percent (100%) of the value of the remaining unperformed Work. An Institution may at any time reinstate retainage. Retainage will be included in the final payment of the Contract Price.

(3) For Construction Related Services over $1,000,000 the Contractor may request that the retainage be deposited in an interest-bearing account at a financial institution. Title to such funds will remain with the Board until the Work is complete and accepted by the Institution. Interest on deposited retainage accrues to the benefit of the Contractor and will remain in the retainage account until the Work is accepted. The Institution may deduct fees necessary to open and maintain an interest-bearing account.

(4) Alternatives to cash retainage. In lieu of cash retainage to be held by the Institution or financial institution, the Contractor may substitute one of the following:

(a) Deposit of securities:

(A) The Contractor may deposit bonds or securities with the Institution or in any bank or trust company to be held for the benefit of the Institution. In such event, the Institution will reduce the retainage by an amount equal to the value of the bonds and securities, and reimburse the excess to the Contractor.

(B) Bonds and securities deposited or acquired in lieu of retainage will be of a character approved by the Controller's Office, including but not limited to:

(i) Bills, certificates, notes, or bonds of the United States.

(ii) Other obligations of the United States or its agencies.

(iii) Obligations of any corporation wholly owned by the federal government.

(C) Upon the Institution determination that all requirements for the protection of the Institution’s interests have been fulfilled, it will release to the Contractor all bonds and securities deposited in lieu of retainage.

(b) Deposit of surety bond. An Institution, at its discretion, may allow the Contractor to deposit a surety bond in a form acceptable to the Institution in lieu of all or a portion of funds retained or to be retained. A Contractor depositing such a bond will accept surety bonds from its subcontractors and suppliers in lieu of retainage. In such cases, retainage will be reduced by an amount equal to the value of the bond and the excess will be reimbursed to the Contractor.

(5) An Institution will recover from the Contractor all costs incurred in the proper handling of cash retainage and securities, by reduction of the final Contract payment.

Stat. Auth.:  
Stats. Implemented:
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PSU, Undergraduate Certificate in Contemporary Turkish Studies

1. Describe the purpose and relationship of the proposed program to the institution’s mission and strategic plan.

The new undergraduate certificate program will enhance Portland State University’s (PSU) internationalization of curriculum, students, and faculty initiative. The new program expands the specialization options available for undergraduate students majoring in International Studies at PSU. It also creates an important international link between Oregon and institutions of higher education in Turkey by offering students and faculty opportunities for overseas experience in that country. PSU has a rich course offering in contemporary Turkish Studies across four departments and two colleges. Very few universities across the United States have comparable courses and no school has an undergraduate certificate program in Contemporary Turkish Studies in International Studies. Since PSU received two grants to create two faculty positions (one in Political Science and International Studies and a second in Foreign Languages and Literatures), student enrollment in these courses has shown steady increase over the last nine years. Many PSU students who major in International Studies, Foreign languages and Literatures, History, and Political Science would benefit from having an option in attaining a certificate in Contemporary Turkish Studies. It will enable the students to be marketable for jobs in the private sector as well as government agencies. The U.S. federal government lists contemporary Turkish language, politics, and economics as a target field for recruitment.

2. What evidence of need does the institution have for the program?

Student enrollment in courses in this field has increased steadily since 1998. It is designed to strengthen the repertoire of International Studies and, therefore, of PSU, in a niche area where no other similar program exists in the United States. PSU will advertise this program on the Web, as well as through the Turkish Studies Association, and attract prospective students to the University. Already, PSU is receiving inquiries from students around the country who would like to come to the university to earn this certificate.

As for government identification of the need, one only needs to look at National Security Education Program (NSEP) and Fulbright applications to see that modern Turkish and understanding of contemporary Turkish studies is in the “high need” category of programs for U.S. commerce agencies, security, Treasury, and the State Department.
3. Are there similar programs in the state? If so, how does the proposed program supplement, complement, or collaborate with those programs?

There is no other certificate program on Contemporary Turkish Studies in Oregon or in the United States. PSU’s program would be a great complement to other certificates in International studies (e.g., Middle East Studies).

4. What new resources will be needed initially and on a recurring basis to implement the program? How will the institution provide these resources? What efficiencies or revenue enhancements are achieved with this program, including consolidation or elimination of programs over time, if any?

There is no new dollar cost associated with this certificate program. All the faculty and courses associated with this certificate program are already part of regular course offerings and resources of PSU.

All appropriate University committees and the OUS Provosts’ Council have positively reviewed the proposed program.

Recommendation to the Board:
The OUS Provosts’ Council recommends that the Board authorize Portland State University to establish an instructional program leading to an Undergraduate Certificate in Contemporary Turkish Studies, effective Spring 2008.

(Board action required.)
UO, Master’s Degree in Strategic Communication

1. Describe the purpose and relationship of the proposed program to the institution’s mission and strategic plan.

The main objective of the master’s degree in Strategic Communication is to prepare communication professionals to move into higher-level management positions in communications industries such as public relations, advertising, and marketing communication. The program will fill a gap in the educational offerings in the Portland metropolitan region by addressing an industry concern regarding preparation of professionals to move into managerial and entrepreneurial positions.

The University of Oregon serves its students and the people of Oregon, the nation, and the world through the creation and application of knowledge in the liberal arts, the natural and social sciences, and the professions. This master’s program, designed specifically for working communication professionals, will serve a new audience. Specifically, this program supports the School of Journalism and Communication’s (SOJC) mission, stated as a community of scholars and professionals dedicated to freedom of expression and public service. Through advanced skills and management courses, internships, and critical and theoretical analysis, the School prepares students for professional and leadership roles in the newspaper, magazine, and book publishing industries, and in strategic communication (advertising and public relations). By integrating theory and practice, the School prepares students to become professional communicators, critical thinkers, and responsible citizens in a global society.

2. What evidence of need does the institution have for the program?

Need is indicated by the large number of potential applicants the University of Oregon program could serve, the results of surveys that have been conducted, inquires from potential applicants, and in enrollment and participation in seminars and events offered in Portland. The SOJC has strong long-term relationships with most of the large public and private Portland-area organizations with public relations, media relations, employee communications, and advertising departments. These organizations have indicated a need for managerial training for their employees and many are willing to underwrite tuition and fee costs. Given the size and stature of Portland’s creative services professions (over 150 advertising agencies, 200 public relations firms, 6 Fortune 1,000 companies, and over 4,500 nonprofits that require strategic communication), there is every indication that a strategic communication master’s program will be as successful there as similar programs have been in other major metropolitan areas of the U.S.

3. Are there similar programs in the state? If so, how does the proposed program supplement, complement, or collaborate with those programs?

No other closely related OUS program is available. Portland State University offers an M.A./M.S. in Communication Studies aimed primarily at students focusing in
areas other than strategic communication. The proposed Strategic Communication degree targets working professionals and concentrates on the public relations and advertising aspects of strategic communication. The SOJC will collaborate with the business schools at the UO and PSU for delivery of the business core courses.

4. What new resources will be needed initially and on a recurring basis to implement the program? How will the institution provide these resources? What efficiencies or revenue enhancements are achieved with this program, including consolidation or elimination of programs over time, if any?

The master's degree in Strategic Communication will be based in the SOJC's George S. Turnbull Portland Center. Current classrooms and labs at the George S. Turnbull Center are adequate to initiate the program. With the completion of the UO Portland Center facility in March 2008, the quality and quantity of classroom space, library access, and technology will be greatly increased. Faculty and staff time, supplies and services, and rental costs are shared across the various center programs. The Turnbull Center was established with a $9 million endowment, and Turnbull Center programs are supported by tuition and fees and private fundraising. The SOJC intends the master's program to be self-supporting and sustainable by year three of operation.

All appropriate University committees and the OUS Provosts’ Council have positively reviewed the proposed program.

Recommendation to the Board:
The OUS Provosts’ Council recommends that the Board authorize the University of Oregon to establish an instructional program leading to a master's degree in Strategic Communication, effective Fall 2008.
OUS, Ratification of Sprint/Nextel EBS Lease Agreement Renewal for the Medford Area

Summary:
The Oregon University System and Southern Oregon University request that the Board ratify two Education Broadband Service (EBS) Long-Term De Facto Lease Agreements as signed by the Chancellor.

Background:
In 1995, under the coordination of the Oregon Wireless Instructional Network (Oregon WIN), a number of community colleges and OUS institutions filed for EBS (formerly ITFS) licenses in Salem, Eugene and Medford. Upon being granted the licenses by the Federal Communication Commission (FCC), Oregon WIN submitted a national Request for Proposal and selected American Telecasting, a wholly owned subsidiary of Sprint Nextel, to sublease excess capacity spectrum and to construct an educational network throughout the Willamette Valley and the Medford area.

Recently, Oregon WIN completed lease renewal negotiations with Sprint for EBS licenses held by SOU and OUS in the Medford area. The negotiations were completed with consultation from Todd D. Gray, Attorney at Law for DowLohnes, PLLC in Washington D.C. and with final review for legal sufficiency by Wendy Robinson, Senior Assistant Attorney General with the Oregon Department of Justice.

Staff Recommendation to the Board:
Staff recommends that the Board ratify the two EBS Long-Term De Facto Lease Agreements with Sprint/Nextel as signed by the Chancellor

(Board action required.)
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Annual Financial Audit Report

Summary:
The report titled 2007 Annual Financial Report (available from the Board's Office) was prepared by the Chancellor’s Office and the financial statements included within were audited by Moss-Adams, LLP, under contract to the Secretary of State, Audits Division. The audit opinion issued by Moss-Adams, LLP is an unqualified opinion, which means that their opinion as to the fair presentation of the financial statements was issued without qualification.

In conjunction with the audit, Moss-Adams, LLP has issued a letter to OUS Management (see Appendix A, Attachment 1) communicating observations and recommendations relating to OUS internal controls. OUS Management has issued a letter in response to these observations and recommendations (see the following correspondence) that includes general agreement with the observations and planned actions in response. None of the observations made by Moss-Adams, LLP represented a significant deficiency or a material weakness in the design or operation of internal control for 2007.

As part of the financial statement audit, Moss-Adams, LLP is required to communicate certain matters related to the conduct of the audit to those who have responsibility for oversight of the financial reporting process.

