

This policy shall govern the purchase of all goods, equipment, tangible property and services for the district.

The Director of Purchasing or designee may periodically audit any or all purchases requiring quotes or bids.

The Purchasing Director will report any bidding irregularities or interference with this policy by employees or Board members to the CFO for submission to the Superintendent who will forward to the Board of Education.

All non-salary related debts and/or financial obligations against the district shall be incurred as authorized and processed in accordance with this policy and corresponding purchasing procedures.

## GENERAL

The Board of Education authorizes the Superintendent, Associate Superintendent or Chief Financial Officer or Director of Purchasing or designees to establish purchasing and procurement procedures and practices consistent with this policy, federal and state law and generally accepted governmental purchasing practices.

### A. Purchase Orders and Requisitions:

All purchases shall be made with the use of a purchase order. Approval of all purchase orders is contingent upon the availability of funding, submission and approval of a requisition form, and approval by the Board of Education. The Board of Education authorizes the Superintendent, Chief Financial Officer and the Encumbrance Clerk or designee to issue purchase orders and emergency purchase orders for less than \$50,000 without prior Board of Education approval.

Requisitions and orders cannot be split to avoid bidding and quotation and/or Board approval requirements.

All appropriated fund purchase orders shall be subject to Board of Education approval and that if said purchase order is not approved by the Board of Education; the purchase order shall become null and void.

### B. Emergency Purchases:

The Superintendent, Chief Financial Officer, or Director of Accounting may authorize the issuance and emergency payment of emergency purchase orders over \$50,000 and waive the bidding and quotation requirements in the event of emergency situations like a disaster or act of God and other instances where it is necessary to avoid the interruption of critical school business and operations and The Board of Education is not able to meet.

### C. Blanket Purchase Orders:

The Board of Education authorizes the Superintendent, Associate Superintendent, Chief Financial Officer and Director of Accounting (or designee) to establish blanket purchase orders of less than \$50,000 prior to Board approval. All annual blanket purchase orders of \$50,000 or more must be approved by the Board of Education prior to issuance. If the blanket purchase order is not approved by the Board of Education, the order shall become null and void.

## CONTRACTS

### A. General:

No employee of the district shall enter into any financial contract or agreement (verbal or written), on behalf of the district, without the prior official permission of the Board of Education. The Board of Education may, upon approval of any encumbrance, purchase order and all adjoining contract documents, authorize an administrator of the district to sign said contract documents on behalf of the Board of Education.

The Board is the only legal entity that may enter into a valid contract committing District revenue. A school site or activity is not a legal entity with the authority of entering into a contract. Each contract must be approved by the Board, and be signed by the President of the Board or duly authorized administrator. Contracts signed or authorized by anyone else could result in personal liability for that person and may not be recognized by the District as valid in the event of a dispute.

The Board authorizes district administrators or account guardian to sign contracts up to \$2,500 that have been reviewed by the Chief Financial Officer or Director of Purchasing or Director of Accounting and found to have no objectionable terms or conditions. Objectionable terms and conditions found during a

review may be negotiated with a vendor and the contract presented for review again.

*Added June 7, 2010*

#### B. Student Activity Fund Contracts:

After the Board of Education has approved the vendor contract and after a written purchase order for the goods or services defined in the contract has been approved and issued by the Superintendent, Chief Financial Officer, Encumbrance Clerk or designee, employees who have been duly authorized and designated by the Board of Education as student activity fund custodians may sign contracts and agreements on behalf of the district.

### BIDDING AND QUOTATION REQUIREMENTS

#### A. General:

The solicitation for bids, proposals and quotations shall be conducted in accordance with the provisions of this policy and district purchasing procedures as approved by the Superintendent or Chief Financial Officer.

Unless otherwise exempted herein, the following informal and formal bidding and quotation limits shall be followed for the purchase of all goods and services procured with all funds:

#### Specific Bidding and Quotation Requirements

- \$ 0 to \$2,499.99 - No quotations required, but recommended if \$1,000 or more.
- \$2,500 to \$49,999.99 - Three written bids or quotations for all items on the requisition.
- \$50,000 and up - Three formal sealed bids or sealed proposals for all items on the requisition.

