

CHAPTER 7.00 - BUSINESS SERVICES

7.13* - Purchasing Policies and Bidding

POLICY:

The Superintendent or designee shall be responsible for all purchases of materials, equipment, and services from District school funds. Only persons authorized by the Superintendent or School Board rules may make any purchase involving the use of school funds. Unauthorized expenditures shall not be approved by the School Board. The following provisions shall govern purchasing and bidding procedures.

(1) Authorization to Execute Purchase Orders

The Purchasing Coordinator shall be authorized to sign purchase orders.

(2) Development of and Adherence to Specifications

Purchases through bids and quotations procedures shall be based upon justification and specifications which are clear, definite, and certain as to character and quality and shall conform to standard specifications for the various classes of supplies, materials, parts, services, or equipment desired. Such specifications shall be conducive to securing the most economical price for the highest quality product which best meets the needs of the educational program. Specifications shall be as open as possible and it shall be made clear in the invitation to bid that use of a trade name does not give exclusive rights to that product. Preferential bidding shall not be permitted. The Superintendent or designee shall be responsible for soliciting the assistance of District staff members who use the products to prepare specifications and to evaluate bids.

(3) Requirements for Competitive Bids

Sealed bids shall be requested for any purchase of materials, equipment, or service which exceeds the State formal bid threshold (as defined by State Board of Education Administrative Rule 6A-1.012), unless the item is purchased on the basis of an established state contract, under the provisions of Subsections (12) or (13) herein, or is otherwise exempted from bidding by Florida Statutes or State Board of Education Rules. A particular item or group of similar items which is anticipated to exceed a collective total of more than the State formal bid threshold (as defined by State Board of Education Administrative Rule 6A-1.012) during the fiscal year shall be subject to the bid requirements as described herein.

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- (a) The Purchasing Coordinator shall maintain a list of all potential bidders by category of commodity or service and shall include the names of all persons or firms that requested placement on the list.

The Purchasing Coordinator shall mail each request for bids to each person and firm on the list for that particular commodity and may mail the request for bids to other known persons or firms that are capable of providing the requested commodity.

- (b) The Purchasing Coordinator may remove the name of any person or firm from the list upon failure to respond to three (3) consecutive requests for bids.
- (c) The Superintendent or designee may remove the name of any unqualified or unreliable person or firm from the list. Provided, however, the person or firm may apply to the Purchasing Coordinator for reinstatement to the vendor list after being removed for one (1) year.
- (d) Prior to issuance of a purchase order in excess of the State formal bid threshold (as defined by Statute, F.S. 287.017) the vendor shall execute an affidavit, pursuant to Florida Statutes, certifying that neither the firm nor any of its principals have been convicted with a public entity crime after July 1, 1989.

(4) Bid Receipt, Opening, and Tabulation

Sealed bids shall be received in the Purchasing Office at the time and date designated in the request for bids. All bids shall be opened publicly in the presence of at least one (1) School Board employee. The Purchasing Coordinator shall read aloud the name of the bidder and the amount and shall make recommendations to the Superintendent and to the School Board. The tabulation shall be signed by the Purchasing Coordinator and School Board employees in attendance. Bids received after the designated time shall not be accepted or considered.

(5) Award of Bids

Each bid shall be awarded on the basis of the lowest and best bid which meets specifications with consideration being given to the specific quality of the product, conformity to the specifications, suitability to school needs, delivery terms and service, and past performance of the vendor. In case of a tie, the recommendation shall be made by casting lots. Samples of products may be requested when practical. The School Board shall reserve the right to reject any or all bids.

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(6) Public Inspection of Bids

Bids and quotations shall be made available for public inspection on the posting date and copies may be obtained subsequent to the posting date. The fee for photocopying shall be in accordance with the School Board Rule entitled "Photocopying of Public Records."

Original bids and quotations and the transmittal envelopes shall not be removed from the Purchasing Office.

(7) Award to Other Than Low Bidder

Any bid recommendation other than the low bid shall be accompanied by a written statement signed by the Purchasing Coordinator giving the reasons and justification for such action as provided in Subsection (4) herein. Single or combination items may be considered in determining the recommendation.

(8) Bid Withdrawal

A bidder may withdraw a bid before the designated time for opening bids by submitting a written request to the Purchasing Coordinator and identifying the reason(s) for the desired bid withdrawal. A bidder shall not be permitted to withdraw a bid for any reason after the designated time for opening bids unless mutually agreed upon by both parties.

(9) Emergency Purchases or Bids

Emergency purchases or bids may be requested in writing or by telephone and returned as the emergency requires based on the Superintendent's or Purchasing Coordinator's approval. Emergency as used herein means a situation which endangers the health, safety, or welfare of students or jeopardizes a project. All emergency bids shall be tabulated and presented to the Superintendent who shall submit the matter to the School Board for action. The School Board minutes shall show the need to initiate emergency bid procedures and shall justify that regular bid procedures would cause a delay and be contrary to the public interest.