Staff Recommendation to the Board
Subject to the report of Moss-Adams, LLP, staff recommends that the Board accept the 2007 Annual Financial Report

(Board action required.)
Thank you for the observations and recommendations in the management letter that resulted from the FY 2007 financial statements audit. We recognize that the observations and recommendations are part of the ongoing effort to continually improve the accounting and financial reporting of the Oregon University System (OUS).

The following responses are to the observations and recommendations noted in the management letter.

**Systemwide Observations and Recommendations**

**Financial Operational Infrastructure**

Management concurs with the observation and recommendation.

We made the following plans as a result of the FY 2006 management letter comments that we applied to FY 2007:

The control environment continues to be strengthened through increased accountability, including the requirement for quarterly management reports to the Board and the ongoing strengthening of the internal audit function. Examples of our ongoing efforts over the past and current fiscal year include the following:

- Further documentation of Systemwide accounting and financial reporting policies
- Quarterly review of the Systemwide accounting records for anomalies
- Participation in the recruitment process of institutional vice presidents of finance and business/budget officers
- Required documentation of management responses to audit findings as well as follow up reviews to validate actions taken
Moss Adams LLP
Management Letter Response to FY 2007 Financial Statement and OMB Circular A-133 Audit
December 21, 2007
Page 2

- Movement toward the establishment of a controller position on each campus
- Expanding the scope and content of annual management representation letters signed by the Chancellor’s Office and all OUS institutions
- Participation in accounting and audit professional development conferences

We have the following additional plans for FY2008:

- Review minimum qualifications and experience required of key finance positions within OUS

The OUS board has begun a process to establish minimum qualifications and experience standards for key finance positions within OUS. Once these minimums are established, OUS will review the qualifications and experience of the incumbents in these positions against these standards and establish a plan to address any differences identified.

- Develop and encourage continuing professional education (CPE) programs

CPE programs geared specifically to further develop key skills and knowledge of a particular position could help compensate for the reduced staff size and additional work. We are working to provide such opportunities within OUS where scalable and economical.

- Hold monthly accounting and financial reporting meetings with institutional personnel

Monthly accounting and reporting meetings with institutions are helping ensure that all institutions become familiar with new GASB standards, the Systemwide policies and controls that each institution is expected to perform, and that all points of view are considered in developing Systemwide accounting and financial reporting policies to ensure their effectiveness.

We agree that a sufficiently sized and trained/experienced staff, along with the appropriate accounting infrastructure is essential to a strong control environment. Constraints on the administrative budgets of both the Universities and the Chancellor’s Office have forced both to focus on critical controls and to balance the costs of the accounting infrastructure with the critical control requirements.

We appreciate the need to further strengthen our accounting and financial reporting infrastructure while working with the continuing challenges of limited budgets and all the accounting tasks involved with universities following governmental accounting standards.
Moss Adams LLP
Management Letter Response to FY 2007 Financial Statement and OMB Circular A-133 Audit
December 21, 2007
Page 3

Dedicated Tax Specialist

We concur with the observations and recommendations.

Tax issues continue to become more complex. We agree that we need to address our procedures to ensure compliance with IRS rules and regulations including, but not limited to, developing a Systemwide body of tax compliance policy. In order to complete this task, we plan to identify areas in which we need tax expertise and prepare a plan for either providing the tax expertise within OUS or contracting with a firm that provides tax expertise to governmental colleges and universities to provide such expertise.

Accrual Accounting

We concur with the observations and recommendations.

Consistent, complete and accurate financial information is critical to help ensure sound management decisions. The implementation of the quarterly managerial reporting process has made this point more apparent. Last year we made significant progress in a Systemwide accounting policy that defined our accounting periods. The policy articulated the monthly, quarterly, and annual accounting periods. We will work with institution management to more fully assess the cost/benefit of implementing accrual accounting on a quarterly basis.

Information Technology

We appreciate the IT observations and recommendations for the four IT sites that provide our accounting and financial reporting systems. During the audit we responded to all IT internal control and best practices comments. Due to the security nature of some of the IT observations we have prepared a separate management response letter that would be exempt from public disclosure under ORS 192.501 (23).

University-Specific Observations and Recommendations

Oregon Institute of Technology

Duplicate Invoice Posting
Oregon Institute of Technology response:

We concur and will work with the Chancellor's Office to establish stronger internal controls for the year-end closing process. We will continue to adhere to all year-end closing instructions and procedures.
Moss Adams LLP
Management Letter Response to FY 2007 Financial Statement and OMB Circular A-133 Audit
December 21, 2007
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Chancellor’s Office response:

We concur with the observations and recommendations.

The duplicate invoice resulted from having cancelled a check in FY2008 for an invoice that was accrued as a payable in year-end FY2007. When re-inputting the invoice, the accounting system recorded a duplicate payable accrual for year-end FY2007. The institution was aware of one of these invoices and notified the Controller’s Division to make the appropriate adjustment to the annual financial statements. However, neither the institution nor the Controller’s Division was aware of another similar invoice that was found by the external auditors.

Additional analysis concluded that this was not a systemic condition. We have since reviewed this issue with the business officers of all seven institutions and the chancellor’s office. Our plan for strengthening controls is to add this item to the year-end closing of the books instructions, so that all institutions will take a step of reviewing all check cancellations in the following year – to be sure that the check cancellations did not misstate the year-end payable accruals of the prior year.

Thank you again for the opportunity to respond to the observations and recommendations. Should you have any questions or concerns regarding the above management responses, please let me know.

Sincerely,

George Pernsteiner
Chancellor

c: Jay Kenton
   Michael J. Green
   Paul Bartlett
   Patricia Snopkowski
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Adoption of Permanent Oregon Administrative Rules 580-043-0060 through 0100, University Venture Development Funds

Staff Report to the Board:
Senate Bill 853 (Oregon Laws 2005, Chapter 592) directed the State Board of Higher Education to adopt policies implementing the bill. At the July 2006 meeting of the State Board of Higher Education, the Board approved an administrative rule implementing the statute. However, modifications were established in a temporary amendment to the rules in July 2007.

The permanent rules before you will establish the modifications as permanent and will implement the procedures necessary for each institution to establish a venture development fund, allocate authority to raise funds and issue tax credits, authorize the Board to reallocate this authority after two years, set forth eligibility to receive grants, detail guidelines as to how and under what conditions a tax credit certificate may be issued, establish how gross royalty income received will be handled, and set forth recordkeeping requirements.

In compliance with the requirements of the Oregon rule-making process, a public hearing was conducted on December 21, from 1:30-3:30 p.m., in the conference room of Susan Campbell Hall on the University of Oregon campus. No written or verbal testimonies were submitted during the hearing.

Staff Recommendation to the Board:
Staff recommends the Board approve, as permanent rules, modifications to Oregon Administrative Rules 580-043-0060 through 0095 and the adoption of 580-043-0100.

(Board action required.)

OREGON UNIVERSITY SYSTEM
DIVISION 043
UNIVERSITY VENTURE DEVELOPMENT FUNDS

580-043-0060
Purpose; Definitions
(1) Purpose. Chapter 580, division 043, authorizes each Institution to establish one Venture Development Fund for the purpose of facilitating the commercialization of research and development. The purpose of an Institution's Fund will be to provide qualified grant applicants with moneys to facilitate the commercialization of the Institution's research and development. Within the scope of this purpose and subject to these administrative rules, an Institution may use moneys in its Fund to provide:

(a) Capital for university entrepreneurial programs;
(b) Opportunities for students to gain experience in applying research to commercial activities;

(c) Proof-of-concept funding for transforming research and development concepts into commercially viable products and services; and

(d) Entrepreneurial opportunities for persons interested in transforming research into viable commercial ventures that create jobs in this state. Contributors to an Institution's Fund are eligible for Oregon income tax credits to the extent set forth in the Act and these rules.

(2) Definitions


(b) Entity: any governmental body or agency, association, partnership, corporation, limited liability company, or other organization, however described or named and regardless of legal status, other than a Person.

(c) Person: a natural person or sole proprietorship.

(d) Venture Development Fund or Fund: A fund authorized by the [2005] Act.

(e) Venture Grant Program or Program: A grant program authorized by the [2005] Act.

(f) Institution: An institution of the Oregon University System.

(g) Department of Revenue: the Oregon Department of Revenue.

(h) General Fund: the general fund of the State of Oregon.

(i) Remain in Oregon: maintaining the Entity headquarters in Oregon; or employing a majority of employees (on a full-time equivalent, head-count, or payroll basis) in Oregon.

(j) State Board of Higher Education or Board: the Board created by ORS 351.010.

(k) Tax Credit Certificate: a certificate authorized by the [2005] Act and in a form designated by the Board that evidences a contribution to a Venture Development Fund.

(L) Donor: a person or entity that makes a contribution to a Fund authorized by the [2005] Act and these rules.
(m) Taxpayer: a person or entity that makes a contribution to a Fund authorized by the [2005] Act and these rules and that applies for a tax credit certificate authorized by the [2005] Act and these rules.

(n) Gross Royalty Income: [income accruing to the Board on behalf of an Institution as a result of grants made under the Program, including royalty income from licensing and patent agreements, the sale, lease, or licensing of technologies, and cash actually realized from the sale of an equity interest in a corporation or company.] cash realized by the Board from royalties, milestone and license fee payments and from the sale of equity as a result of grants made under the Program.

Hist: OSSHE 1-2006 (Temp), f. & cert. ef. 2-9-06 thru 8-8-06; OSSHE 5-2006, f. & cert. ef. 7-24-06.

580-043-0065
Establishment of a Venture Development Fund by an Institution
(1) An institution may establish a Fund in accordance with the [2005] Act and these rules.

(2) Each Institution that establishes a Fund will:

(a) Notify the Board and the Department of Revenue of the establishment of the Fund;

(b) Either directly or through its affiliated foundation solicit contributions to the Fund and receive, manage, and disburse any such contributions and the earnings thereon;

(c) Subject to the [2005] Act and these rules, issue tax credit certificates to contributors to the Fund;

(d) Establish a grant program that meets the requirements for a Venture Grant Program under the Act and these rules;

(e) Subject to available moneys from the Fund, provide qualified grant applicants with moneys [to transform research and development concepts undertaken by the Institution into commercially viable products and services] for the purpose of facilitating the commercialization of university research and development; and

(f) Report to the Department of Revenue the amounts of tax credit certificates issued by the Institution and maintain records of licensing and royalty revenue received by the Institution as the result of grants made from the Fund and records of amounts paid to the General Fund under the [2005] Act.
(3) An Institution may [request that the State Treasurer establish a Fund within the State Treasury for the receipt, management, and disbursement of moneys contributed to the Fund.] deposit moneys received for its Fund in the Higher Education Donation Fund established under ORS 351.130. Interest earned by such moneys will be credited to the Fund. The State Treasurer, as payment for expenses, may [assess] deduct a fee [for the administration of the Fund as provided by law.] pursuant to ORS 293.718 from a Fund administered by an Institution.