All bids over \$2,500 will be conducted in conjunction with purchasing.

The Board of Education authorizes the Director of Purchasing or designee to use electronic sealed bids provided there are adequate procedures and controls. Bids and quotes shall be awarded to the lowest qualified and responsible bidder who submits a qualified bid.

Guidelines for certifying a bidder as responsible and a bid as responsive will be provided in purchasing procedures as developed by the Chief Financial Officer or Director of Purchasing.

Where it serves the district's best interest, the district may award a written quote, a sealed bid or a proposal on a "best value" basis in the sole opinion of the District, taking into consideration the total cost of ownership including purchase price, quality, ability to deliver, maintenance and service, durability and longevity.

Where the Request for Proposal sourcing method is used, factors other than price may be used in determining award.

### ITEMS EXEMPT FROM BIDDING

#### A. General:

Because of the unique nature of some goods and services, the items listed below shall be exempt from bidding. However, every effort must be made to create a fair and competitive environment where all vendors who have requested to quote on these items are given an opportunity to have their proposals considered.

The method for creating a competitive environment must be in accordance with district quality standards and purchasing procedures. All purchases over \$50,000 must still be approved by the Board of Education prior to issuance of a purchase order.

The following goods and services are exempt from bidding requirements.

- Professional services (e.g., audit services, legal services, insurance, medical services, demographic studies, employment services, drug and alcohol testing and professional consultation services).
- Travel services (airfare, accommodations, etc.)
- Goods purchased for student activity fund raisers and goods purchased by and/or provided to staff and/or students from activity funds.
- Goods purchased for resale.
- Textbooks, student workbooks, library/media books, maps and globes, and educational and training videos.

- Postage
- Software upgrades and specialized source software (excluding off-the-shelf software).
- Training classes and associated equipment rentals.
- Standardized office supplies have a negotiated discount if established account numbers are utilized and do not require bidding unless a large amount of a single item is needed.
- Catering events.
- Items available for purchase on an existing state contract, or through the cooperative bidding of another municipality/school district/government agency, when this is determined to be the best method of purchase.
- When it is in the best interest of the extended day students to receive fresh snacks and drinks in a timely manner, snacks and drinks may be procured from suppliers at a competitive price without regard to the bidding/quotation limits stated herein, provided that such purchases do not exceed \$50,000 in one month.
- Used furnishings, equipment and uniforms.

#### B. Standardization Programs:

If a district wide standardization program has been developed, schools and departments may make supplemental purchases of the item, defined in the standardization program, without using one of the source selection methods.

The initial purchase of standardized items such as furniture and equipment shall be procured utilizing one of the required bidding/quotation methods defined in this policy.

#### C. Single (Sole) Source Selections:

Single source procurements shall be exempt from bidding provided that said procurements meet the following criteria:

The goods or services are unique to one manufacturer/supplier /distributor and no other similar (equal in function, performance, and fit) or like goods or services are available from another supplier.

Sole source procurements may also be permitted where compatibility of equipment, accessories or replacement parts is of paramount consideration or where service work on the original equipment must be performed.

A Sole Source Affidavit will be completed for all sole source items over \$10,000 and submitted to the Board of Education as a consent agenda item.

## FOOD PROCUREMENT

### A. Fresh and Perishable Food Procurements:

Fresh and perishable foods and related consumable goods subject to expiration, spoilage and limited storage space may be procured through verbal quotations, annual bids or weekly quotations. A minimum of three verbal quotations shall be obtained, if enough qualified vendors respond, for foods that cannot be stocked over extended periods of time. The verbal bids will be documented and filed according to purchasing procedures.

## LEASE / PURCHASE CONTRACTS

The Board is the only legal entity that may enter into a valid lease/purchase contract committing District revenue. Each lease/purchase contract must be approved by the Board and the District's attorney, and be signed by the President of the Board. Contracts signed or authorized outside of the policy provisions by anyone else could result in personal liability for that person and may not be recognized by the District as valid in the event of a dispute.

The lease/purchase contract must be limited to equipment and land only.

No more than 20 percent of a site's current year discretionary site budget allocation may be committed for subsequent year payments.

Lease/purchase contracts may not be structured to impact more than ten consecutive fiscal years without Board of Education approval of term duration.