(4) The use of moneys donated under these rules may not be directed by a Donor. Rather, all moneys will be available for the purposes set forth in the [2005] Act and these rules without regard to specific Donor instructions[, except that an institution or its affiliated foundation may charge its customary administrative assessment to manage the Fund as permitted by the Act. Except as authorized by law, no other fees or indirect costs may be charged against the Fund or any associated grants or other disbursements from the Fund.

(5) At the election of an Institution, moneys in a Fund may be held in the form of an endowment. An Institution may discontinue endowment treatment at any time.

Hist: OSSHE 1-2006 (Temp), f. & cert. ef. 2-9-06 thru 8-8-06; OSSHE 5-2006, f. & cert. ef. 7-24-06.

580-043-0070
Allocation of Authority to Institutions to Raise Funds and Issue Tax Credits
(1) The Board will not allocate fundraising or tax credit certificate issuance authority to an Institution until the Institution has established a Venture Development Fund in accordance with the [2005] Act and these rules.

(2) Oregon State University, Portland State University, and University of Oregon: The Board allocates fundraising authority and commensurate authority to issue tax credit certificates among Oregon State University, Portland State University, and the University of Oregon as follows:

(a) Portland State University: $.88 million;

(b) Oregon State University: $5.35 million;

(c) University of Oregon: $3.27 million.

Such authority will be contingent on the establishment of a Fund in accordance with the [2005] Act and these rules and subject to the rule on redistribution of authority to raise funds and issue tax credits.

(3) Eastern Oregon University, Oregon Institute of Technology, Southern Oregon University, and Western Oregon University: The Board by order or resolution will allocate $500,000 in fundraising authority and commensurate authority to issue tax credit certificates among Eastern Oregon University, Oregon Institute of Technology,
Southern Oregon University, and Western Oregon University. An allocation of authority will be contingent on the establishment of a Fund in accordance with the [2005] Act and these rules and subject to the rule on redistribution of authority to raise funds and issue tax credits.

(4) [All Universities, collectively, may issue tax credit certificates evidencing no more than $10 million in contributions to Institution Venture Development Funds.] Notwithstanding sections (2) and (3) of this rule, immediately upon deposit into the General Fund of amounts transferred by an Institution in repayment of tax credits previously issued, the Institution may issue new tax credits in an amount not to exceed the transferred amount.

(5) The amount owed to the General Fund by the Institutions, collectively, may not exceed $6 million at any one time.

Hist: OSSHE 1-2006 (Temp), f. & cert. ef. 2-9-06 thru 8-8-06; OSSHE 5-2006, f. & cert. ef. 7-24-06.

580-043-0075
Redistribution of Authority to Raise Funds and Issue Tax Credits
No earlier than two years from the effective date of this rule, the Board, by order or resolution, may, to further the purposes of the Act, reallocate unused fundraising authority and commensurate authority to issue tax credit certificates from one Institution to another. An Institution may receive additional authority only if it has exhausted its existing authority or can demonstrate that it would likely do so. Reallocation of authority will not require amendment of section [0030] 0070.

Hist: OSSHE 1-2006 (Temp), f. & cert. ef. 2-9-06 thru 8-8-06; OSSHE 5-2006, f. & cert. ef. 7-24-06.

580-043-0085
Issuance of Tax Credit Certificates
(1) Taxpayers making a contribution to an Institution's Fund and wishing to receive a tax credit certificate evidencing that contribution must submit the contribution, together with an application for tax credit certificate, in a form designated by the Institution, to the Institution or, if directed by the Institution, to its affiliated foundation.

(2) An Institution or its affiliated foundation may begin accepting contributions and applications after the Institution's Fund has been established in accordance with the [2005] Act and these rules [and received an allocation of fund raising and tax credit certificate issuance authority from the Board].

(3) An Institution will consider applications for tax credit certificates in the chronological order in which the applications were received.
(4) An Institution will act on an application for a tax credit certificate within 60 days of its receipt unless unanticipated or extraordinary circumstances reasonably prevent the Institution from acting within that timeframe, in which case the Institution will act on the application as soon as reasonably possible thereafter.

(5) Subject to section 6 of this rule, an Institution will approve an application for a tax credit certificate if the application is complete and the Institution has verified receipt of the contribution. Within 45 days of application approval, an Institution will issue to the Taxpayer a tax credit certificate that specifies the amount of the contribution.

(6) An Institution will deny an application for a tax credit certificate and may not issue a tax credit certificate to the Taxpayer if:

(a) The Taxpayer's contribution to the Fund, together with the amounts specified on all tax credit certificates previously issued by the Institution less amounts transferred into the General Fund, exceeds the Institution's then-current tax credit certificate issuance authority [allocated by the Board];

(b) The Taxpayer's application is incomplete; or

(c) The Institution cannot verify receipt of the Taxpayer's contribution.

(7) If an Institution denies a Taxpayer's application for a tax credit certificate, the Institution will notify the Taxpayer in writing within 45 days of the denial.

(8) A Taxpayer who receives a notice of denial of an application for a tax credit certificate may request, in writing and within 90 days after the receipt of the denial, a refund of its contribution to the extent the contribution was actually received. The Institution will ensure that the refund is issued within 60 days after its receipt of the request for the refund.

(9) Eligibility for a tax credit (as distinguished from the receipt of a tax credit certificate from an Institution) will be subject to the [Section 5 of the 2005] Act, the rules of the Department of Revenue, and other applicable law.

Hist: OSSHE 1-2006 (Temp), f. & cert. ef. 2-9-06 thru 8-8-06; OSSHE 5-2006, f. & cert. ef. 7-24-06.

580-043-0090
Tax Credit Certificate and Grant Record-Keeping and Reporting
(1) Each Institution will retain copies of all tax credit certificates that it issues. Upon every issuance of a tax credit certificate by the Institution, upon transfer of moneys into the General Fund, and promptly after Board adoption of an order or resolution establishing or modifying the Institution's allocation of tax credit certificate issuance authority, the Institution will calculate and record in its records the amount, if any, of its fundraising and tax credit certificate issuance authority then remaining unused.
(2) As requested by the Board from time to time but no less often than annually, each
Institution will submit a written report to the Board summarizing its fundraising activity, amounts transferred to the General Fund, and issuance of tax credit certificates since its most recent report to the Board under this section and specifying its fundraising tax credit certificate issuance authority and the amount of that authority remaining unused as of the date of the report. The report will include the number of tax credit certificates issued, [and] the amount of funds raised by the Institution, and the amounts transferred to the General Fund since its most recent prior report to the Board under this section.

(3) As requested by the Board from time to time but no less often than annually, each
Institution will submit a written report to the Board summarizing the grants made by the Institution under its Program and how they serve the goals of the [2005] Act and these rules.

Hist: OSSHE 1-2006 (Temp), f. & cert. ef. 2-9-06 thru 8-8-06; OSSHE 5-2006, f. & cert. ef. 7-24-06.

580-043-0095
Recoupment of Tax Credits
An Institution that has established a Fund and has made grants under a Program will
monitor the use of such grants and identify sources of Gross Royalty Income received by the Institution as the result of the use of the grants. Gross Royalty Income results from the use of a grant when it is traceable to the grant. The Institution will cause the transfer of 20 percent of such Gross Royalty Income to the General Fund but not to exceed the amount of the tax credits issued by the Institution as a result of contributions to the Fund [until the amount transferred to the General Fund equals the amount of tax credits claimed due to the contributions to the Fund]. This does not preclude transfers from other sources. Immediately upon deposit of the transferred amount into the General Fund, the Institution may issue new tax credits in an amount not to exceed the transferred amount. The Institution will maintain records of all transfers to the General Fund.

Hist: OSSHE 1-2006 (Temp), f. & cert. ef. 2-9-06 thru 8-8-06; OSSHE 5-2006, f. & cert. ef. 7-24-06.

580-043-0100
Reports to the Legislative Assembly
An Institution that has established a Fund will report annually to the Legislative Assembly or, if the Legislative Assembly is not in session, to the interim legislative committees on revenue. The report will be at the end of the fiscal year of the Institution or of its affiliated foundation and provide information for that fiscal year. The Institution will include in the report the following information pertaining to its Fund:
(a) The amount of donations received for the Fund;

(b) The amount of income received from the Fund;

(c) The amount of disbursements and grants paid from the Fund;

(d) The amount of income and royalties received from disbursements from the Fund; and

(e) The amount of moneys transferred from the Fund to the General Fund.

Resource Fees and Differential Tuition

The guiding principles and proposed policy changes regarding resource fees and differential tuition have been revised to address many of the concerns that were raised in the discussion at the November 2007 meeting of the State Board of Higher Education. The key change was extending the time period for campuses to eliminate resource fees and make other corresponding changes. We are now presenting these guiding principles and policy changes for Board adoption. These policies need to be adopted now in order to provide campuses with the new framework for tendering tuition and fee rates for the 2008-09 academic year as many campuses would like to begin using these new policies beginning in the 2008-09 academic year.

Guiding Principles:

1. Program costs should be transparent to students.
2. Differential program costs should not become an impediment to student choice of major.
3. All costs should be included in student financial aid budgets and packages to the extent that this is feasible.
4. Any change must be revenue neutral for the transition. Revenue neutrality will be documented through analysis that will be externally validated, but will include planned inflationary increases during the biennium.
5. All resource fees should be eliminated by Fall 2011. In doing so, it is acknowledged that some one-time resource fees associated with matriculation/transcription may continue in another form. Due to the WOU tuition promise, this will need to be phased in at WOU with new cohorts starting in Fall 2008. Finally, it is acknowledged that it is our intent to eliminate resource fees assessed for graduate programs; however, this will be subject to a study of the impact that this change will have on graduate assistant recruitment and retention.
6. Differential tuition will be allowed in certain programs (as approved by the Board, however, it is understood that the initial conversion from resource fees to differential tuition would be allowed as part of this policy change) with the understanding that: 1) An amount equal to 10 percent of such differential tuition for undergraduate programs be earmarked for financial aid funding targeted to low-income students majoring in the program(s) assessing differential tuition, such that this does not become an impediment to degree choice (Note: in order to maintain revenue neutrality during the conversion if institutions choose to do this using fee remissions, this may necessitate an increase in the tuition, over and above the amount of current resource fees); and 2) that after the initial transition, institutions will need to submit the rationale for the need for differential tuition in accordance with the proposed differential tuition policy framework outlined below.
7. The existing structures of student consultation regarding tuition, fees and services should be continued and enhanced through this transition and into the future.
Proposed Policy Changes:

1. No new undergraduate resource fees of any type (one-time, universal, or programmatic) will be initiated after this policy change is adopted.

2. All universal resource fees (technology and energy surcharges) assessed to undergraduate students will be rolled into tuition no later than Fall term 2011. Undergraduate students enrolled in the WOU tuition promise program who entered with the Fall 2007 cohort will be exempted.

3. Programmatic resource fees assessed to undergraduate students will be eliminated no later than Fall 2011 by: a) increasing tuition for all students in an amount equivalent to that generated by undergraduate resource fees; or b) by creating differential tuition for certain programs in accordance with the guidelines outlined above; or some combination of a) and b) above.

4. One-time matriculation resource fees would be replaced by an approved matriculation fee to be defined in the Academic Year Fee Book and assessed as a one-time charge for new students when they matriculate to an institution.

5. The disposition of universal and programmatic resource fees assessed to graduate students will be determined after further study by a subgroup appointed by the Provosts’ Council and resolution of the impacts this change will have on the recruitment and retention of graduate assistants and related collective bargaining agreements.

6. Staff tuition rates and policies will need to be modified to recover lost resource fee income associated with these proposed policy changes as staff members currently pay a reduced tuition amount but 100 percent of all applicable resource fees.

Proposed Differential Tuition Policy (Modeled after similar policies used in Arizona and Wisconsin)

Differential tuition is defined as additional tuition that is supplementary to the base tuition level approved annually by the Oregon Board of Higher Education. Differential tuition is intended to 1) offset higher than average instructional costs; or 2) provide supplemental resources to enhance program quality; or 3) reflect the market for programs with high demand.

As provided below, universities may request OUS Board approval for differential tuition at either the undergraduate or graduate level subject to the following:

1. University(ies) considering differential tuition must develop a proposal for OUS Board consideration addressing the following criteria:
a. Quality of the student experience:
   i. The proposal should address how differential tuition will substantially increase the quality of the learning experience for students and provide the basis for later opportunities that would not be possible without the differential revenues.

b. Access, affordability, and student choice of undergraduate major:
   i. The proposal for differential tuition for undergraduate programs must include a financial aid plan with a minimum of 10 percent of the differential tuition set aside for need-based aid to be awarded to needy students enrolled in the program. The plan shall also include a college advising process that enables the student to anticipate future cost increases and (if necessary) seek additional aid to cover the differential amount over base tuition.

c. Cost of Instruction:
   i. The differential tuition proposal must include a clear justification related to the variance in program cost, program demand and program graduate earnings potential compared to the funds that would be provided through base tuition.

d. Market Pricing:
   i. There should be evidence that the differential tuition proposed is comparable to the student cost for similar programs at peer institutions such that the university is not placed at a competitive disadvantage in attracting the best students and that the differential tuition is appropriate to the national market. The proposal should address the elasticity of demand in its justification.

e. Student Consultation and Support:
   i. All differential tuition plans must show evidence of extensive and thorough consultation with students who will be affected, both via student representative groups and via organized opinion gathering among the students that would be charged the differential.

Staff Recommendation to the Board:
Staff recommends that the Board adopt these guiding principles and proposed policy changes at this time. Once approved by this Board, these changes will be incorporated into instructions to campuses for tendering the 2008-09 academic year tuition and fees and will be codified in the 2008-09 Academic Year Fee Book when it is considered by this Board in June 2008.

(Board action required.)
Tuition and Fee Recommendations, Residence Hall and Food Service Charges, and Amendment to OAR 580-040-0035, 2008 Summer Session Fee Book

Executive Summary:
The fee rates, attendant policies, and campus room and board rates for the 2008 summer session, as they are presented within the accompanying draft of the Summer Session Fee Book, represent proposed institutional charges for summer term tuition, building, resource, incidental, and health fees. The tuition and fee rates for summer session academic programs are established by student classification (undergraduate, graduate and doctoral), residency, and credit hours taken. Summer tuition and fee revenue supports the administrative and instructional mission of OUS institutions.

The proposed increases to 2008 Summer Session tuition rates over 2007 rates are 3.5 percent for resident undergraduates and 5.2 percent for nonresident undergraduates. The proposed increases to graduate tuition are 6.2 percent for residents and 4.1 percent for nonresidents.

There are no new programmatic resource fees. All resource fees with the exception of matriculation fees remained the same as the prior year.

Summer Session Background:
Prior to 1999, summer session programs did not receive direct state General Fund support. However, with the approval of the Resource Allocation Model by the Governor and Legislature during the 1999-2001 Legislative Session, funding relationships for summer session changed. Currently, the Resource Allocation Model provides state General Fund support for qualified summer enrollment and institutions retain summer term income. In addition, the Board Committee on Budget and Finance determined that existing tuition and fee approval processes should continue.

Fee Setting Process:
The process for determining summer session tuition and fee rates is based on internal and external considerations of System- and state-level funding, as well as relevant policy issues. To determine the recommended rates, institutions must balance the fiscal requirements of their summer session programs with market considerations, including tuition rates of competing education providers. Summer session fees are established through campus internal processes that include the participation of student and staff advisory committees in developing the proposed fees.

Institutions may assess summer session tuition on the current per-credit-hour basis or align summer rates with the preceding academic year structure.

Tuition and fees for summer term are generally assessed on a per-credit-hour basis, without tuition plateaus for full-time students. Tuition and fee revenue generated by each fee element is dedicated to a specific purpose and is independent of the other components. Institutions are not required by policy to make a residency determination for summer term, but may choose to do so.
Public Hearing:
In compliance with the requirements of the Oregon rule-making process and in order to provide OUS students with sufficient opportunity to comment on the proposed tuition and fee recommendations, public hearings were conducted on December 5 and December 20, from 10–11 a.m., in conference room 214B on the Oregon State University Campus. An email reminder containing an electronic copy of the 2008 Summer Session Fee Book Draft was sent to student body presidents and campus staff prior to each hearing. No written or verbal testimonies were submitted during the hearings.

Definitions:
Building Fee: The building fee is the same for all institutions and in the past has been approximately 75 percent of the academic year rate. For Summer 2008, the rate will be $34 per student. ORS 351.170 allows OUS to assess up to $45 per student per term to finance debt service for construction associated with student centers, health centers, and recreational facilities constructed through the issuance of Article XI-F(1) bonds. A pro rata fee is assessed to part-time students.

Resource Fee: Resource fees have three forms: universal fees assessed to all students; programmatic fees assessed only to students admitted to specific academic programs; and one-time fees for first-term students. Students enrolled under the part-time student fee policy are subject to the resource fees appropriate to specific courses taken. Institutions have the option of assessing resource fees during the summer session at rates comparable to those assessed in the preceding academic year.

Incidental Fee: Incidental fee recommendations are made by student committees on each campus in accordance with the Board-approved incidental fee policy (OAR 580-010-0090). In some instances, student committee recommendations are supported by general campus student referenda.

Revenue generated by incidental fees are used for “student union activities, educational, cultural, and student government activities, and athletic activities.” The president of each institution reviews and submits the student committee recommendations to the Chancellor to submit to the Board for final review and approval.

Health Services Fee: This fee is used to support each institution’s student health services that operate as an auxiliary enterprise on a self-sustaining basis. Optional health insurance policies are also made available by some institutions. During summer sessions, student health services operations function at reduced levels or are not provided at all. The recommended rates reflect these lower levels of activity.
Summary of Changes by Student Classification and Residency:

Resident Undergraduate: The proposed 2008 Summer Session tuition rates for resident undergraduate students will increase by a Systemwide weighted average of 3.5 percent over 2007. Proposed tuition increases by campus range between 2.7 percent and 3.5 percent with the exception of Oregon State University. Oregon State’s proposed resident undergraduate summer rate will increase by an average of 4.7 percent over 2007, in accordance with their long-term strategy to align resident undergraduate summer tuition with the academic year rate.

Nonresident Undergraduate: The proposed undergraduate nonresident rates for the 2008 Summer Session will increase by a weighted average of 5.2 percent, with the exception of Western Oregon University’s proposed increase of 122 percent over the prior year. This is the final year of Western Oregon’s alignment of nonresident summer session tuition with the academic year. Through these proposed rate changes, nonresidents will no longer pay resident rates during summer session.

Resident Graduate: The proposed rates for resident graduate tuition for the 2008 Summer Session will increase by a Systemwide weighted average of 6.2 percent. Portland State University delivers 44 percent of the OUS resident graduate summer credit hours, while Western Oregon delivers 7 percent of the total. The PSU proposed increase of 8.6 percent and WOU proposed increase of 7.1 percent sets their summer session rate equal to their academic year rate.

Nonresident Graduate: The proposed rates for nonresident graduate tuition for the 2008 Summer Session will increase by a Systemwide weighted average of 4.1 percent. The proposed increase by campus ranges from 0 percent to 4.8 percent, with the exception of Western Oregon’s proposed nonresident graduate rate increases of 21.4 percent.