The lease/purchase contract must state the purchase price and shall not require the payment of more than the purchase price plus 10 percent simple interest per year.

Whenever possible, the interest rate charged shall be competitively established to assure the District obtains a favorable rate.

The lease/purchase contract on a purchase order must state in the following language that the District has a “positive right for nonrenewal” or “mutual ratification provision.” This means that the District has the option at the end of the fiscal year to not renew the contract for any reason whatsoever. A “funding out”, “governmental appropriations”, or “nonappropriation” clause is not an acceptable substitute for the District’s annual cancellation right. However, the District should enter into all agreements with the good faith intent to renew.

School Activity Funds may not be used for lease/purchase arrangements.

## OTHER

### A. Vendor Registration:

In order to do business with the district, vendors must be willing to supply requested information to be included in the Jenks Master Vendor List and agree to the terms and conditions of the District’s official purchase order or contract.

### B. Construction Contracts:

In accordance with the Public Competitive Bidding Act of 1974, Sections 953-954, public construction contracts of more than \$50,000 for the purpose of erecting any public building or structure, or making any improvements to a building, or structure, or minor maintenance or minor repair work to public school property, or making improvements to real property shall be made only upon submission of sealed proposals, and shall be awarded to the lowest responsible bidder by the Board of Education. These bids shall be subject to the procedures of the Public Competitive Bidding Act of 1974.

Public construction contracts equal to or greater than \$25,000 but less than \$50,000 shall be awarded to the lowest responsible bidder by the receipt of written bids. Public construction contracts for less than \$25,000 may be negotiated with a qualified contractor.

### C. Motivational Items:

The Board of Education will allow the purchase of inexpensive student items to be given to students as a motivational tool for use in classroom instruction.

### D. Reimbursement of Purchased Goods or Services

In situations where the vendor will not accept a district purchase order and an alternate vendor is not available, when it is extremely impractical or an emergency, employees may request to be reimbursed for the personal purchase of said goods and services. If approved for reimbursement and the goods have been received and a purchase order has been issued, employees may be reimbursed for the cost of the goods plus any associated tax.

All requests for reimbursement must be supported with the original itemized receipt. The district assumes no liability for the purchase of goods or services purchased by an employee or for reimbursing the employee. No personal reimbursements will be made from bond funds.

## PROHIBITED PURCHASING PRACTICES

### A. Acceptance of Gratuities:

District employees are expressly forbidden from accepting gratuities from any vendor or supplier unless designated for district wide use. Gratuities as specified under this policy include cash or assets easily convertible to cash, travel, lodging, tickets, appliances, automobiles or their use, or any other form of special treatment which might influence the employees’ selection of a vendor or supplier.

Promotional and advertising novelties with a total value of \$100 or less per year, per employee, per vendor are not considered gratuities under this policy.

With the Superintendent’s approval or prior Board approval, employees may accept vendor-provided events, travel, lodging and registration, for the purpose of attending professional development conferences, workshops, presentations, training, or fostering needed business relationships.

*Revised June 7, 2010*

Employees or members of the Board of Education are not permitted to make purchases for personal use

through any fund of the District, including the school activity funds.

**B. Violations of Purchasing Policy:**

District employees violating this policy, exceeding their purchasing authority or incurring an expense without a pre-approved purchase order may be held personally and financially liable and subject to disciplinary action including, but not limited to, suspension, demotion, termination and legal action.

**E-Rate Procurement Policy:**

In selecting service providers for all eligible goods and/or services for which Universal Service Fund (“E-Rate”) support will be requested, the Administrations shall:

1. Make a request for competitive bids for all eligible goods and/or services for which Universal Service Fund support will be requested and comply with all applicable state and local procurement processes included in its documented policies and procedures.
2. Wait at least four weeks after posting date of the FCC Form 470 on the USAC Schools and Libraries website before making commitments with the selected service providers.
3. Consider all bids submitted and select the most cost-efficient service offering, with price being the primary factor considered.
4. Keep control of the competitive bidding process by not surrendering control to a service provider who is participating in the bidding process and not including service provider contact information on the FCC Forms 470.

*Added June 7, 2010*