Summary Comparison Tables:
The following pages contain summary tables of the proposed changes for 2008 Summer Session tuition and fees. Tables 1-8 represent a comparison of 2008 proposed tuition and fees to 2007 rates for both undergraduate and graduate students enrolled at the 6, 9, 12, and 15 credit hour levels. In addition, Table 9 displays the proposed changes by campus for 2008 summer term programmatic resource fees over 2007 rates.
### Table 1

**Summer Term 2008 Tuition and Fees**  
**Undergraduate - 6 Credit Hours**

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<td></td>
</tr>
<tr>
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<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
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<td>$44</td>
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<td>$40</td>
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<td>$36</td>
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<td>$34</td>
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<td>Incidental</td>
<td>$47</td>
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<td>$148</td>
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<td>$45</td>
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<td>$49</td>
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<tr>
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<td>$50</td>
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<td>$100</td>
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<td>$82</td>
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<td>$41</td>
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<tr>
<td>Registration</td>
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<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
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<tr>
<td>Student Services/Rec Ctr</td>
<td>$ -</td>
<td>$ -</td>
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<td>$ -</td>
<td>$18</td>
<td>$ -</td>
<td>$ -</td>
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</tr>
<tr>
<td><strong>Total Fees</strong></td>
<td>$107</td>
<td>$151</td>
<td>$337</td>
<td>$240</td>
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<td>$160</td>
<td>$160</td>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>Residents</th>
<th>Nonresidents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Tuition and Fees</strong></td>
<td>$797</td>
<td>$790</td>
</tr>
<tr>
<td><strong>Percentage Increase over Prior Year</strong></td>
<td></td>
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</tr>
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<td>OIT</td>
</tr>
<tr>
<td>Residents</td>
<td>2.7%</td>
<td>2.9%</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>2.7%</td>
<td>2.9%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
<th>WOU Promise</th>
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<tbody>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Technology</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>20.8%</td>
<td>4.2%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Building</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Incidental</td>
<td>4.4%</td>
<td>0.0%</td>
<td>9.1%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>4.7%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Health</td>
<td>0.0%</td>
<td>0.0%</td>
<td>15.8%</td>
<td>11.1%</td>
<td>0.0%</td>
<td>7.9%</td>
<td>2.5%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Registration</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Student Services/Rec Ctr</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Residents</th>
<th>Nonresidents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Tuition and Fees</strong></td>
<td>2.6%</td>
<td>2.6%</td>
</tr>
</tbody>
</table>

* Excludes Programmatic Resource Fees. Amounts are rounded to nearest dollar.  
[1] Final year of adjusting summer session non-resident rates to match academic year rates.
Table 2
Summer Term 2008 Tuition and Fees
Undergraduate - 9 Credit Hours

<table>
<thead>
<tr>
<th>Tuition</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
<th>Promise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$1,035</td>
<td>$945</td>
<td>$1,006</td>
<td>$882</td>
<td>$964</td>
<td>$1,052</td>
<td>$931</td>
<td>$945</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>$1,035</td>
<td>$945</td>
<td>$1,006</td>
<td>$3,276</td>
<td>$964</td>
<td>$1,457</td>
<td>$3,015</td>
<td>$ -</td>
</tr>
</tbody>
</table>

| Fees | | | | | | | | |
| Energy | $ | - | - | - | - | - | - | - |
| Technology | $38 | $41 | $45 | $65 | $56 | $40 | $54 | $54 |
| Building | $34 | $34 | $34 | $34 | $34 | $34 | $34 | $34 |
| Incidental | $47 | $40 | $148 | $79 | $62 | $45 | $49 | $49 |
| Health | $ - | $50 | $120 | $100 | $65 | $82 | $41 | $41 |
| Registration | $ - | $ - | $5 | $ - | $ - | $ - | $ - | $ - |
| Student Services/Rec Ctr | $ - | $ - | $ - | $8 | $ - | $18 | $ - | $ - |
| **Total Fees** | $119 | $165 | $352 | $286 | $217 | $219 | $178 | $178 |

**Total Tuition and Fees***

| Residents | $1,154 | $1,110 | $1,358 | $1,168 | $1,181 | $1,271 | $1,109 | $1,123 |
| Nonresidents | $1,154 | $1,110 | $1,358 | $3,562 | $1,181 | $1,676 | $3,193 | $ - |

| Percentage Increase over Prior Year | EOU | OIT | OSU | PSU | SOU | UO   | WOU | WOU |
| Residents | 2.7% | 2.9% | 4.7% | 2.1% | 3.2% | 3.5% | 3.3% | 0.0% |
| Nonresidents | 2.7% | 2.9% | 4.7% | 1.4% | 3.2% | 2.5% | 123.0% | 0.0% |

**Fees**

| Energy | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Technology | 0.0% | 0.0% | 0.0% | 20.8% | 3.7% | 0.0% | 0.0% | 0.0% |
| Building | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Incidental | 4.4% | 0.0% | 9.1% | 0.0% | 0.0% | 4.7% | 6.5% | 6.5% |
| Health | 0.0% | 0.0% | 15.8% | 11.1% | 0.0% | 7.9% | 2.5% | 2.5% |
| Registration | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Student Services/Rec Ctr | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |

**Total Tuition and Fees***

| Residents | 2.6% | 2.5% | 6.2% | 3.5% | 2.8% | 3.6% | 3.2% | 0.0% |
| Nonresidents | 2.6% | 2.5% | 6.2% | 1.9% | 2.8% | 2.7% | 109.2% | 0.0% |

* Excludes Programmatic Resource Fees. Amounts are rounded to nearest dollar.

[1] Final year of adjusting summer session non-resident rates to match academic year rates.
## Table 3
### Summer Term 2008 Tuition and Fees
#### Undergraduate - 12 Credit Hours

<table>
<thead>
<tr>
<th>Tuition</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$1,380</td>
<td>$1,260</td>
<td>$1,330</td>
<td>$1,176</td>
<td>$1,261</td>
<td>$1,394</td>
<td>$1,228</td>
<td>$1,260</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>$1,380</td>
<td>$1,260</td>
<td>$1,330</td>
<td>$4,368</td>
<td>$1,261</td>
<td>$1,934</td>
<td>$4,020</td>
<td>$-</td>
</tr>
</tbody>
</table>

### Fees

<table>
<thead>
<tr>
<th>Category</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Technology</td>
<td>$50</td>
<td>$54</td>
<td>$60</td>
<td>$87</td>
<td>$62</td>
<td>$40</td>
<td>$72</td>
<td>$72</td>
</tr>
<tr>
<td>Building</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
</tr>
<tr>
<td>Incidental</td>
<td>$47</td>
<td>$40</td>
<td>$148</td>
<td>$100</td>
<td>$62</td>
<td>$45</td>
<td>$49</td>
<td>$49</td>
</tr>
<tr>
<td>Health</td>
<td>-</td>
<td>$50</td>
<td>$120</td>
<td>$100</td>
<td>$65</td>
<td>$82</td>
<td>$41</td>
<td>$41</td>
</tr>
<tr>
<td>Registration</td>
<td>-</td>
<td>-</td>
<td>$5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Student Services/Rec Ctr</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>$8</td>
<td>-</td>
<td>$18</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Fees</strong></td>
<td>$131</td>
<td>$178</td>
<td>$367</td>
<td>$329</td>
<td>$223</td>
<td>$219</td>
<td>$196</td>
<td>$196</td>
</tr>
</tbody>
</table>

### Total Tuition and Fees*

<table>
<thead>
<tr>
<th></th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$1,511</td>
<td>$1,438</td>
<td>$1,697</td>
<td>$1,505</td>
<td>$1,484</td>
<td>$1,613</td>
<td>$1,424</td>
<td>$1,456</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>$1,511</td>
<td>$1,438</td>
<td>$1,697</td>
<td>$4,697</td>
<td>$1,484</td>
<td>$2,153</td>
<td>$4,216</td>
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</table>

### Percentage Increase over Prior Year

<table>
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<tr>
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<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>2.7%</td>
<td>2.9%</td>
<td>4.7%</td>
<td>2.1%</td>
<td>3.2%</td>
<td>3.5%</td>
<td>3.3%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>2.7%</td>
<td>2.9%</td>
<td>4.7%</td>
<td>1.4%</td>
<td>3.2%</td>
<td>2.5%</td>
<td>125.3% [1]</td>
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### Fees

<table>
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<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
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<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Technology</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>20.8%</td>
<td>3.3%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Building</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Incidental</td>
<td>4.4%</td>
<td>0.0%</td>
<td>9.1%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>4.7%</td>
<td>6.5%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Health</td>
<td>0.0%</td>
<td>0.0%</td>
<td>15.8%</td>
<td>11.1%</td>
<td>0.0%</td>
<td>7.9%</td>
<td>2.5%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Registration</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Student Services/Rec Ctr</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

### Total Tuition and Fees*

<table>
<thead>
<tr>
<th></th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>2.6%</td>
<td>2.6%</td>
<td>5.8%</td>
<td>3.4%</td>
<td>2.8%</td>
<td>3.6%</td>
<td>3.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>2.6%</td>
<td>2.6%</td>
<td>5.8%</td>
<td>1.8%</td>
<td>2.8%</td>
<td>2.7%</td>
<td>113.4%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

*Excludes Programmatic Resource Fees. Amounts are rounded to nearest dollar.

[1] Final year of adjusting summer session non-resident rates to match academic year rates.
### Table 4
**Summer Term 2008 Tuition and Fees**
**Undergraduate - 15 Credit Hours**

<table>
<thead>
<tr>
<th>Tuition</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
<th>Promise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
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<td>$1,575</td>
<td>$1,654</td>
<td>$1,438</td>
<td>$1,558</td>
<td>$1,736</td>
<td>$1,525</td>
<td>$1,575</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>$1,725</td>
<td>$1,575</td>
<td>$1,654</td>
<td>$5,460</td>
<td>$1,558</td>
<td>$2,411</td>
<td>$5,025</td>
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</table>

<table>
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<tr>
<th>Fees</th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Technology</td>
<td>$50</td>
<td>$54</td>
<td>$75</td>
<td>$87</td>
<td>$62</td>
<td>$40</td>
<td>$90</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td></td>
</tr>
<tr>
<td>Incidental</td>
<td>$47</td>
<td>$40</td>
<td>$148</td>
<td>$100</td>
<td>$62</td>
<td>$45</td>
<td>$49</td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>$ -</td>
<td>$50</td>
<td>$120</td>
<td>$100</td>
<td>$65</td>
<td>$82</td>
<td>$41</td>
<td></td>
</tr>
<tr>
<td>Registration</td>
<td>$ -</td>
<td>$ -</td>
<td>$5</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Student Services/Rec Ctr</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$8</td>
<td>$ -</td>
<td>$18</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td><strong>Total Fees</strong></td>
<td>$131</td>
<td>$178</td>
<td>$382</td>
<td>$329</td>
<td>$223</td>
<td>$219</td>
<td>$214</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Tuition and Fees*</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$1,856</td>
<td>$1,753</td>
<td>$2,036</td>
<td>$1,767</td>
<td>$1,781</td>
<td>$1,955</td>
<td>$1,739</td>
<td>$1,789</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>$1,856</td>
<td>$1,753</td>
<td>$2,036</td>
<td>$5,789</td>
<td>$1,781</td>
<td>$2,630</td>
<td>$5,239</td>
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</table>

<table>
<thead>
<tr>
<th>Percentage Increase over Prior Year</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>2.7%</td>
<td>2.9%</td>
<td>4.7%</td>
<td>9.8%</td>
<td>3.2%</td>
<td>3.5%</td>
<td>3.2%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>2.7%</td>
<td>2.9%</td>
<td>4.7%</td>
<td>1.4%</td>
<td>3.2%</td>
<td>2.6%</td>
<td>126.8%</td>
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</table>

<table>
<thead>
<tr>
<th>Fees</th>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Energy</td>
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<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>Technology</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>20.8%</td>
<td>3.3%</td>
<td>0.0%</td>
<td>0.0%</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
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<td>0.0%</td>
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</tr>
<tr>
<td>Incidental</td>
<td>4.4%</td>
<td>0.0%</td>
<td>9.1%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>4.7%</td>
<td>6.5%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Health</td>
<td>0.0%</td>
<td>0.0%</td>
<td>15.8%</td>
<td>11.1%</td>
<td>0.0%</td>
<td>7.9%</td>
<td>2.5%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Registration</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Student Services/Rec Ctr</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Tuition and Fees*</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>2.6%</td>
<td>2.6%</td>
<td>5.6%</td>
<td>9.5%</td>
<td>2.9%</td>
<td>3.6%</td>
<td>3.1%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>2.6%</td>
<td>2.6%</td>
<td>5.6%</td>
<td>1.8%</td>
<td>2.9%</td>
<td>2.7%</td>
<td>116.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

* Excludes Programmatic Resource Fees. Amounts are rounded to nearest dollar.

[1] Final year of adjusting summer session non-resident rates to match academic year rates.
Table 5
Summer Term 2008 Tuition and Fees
Graduate - 6 Credit Hours

<table>
<thead>
<tr>
<th>Tuition</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$1,356</td>
<td>$1,416</td>
<td>$1,294</td>
<td>$1,566</td>
<td>$1,561</td>
<td>$1,293</td>
<td>$1,542</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>$1,356</td>
<td>$1,416</td>
<td>$1,294</td>
<td>$2,484</td>
<td>$1,561</td>
<td>$1,563</td>
<td>$2,622</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fees</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technology</td>
<td>$26</td>
<td>$27</td>
<td>$30</td>
<td>$44</td>
<td>$50</td>
<td>$40</td>
<td>$36</td>
</tr>
<tr>
<td>Building</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
</tr>
<tr>
<td>Incidental</td>
<td>$47</td>
<td>$40</td>
<td>$148</td>
<td>$55</td>
<td>$62</td>
<td>$45</td>
<td>$49</td>
</tr>
<tr>
<td>Health</td>
<td>$-</td>
<td>$50</td>
<td>$120</td>
<td>$100</td>
<td>$-</td>
<td>$82</td>
<td>$41</td>
</tr>
<tr>
<td>Registration</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$5</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td>Student SVC</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$8</td>
<td>$-</td>
<td>$18</td>
<td>$-</td>
</tr>
<tr>
<td>Total Fees</td>
<td>$107</td>
<td>$151</td>
<td>$337</td>
<td>$240</td>
<td>$146</td>
<td>$219</td>
<td>$160</td>
</tr>
</tbody>
</table>

Total Tuition and Fees*

| Residents    | $1,463 | $1,567 | $1,631 | $1,806 | $1,707 | $1,512 | $1,702 |
| Nonresidents | $1,463 | $1,567 | $1,631 | $2,724 | $1,707 | $1,782 | $2,782 |

<table>
<thead>
<tr>
<th>Percentage Increase over Prior Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuition</td>
</tr>
<tr>
<td>Residents</td>
</tr>
<tr>
<td>Nonresidents</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fees</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Technology</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>20.8%</td>
<td>4.2%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Building</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Incidental</td>
<td>4.4%</td>
<td>0.0%</td>
<td>9.1%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>4.7%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Health</td>
<td>0.0%</td>
<td>0.0%</td>
<td>15.8%</td>
<td>11.1%</td>
<td>0.0%</td>
<td>7.9%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Registration</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Student SVC</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Total Tuition and Fees*

| Residents        | 2.7%| 0.0%| 6.1%| 9.4%| 3.2%| 4.0% | 6.6%  |
| Nonresidents     | 2.7%| 0.0%| 6.1%| 2.0%| 3.2%| 3.4% | 20.1% |

* Excludes Programmatic Resource Fees. Amounts are rounded to nearest dollar.
## Table 6
Summer Term 2008 Tuition and Fees
Graduate - 9 Credit Hours

<table>
<thead>
<tr>
<th>Tuition</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$2,034</td>
<td>$2,124</td>
<td>$1,924</td>
<td>$2,349</td>
<td>$2,305</td>
<td>$1,923</td>
<td>$1,923</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>$2,034</td>
<td>$2,124</td>
<td>$1,924</td>
<td>$3,726</td>
<td>$2,305</td>
<td>$2,547</td>
<td>$2,328</td>
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</tbody>
</table>

### Fees

<table>
<thead>
<tr>
<th></th>
<th>Energy</th>
<th>Technology</th>
<th>Building</th>
<th>Incidental</th>
<th>Health</th>
<th>Registration</th>
<th>Student Services/Rec Ctr</th>
<th>Total Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$38</td>
<td>$41</td>
<td>$45</td>
<td>$65</td>
<td>$56</td>
<td>$40</td>
<td>$54</td>
<td>$119</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>$34</td>
<td>$40</td>
<td>$148</td>
<td>$79</td>
<td>$62</td>
<td>$45</td>
<td>$49</td>
<td>$165</td>
</tr>
</tbody>
</table>

### Percentage Increase over Prior Year

<table>
<thead>
<tr>
<th>Tuition</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>2.7%</td>
<td>0.0%</td>
<td>4.9%</td>
<td>9.7%</td>
<td>3.4%</td>
<td>4.0%</td>
<td>-11.0%</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>2.7%</td>
<td>0.0%</td>
<td>4.9%</td>
<td>1.5%</td>
<td>3.4%</td>
<td>13.0%</td>
<td>-28.1%</td>
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### Fees

<table>
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<th>Technology</th>
<th>Building</th>
<th>Incidental</th>
<th>Health</th>
<th>Registration</th>
<th>Student Services/Rec Ctr</th>
<th>Total Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>20.8%</td>
<td>3.7%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

### Total Tuition and Fees*

<table>
<thead>
<tr>
<th>Tuition</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$2,153</td>
<td>$2,289</td>
<td>$2,276</td>
<td>$2,635</td>
<td>$2,522</td>
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<td>$2,101</td>
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<td>$2,153</td>
<td>$2,289</td>
<td>$2,276</td>
<td>$4,012</td>
<td>$2,522</td>
<td>$2,766</td>
<td>$2,506</td>
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</table>

*Excludes Programmatic Resource Fees. Amounts are rounded to nearest dollar.
### Table 7
Summer Term 2008 Tuition and Fees
Graduate - 12 Credit Hours

<table>
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<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$2,712</td>
<td>$2,832</td>
<td>$2,554</td>
<td>$3,132</td>
<td>$3,049</td>
<td>$2,772</td>
<td>$3,280</td>
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<tr>
<td>Nonresidents</td>
<td>$2,712</td>
<td>$2,832</td>
<td>$2,554</td>
<td>$4,968</td>
<td>$3,049</td>
<td>$3,312</td>
<td>$5,440</td>
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</table>

### Fees

<table>
<thead>
<tr>
<th></th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>$</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Technology</td>
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<td>$54</td>
<td>$60</td>
<td>$87</td>
<td>$62</td>
<td>$40</td>
<td>$72</td>
</tr>
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<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
<td>$34</td>
</tr>
<tr>
<td>Incidental</td>
<td>$47</td>
<td>$40</td>
<td>$148</td>
<td>$100</td>
<td>$62</td>
<td>$45</td>
<td>$49</td>
</tr>
<tr>
<td>Health</td>
<td>$</td>
<td>-</td>
<td>$50</td>
<td>$120</td>
<td>$100</td>
<td>$65</td>
<td>$82</td>
</tr>
<tr>
<td>Registration</td>
<td>$</td>
<td>-</td>
<td>$5</td>
<td>$5</td>
<td>-</td>
<td>$5</td>
<td>-</td>
</tr>
<tr>
<td>Student Services/Rec Ctr</td>
<td>$</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>$8</td>
<td>-</td>
<td>$18</td>
</tr>
</tbody>
</table>

**Total Fees**

|       | $131 | $178 | $367 | $329 | $223 | $219 | $196 |

### Total Tuition and Fees*

<table>
<thead>
<tr>
<th></th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$2,843</td>
<td>$3,010</td>
<td>$2,921</td>
<td>$3,461</td>
<td>$3,272</td>
<td>$2,991</td>
<td>$3,476</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>$2,843</td>
<td>$3,010</td>
<td>$2,921</td>
<td>$5,297</td>
<td>$3,272</td>
<td>$3,531</td>
<td>$5,636</td>
</tr>
</tbody>
</table>

### Percentage Increase over Prior Year

<table>
<thead>
<tr>
<th>Tuition</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>2.7%</td>
<td>0.0%</td>
<td>4.9%</td>
<td>9.7%</td>
<td>3.4%</td>
<td>12.9%</td>
<td>13.9%</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>2.7%</td>
<td>0.0%</td>
<td>4.9%</td>
<td>1.5%</td>
<td>3.4%</td>
<td>10.6%</td>
<td>25.9%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fees</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Technology</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>20.8%</td>
<td>3.3%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Building</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Incidental</td>
<td>4.4%</td>
<td>0.0%</td>
<td>9.1%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>4.7%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Health</td>
<td>0.0%</td>
<td>0.0%</td>
<td>15.8%</td>
<td>11.1%</td>
<td>0.0%</td>
<td>7.9%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Registration</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Student Services/Rec Ctr</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

### Total Tuition and Fees*

<table>
<thead>
<tr>
<th></th>
<th>2.7%</th>
<th>0.0%</th>
<th>5.6%</th>
<th>9.5%</th>
<th>3.2%</th>
<th>12.2%</th>
<th>13.2%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonresidents</td>
<td>2.7%</td>
<td>0.0%</td>
<td>5.6%</td>
<td>1.9%</td>
<td>3.2%</td>
<td>10.1%</td>
<td>24.9%</td>
</tr>
</tbody>
</table>

*Excludes Programmatic Resource Fees. Amounts are rounded to nearest dollar.
### Table 8
**Summer Term 2008 Tuition and Fees**

#### Graduate - 15 Credit Hours

<table>
<thead>
<tr>
<th>Tuition</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>$3,390</td>
<td>$3,540</td>
<td>$3,184</td>
<td>$3,651</td>
<td>$3,793</td>
<td>$3,402</td>
<td>$4,069</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>$3,390</td>
<td>$3,540</td>
<td>$3,184</td>
<td>$6,210</td>
<td>$3,793</td>
<td>$4,077</td>
<td>$6,769</td>
</tr>
</tbody>
</table>

#### Fees

<table>
<thead>
<tr>
<th>Energy</th>
<th>Technology</th>
<th>Building</th>
<th>Incidental</th>
<th>Health</th>
<th>Registration</th>
<th>Student Services/Rec Ctr</th>
<th>Total Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>$50</td>
<td>$75</td>
<td>$34</td>
<td>$148</td>
<td>$50</td>
<td>$-</td>
<td>$47</td>
<td>$131</td>
</tr>
<tr>
<td>$54</td>
<td>$87</td>
<td>$34</td>
<td>$100</td>
<td>$120</td>
<td>$-</td>
<td>$40</td>
<td>$178</td>
</tr>
<tr>
<td>$47</td>
<td>$34</td>
<td>$34</td>
<td>$62</td>
<td>$100</td>
<td>$-</td>
<td>$45</td>
<td>$382</td>
</tr>
<tr>
<td>$47</td>
<td>$34</td>
<td>$34</td>
<td>$62</td>
<td>$100</td>
<td>$-</td>
<td>$49</td>
<td>$329</td>
</tr>
<tr>
<td>$47</td>
<td>$34</td>
<td>$34</td>
<td>$62</td>
<td>$100</td>
<td>$-</td>
<td>$49</td>
<td>$223</td>
</tr>
<tr>
<td>$47</td>
<td>$34</td>
<td>$34</td>
<td>$62</td>
<td>$100</td>
<td>$-</td>
<td>$49</td>
<td>$219</td>
</tr>
<tr>
<td>$47</td>
<td>$34</td>
<td>$34</td>
<td>$62</td>
<td>$100</td>
<td>$-</td>
<td>$49</td>
<td>$214</td>
</tr>
</tbody>
</table>

#### Total Tuition and Fees*

<table>
<thead>
<tr>
<th>Residents</th>
<th>Nonresidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,521</td>
<td>$3,521</td>
</tr>
<tr>
<td>$3,718</td>
<td>$3,718</td>
</tr>
<tr>
<td>$3,566</td>
<td>$3,566</td>
</tr>
<tr>
<td>$3,980</td>
<td>$4,539</td>
</tr>
<tr>
<td>$4,016</td>
<td>$4,077</td>
</tr>
<tr>
<td>$4,106</td>
<td>$4,296</td>
</tr>
<tr>
<td>$4,283</td>
<td>$4,296</td>
</tr>
<tr>
<td>$4,321</td>
<td>$4,296</td>
</tr>
<tr>
<td>$4,283</td>
<td>$4,296</td>
</tr>
</tbody>
</table>

#### Percentage Increase over Prior Year

<table>
<thead>
<tr>
<th>Tuition</th>
<th>EOU</th>
<th>OIT</th>
<th>OSU</th>
<th>PSU</th>
<th>SOU</th>
<th>UO</th>
<th>WOU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residents</td>
<td>2.7%</td>
<td>0.0%</td>
<td>4.9%</td>
<td>2.3%</td>
<td>3.4%</td>
<td>11.1%</td>
<td>13.0%</td>
</tr>
<tr>
<td>Nonresidents</td>
<td>2.7%</td>
<td>0.0%</td>
<td>4.9%</td>
<td>1.5%</td>
<td>3.4%</td>
<td>9.1%</td>
<td>25.4%</td>
</tr>
</tbody>
</table>

#### Fees

<table>
<thead>
<tr>
<th>Energy</th>
<th>Technology</th>
<th>Building</th>
<th>Incidental</th>
<th>Health</th>
<th>Registration</th>
<th>Student Services/Rec Ctr</th>
<th>Total Tuition and Fees*</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>0.0%</td>
<td>20.8%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>4.4%</td>
<td>9.1%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>0.0%</td>
<td>15.8%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

#### Total Tuition and Fees*

<table>
<thead>
<tr>
<th>Residents</th>
<th>Nonresidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.7%</td>
<td>5.4%</td>
</tr>
<tr>
<td>2.7%</td>
<td>5.4%</td>
</tr>
<tr>
<td>2.7%</td>
<td>5.4%</td>
</tr>
<tr>
<td>2.7%</td>
<td>1.8%</td>
</tr>
<tr>
<td>3.2%</td>
<td>3.2%</td>
</tr>
<tr>
<td>10.7%</td>
<td>8.8%</td>
</tr>
<tr>
<td>12.4%</td>
<td>24.5%</td>
</tr>
</tbody>
</table>

* Excludes Programmatic Resource Fees. Amounts are rounded to nearest dollar.
### Table 9

#### 2008 Summer Programmatic Resource Fees

<table>
<thead>
<tr>
<th>Institution</th>
<th>Fee Description</th>
<th>UG Fee</th>
<th>Grad Fee</th>
<th>UG % Change</th>
<th>Grad % Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>EOU</td>
<td>Matriculation Fee (one time - all new and transfer students)</td>
<td>$120</td>
<td>$120</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>OIT</td>
<td>Matriculation Fee (one time - all new and transfer students)</td>
<td>$115</td>
<td>$115</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Health Professions and Engineering Professions</td>
<td>$100</td>
<td>$100</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Transcript Fee (one time on all new students)</td>
<td>$40</td>
<td>$40</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>OSU - Main</td>
<td>Pre-engineering ($20 per credit hour up to $205 per term)</td>
<td>$205</td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engineering ($44 per credit hour up to $433 per term)</td>
<td>$443</td>
<td>$430</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Campus</td>
<td>School of Business</td>
<td>$130</td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MBA Students ($35 per credit hour up to $350 per term)</td>
<td>$350</td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Weatherford Residential College</td>
<td>$250</td>
<td>$250</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>College of Liberal Arts upper division courses</td>
<td>$40</td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Department of Art</td>
<td>$100</td>
<td>$100</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>College of Science upper division courses</td>
<td>$40</td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Department of Human Development &amp; Family Sciences majors</td>
<td>$75</td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Department of Design and Human Environment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Apparel Design</td>
<td></td>
<td>$100</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Interior Design</td>
<td></td>
<td>$100</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Housing Studies</td>
<td></td>
<td>$100</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Merchandising Management</td>
<td></td>
<td>$75</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Interdisciplinary Studies</td>
<td></td>
<td>$35</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Educational Resources</td>
<td></td>
<td>$50</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Honors College</td>
<td></td>
<td>$250</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Matriculation Fee (one time on all new and transfer students)</td>
<td>$300</td>
<td>$205</td>
<td>0%</td>
<td>17%</td>
</tr>
<tr>
<td>OSU - Cascades</td>
<td>School of Business</td>
<td>$130</td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Educational Resources</td>
<td></td>
<td>$50</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Matriculation Fee (one time on all new and transfer students)</td>
<td>$300</td>
<td>$205</td>
<td>0%</td>
<td>17%</td>
</tr>
<tr>
<td>PSU</td>
<td>School of Business ($10/$35 hour up to $100/$350 per term)</td>
<td>$100</td>
<td>$350</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Sch. of Engineering &amp; Computer Science ($35/hr to $350/term)</td>
<td>$350</td>
<td>$350</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>School of Fine &amp; Performing Arts ($5/hr up to $50 per term)</td>
<td>$50</td>
<td>$50</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Speech &amp; Hearing Sciences</td>
<td></td>
<td>$250</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Matriculation Fee (one time - all new and transfer students)</td>
<td>$150</td>
<td>$150</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>SOU</td>
<td>School of Business</td>
<td>$15</td>
<td></td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sciences</td>
<td></td>
<td>$20</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fine &amp; Performing Arts:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Art, Music, Theater, Communication ($5/cr, $50 cap)</td>
<td>$50</td>
<td>$50</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Certificate in Nonprofit Management (9+ Credit Hours)</td>
<td>$167</td>
<td>$167</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Certificate in Nonprofit Management (1-8 Credit Hours)</td>
<td>$85</td>
<td>$85</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Master in Business Administration</td>
<td></td>
<td>$160</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Master's in Management ($20/hr up to $160/term)</td>
<td></td>
<td>$160</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Master of Arts in Teaching ($15/hr up to $120/term)</td>
<td></td>
<td>$120</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Master of Applied Psychology:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mental Health Counseling ($37 per hr up to $333/term)</td>
<td></td>
<td></td>
<td>No charge summer term</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Organization Training &amp; Development ($33/cr/hr to $300/term)</td>
<td></td>
<td></td>
<td>No charge summer term</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Human Services ($30/hr up to $300/term)</td>
<td></td>
<td></td>
<td>No charge summer term</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Matriculation Fee (one time - all new and transfer students)</td>
<td>$212</td>
<td>$212</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>UO</td>
<td>Matriculation Fee (one time - all new and transfer students)</td>
<td>$250</td>
<td>$250</td>
<td>0%</td>
<td>67%</td>
</tr>
<tr>
<td>WOU</td>
<td>Matriculation Fee (one time - all new and transfer students)</td>
<td>$106</td>
<td></td>
<td>6%</td>
<td></td>
</tr>
</tbody>
</table>
2008 Room and Board Rates

Summer Session room and board accommodations on each campus vary according to the need and demand of each campus community. They may include rates by day, week, multi-week or term. A combined room and board rate is typically offered, as well as rates for room only, board only, conference activities, etc. Rates are generally comparable to those for the academic year. Student housing facilities operate as auxiliary enterprises and are intended to function in a self-supporting manner.

The following table shows comparative examples of room and board rates for a basic dorm room with double occupancy. Each institution offers a variety of room and meal options at rates above and below those listed. Please refer to page 31 of the 2008 Summer Session Fee Book Draft for an extensive list of available room and board options.

<table>
<thead>
<tr>
<th>Sample Summer Housing Rates</th>
<th>2007</th>
<th>2008</th>
<th>Percent Change from Summer 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>EOU Eight Weeks (includes meals)</td>
<td>$924</td>
<td>$972</td>
<td>5%</td>
</tr>
<tr>
<td>OIT Eight Week - Double (room only)</td>
<td>$535</td>
<td>$560</td>
<td>5%</td>
</tr>
<tr>
<td>OSU Eight Week - Double (includes meals)</td>
<td>$1,186</td>
<td>$1,232</td>
<td>4%</td>
</tr>
<tr>
<td>PSU Eight Weeks - Ondine Multiple (room only)</td>
<td>$1,026</td>
<td>$1,061</td>
<td>3%</td>
</tr>
<tr>
<td>SOU Eight Week - Multiple (includes meals)</td>
<td>$1,506</td>
<td>$1,595</td>
<td>6%</td>
</tr>
<tr>
<td>UO Eight Week - Multiple (includes meals)</td>
<td>$1,680</td>
<td>$1,680</td>
<td>0%</td>
</tr>
<tr>
<td>WOU Eight Week - Heritage Multiple (no meals included)</td>
<td>$595</td>
<td>$624</td>
<td>5%</td>
</tr>
</tbody>
</table>

Staff Recommendation to the Board:
The staff recommends that the Board approve the proposed 2008 Summer Session tuition, fees, and related policies incorporated in this docket. Specifically, an amendment to OAR 580-040-0035 to read as follows:

“The document entitled Summer Session Fee Book 2008 dated January 04, 2008, is hereby amended by reference as a permanent rule. All prior adoptions of summer session fee documents are hereby repealed except as to rights and obligations previously acquired or incurred thereunder. Through the OAR amendment, the Board adopts the document entitled 2008 Summer Session Fee Book. The Chancellor is authorized to implement minor clerical adjustments to the final document, if necessary.”

(Board action required.)
Investment Earnings Legislative Progress Update

During the 2007 Legislative Session, the Board’s legislative request to retain investment interest on all OUS funds, which was encompassed in House Bill (HB) 2198, was not formally heard in committee, despite strong support from the Governor, OUS student leadership, and key legislators. The Legislative Ways and Means Subcommittee on Education did hear testimony from OUS and receive written reports supporting the concept. As was highlighted by staff to the Board in May 2007 in their presentation on new treasury management strategies, this testimony and these reports indicated that changing treasury management processes could result in significant incremental investment earnings to the state. It was estimated that pooling OUS funds for investment purposes and changing the investment strategy employed could generate as much as $14.9 million in investment earnings per biennium over what is currently being earned. Despite the magnitude of the potential incremental revenues, the 2007 Legislature did not act on HB 2198. Instead, it directed the Legislative Fiscal Office and the State of Oregon’s Treasurer’s Office, via budget note, to examine the concept in more detail and report to the legislature prior to the supplemental session in February 2008.

To prepare their report, LFO and Treasury asked OUS a series of questions to obtain additional information and better understand our request. A focus of the questions was to understand what changes in banking processes and statutes would be required to fully implement our concepts. While we believed that HB 2198, along with flexibility already present in statutes, would have allowed OUS to attain most, if not all of our goals with respect to banking and investing, further review and discussion with Treasury raised new questions about banking process and statutory changes that might be needed. In order to answer these questions, we asked Public Financial Management, Inc. (PFM), our financial advisors, to review our current banking structure and recommend changes to most effectively and efficiently meet our treasury management goals. Their report is included as Attachment 1 of Appendix C. In short, PFM recommended elimination of many of the bank accounts currently managed by OUS and consolidating the related balances for investment purposes. Furthermore, our assigned DOJ counsel worked with Treasury’s assigned DOJ counsel and the Oregon State Treasury’s Director of Cash Management to draft the statutory changes needed to create the account structure to allow for a pooled investment approach. The recommended statutory changes are included as Attachment C2. Those changes eliminate the statutory language mandating the maintenance of separate bank accounts at Treasury and create a single OUS account that would be invested by the Oregon State Treasury. OUS would have flexibility to establish any needed sub-accounts within the OUS books that would allow for the separation of the various cash accounts within the accounting records and the attribution of investment earnings without the currently required separation of balances and related investments at Treasury.
The resulting LFO and Treasury report, which is included as Attachment C3, concluded the following:

- Both LFO and Treasury recommended against allowing OUS to retain Investment income on all of its funds for the specific purpose of providing an incentive to improve cash management practices. In addition, LFO recommended that OUS be directed to include any cash management improvement concepts as policy option packages, regardless of where investment earnings are directed, in its 2009-2011 biennial budget build-up.
- Both LFO and Treasury recommended approval of the concept of pooling funds to allow stratified investing to maximize investment earnings.
- LFO recommended that policy decisions relating to the disposition of Investment earnings on OUS funds be reviewed within the context of a comprehensive review of state agency Investment earnings, and not as an independent issue.
- LFO recommended against any action that reduces General Fund resources in favor of dedicated funding, unless there is a Legislative finding that there is a compelling reason to do so.
- Both LFO and Treasury agreed that, should the legislature grant OUS the authority to retain all investment earnings, the revenue loss to the General Fund should be offset with a reduction in the OUS General Fund appropriation.
- LFO recommended that, should the legislature grant OUS the authority to retain all investment earnings, a portion equal to the amount of General Fund appropriation to total OUS revenues be refunded to the General Fund.

LFO and Treasury presented their report to the Interim Joint Committee on Ways and Means (Committee) on December 6, 2007. Our response to their report, which was also provided to the Committee, is included as Attachment C4. The Committee accepted the report without further action.

**Next Steps:**
OUS is prepared to implement the treasury management changes needed to increase investment earnings to OUS and the State of Oregon. While we await the necessary legislative action to make these changes, we are moving ahead with evaluating changes in our debt management processes to take advantage of the authority to enter into certain types of variable rate debt that was encompassed in HB 2199, passed by the 2007 Legislature. Our financial advisors, PFM, are developing analyses of our current Article XI-F(1) debt outstanding to explore different scenarios for implementing the pooled debt management approach, including issuance of variable rate debt and implementing a blended cost of capital. We are also preparing to hire a new head of the treasury function within OUS to provide the leadership and experience necessary to reengineer this process and attain cost savings and improve campus flexibility in financing projects. What remains to be seen is whether the significant cost savings that analysis shows is available through the pooled debt management approach can be attained without the concomitant change in cash and investment management discussed above to hedge variable rate interest cost risk.
UO, Report on Arena Construction

At its November 2007 meeting, the Board authorized the Chancellor or designee to seek legislative approval for increase of $200 million additional expenditure authority and bond limitation for the construction of the University of Oregon arena.

The Board President asked the University to provide an update at the January 2008 meeting. President Dave Frohnmayer will provide an oral report, including the results of the feasibility assessment conducted by outside consultants, project update, and steps to date in gaining legislative approval.
Board Strategic Planning Discussion

The Board of Higher Education’s strategic planning work session on December 6-7, 2007, identified six areas for major board focus during 2008 and Board President Kirby Dyess assigned Board members to lead the work in these areas. The focus of January’s Board discussion will be on the organization and deliverables for these areas:

1. **Constitutional and/or statutory changes for improved efficiency**: Rethink OUS’ relationship with the state regarding funding, legal status, and operating flexibility, seeking constitutional and/or statutory provisions where needed to improve efficiency and financial sustainability, in return for which OUS would commit to an agreed upon set of outcomes.

   Lead: John von Schlegell

2. **Address barriers to student participation and success**: Address affordability, academic preparation, and retention barriers that affect both student participation and real and perceived potential for success and completion. Strengthen connections between OUS universities and PK-12 schools and among OUS colleges of education to address issues of student success.

   Lead: Dalton Miller-Jones (continuation of Student Participation and Completion Subcommittee)

3. **Smaller universities**: Clarify the mission, role, program focus, learning delivery, operating support, and organization of OUS’ smaller universities so that they achieve educational attainment goals for their regions and are financially viable over the long term.

   Lead: Don Blair

4. **State funding for graduate education and research**: Secure state funding for graduate education, research, and innovation within OUS.

   Lead: George Pernsteiner

5. **Portland higher education initiatives**: Continue the refinement and execution of Portland higher education initiatives, including a framework for higher education in Portland and development of an education and research corridor focused on life sciences and sustainability disciplines. Foster partnerships with Portland area community colleges for the provision of degrees in the Portland metropolitan area; strengthen connections with area K-12 schools.

   Lead: Jim Francesconi (continuation of the Portland Higher Education Subcommittee)
6. **Board, Chancellor, and institution roles and relationships**: Clarify and revise the current roles and relationships among the Board, Chancellor, and institutions to achieve the Board’s strategic priorities as described in the Board’s Long-Range Plan.

   Lead: Paul Kelly

In addition to the six areas identified above, other important areas were noted as items requiring a plan from institution and Chancellor’s staff within the next few months. These areas include, but are not limited to:

- **Sustainability education and research** – creating a System reputation (each university and all universities together) for excellence in sustainability education and research.

- **PK-12 education** – building and strengthening productive collaborations among OUS colleges of education and between OUS faculty and PK-12 schools and manifesting a commitment to PK-12 quality in Oregon as a critical OUS mission.

- **Academic program review process** – developing a clear academic program review process as a critical infrastructure element in managing and sustaining the OUS portfolio.

- **New approaches to learning outcomes and assessment** – within the Board’s framework of performance measurement, identifying key learning outcomes and ways of measuring and reporting them.

Chancellor’s staff will continue to work with OUS presidents, provosts, vice presidents, and others to develop plans in these areas.
Appendix A

Annual Financial Audit Report
- Moss-Adams’ Communication with OSBHE Audit Committee
- Moss-Adams’ Communication of Other Matters and Best Practices
Appendix B

2008 Summer Session Fee Book
Appendix C

Investment Earnings Legislative Progress Update

1. OUS Bank Account and Fund Pooling Study (Public Financial Management, Inc)
2. Pooled Investment of OUS Funds (DOJ Letter)
4. OUS Letter of Response to the Ways and Means Committee Co-Chairs