(10) Requisitions

Each purchase shall be based upon a requisition originating from the principal or District department head. Each requisition or contract shall be properly financed, budgeted, and encumbered prior to issuing a purchase order. Under extreme emergencies, the Purchasing Coordinator or designee may grant permission for a purchase without a requisition; provided, however, any emergency purchase shall be followed immediately with an emergency requisition. A purchase shall not precede a requisition except under emergency provisions.

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- (11) Formal Written Quotations on Purchases of Ten Thousand Dollars (\$10,000.00) below the State formal bid threshold (as defined by State Board of Education Administrative Rule 6A-1.012).

Formal written quotations shall be obtained from at least three (3) sources, if possible, except as provided in Subsection (14) herein, prior to issuing a purchase order for materials or services.

- (12) Contracts, Commitments, or Purchases

The Superintendent or his/her designee may approve purchases up to the State formal bid threshold (as defined by Statute, F.S. 287.017) except as provided in Subsection (14) herein.

- (13) Purchase of Foods and Non-Food Items for the Food Service Department

The Superintendent shall develop and prescribe a Competitive Procurement Plan for purchasing food and nonfood supply items for the school food service program.

- (a) The Plan shall contain procedures to ensure conformity with the Federal Food, Drug and Cosmetic Act, the Federal Meat Inspection Act, and the Meat Inspection Law of Florida when purchasing foods.
- (b) The Plan shall provide for various types of selection procedures as alternatives to the bidding requirements prescribed herein. Bidding requirements specified in this Rule shall be waived if they conflict or are inconsistent with the Plan. All purchases of milk shall comply with State Board of Education Rule 6A-7.042(2)(a)2.
- (c) Purchases of equipment items and professional services shall be excluded from the Plan and shall be subject to procedures for purchases described herein.

- (14) Subject to provisions of law, the Superintendent may authorize purchasing off of bids approved by the State of Florida, other government agencies, or educational consortiums.

- (15) Acquisition of Professional or Educational Services

The Superintendent is authorized to contract for professional or educational services to complete projects or activities authorized or approved by the School Board.

- (a) Selection of an architect, professional engineer, landscape architect, or land surveyor to perform professional services for a School Board project shall be in accordance with the School Board rule entitled, "Selecting Professional Services", and will be included in the Purchasing Handbook.

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- (b) Contracts, commitments, or purchases of ten thousand (\$10,000.00) below the State formal bid threshold (as defined by State Board of Education Administrative Rule 6A-1.012) or more for educational services or professional services, other than those described in Subsection (14) (a) herein, shall be approved by the Superintendent prior to execution.

16) Conflict of Interest

The following provisions shall apply for conflict of interest. Any violation of these provisions by a School Board employee may be grounds for dismissal.

- (a) No contract for goods or services may be made with any business organization in which:
 - 1. The Superintendent or School Board member has any financial interest whatsoever;
 - 2. A spouse or child of the Superintendent or School Board member has an employment relationship or material interest as defined by Section 112.312, Florida Statutes; or,
 - 3. A School Board employee has an employment relationship or material interest as defined by Section 112.312, Florida Statutes.
- (b) No School Board employee may directly or indirectly purchase or recommend the purchase of goods or services from any business organization in which his/her spouse or child has a material interest as defined by Section 112.312, Florida Statutes.
- (c) School Board employees or officials may not use bid prices or school prices or receive gifts or any preferential treatment in making personal purchases. A School Board employee shall not be prohibited from participating in any activity or purchasing program that is publicly offered to all School Board employees or in District surplus sales provided there is no preferential treatment.

(17) Multi-Year Purchase Agreements

No obligation shall be created by contract, purchase order, maintenance agreement, lease-purchase agreement, lease agreement, or other instrument which exceeds a period of twelve (12) months. The Superintendent shall develop and prescribe a uniform termination clause which shall be incorporated in and made a part of any multi-year obligation agreement or contract.

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(18) Resolutions of Protests

Procedures governing the resolution of protests on specifications contained with an invitation to bid or a request for proposal shall be described in the Purchasing Handbook adopted by the School Board. When a satisfactory resolution is not reached based on these procedures, the School Board shall refer the matter to the Division of Administrative Hearings, Florida Department of Administration, for a formal hearing pursuant to Section 120.57(1), Florida Statutes.

STATUTORY AUTHORITY: 1001.41 (2), 1001.42 (17), 337.11(5)(a), F.S.

LAWS IMPLEMENTED: 112.312; 120.53; 120.57; 212.08, 212.0821, 1010.01, 1010.04, 1011.06, 1011.07, 255.04, 1001.43, 1013.47, 274.02, 287.017, 287.057, F.S.

STATE BOARD OF EDUCATION RULE: 6A-1.012; 6A-7.042

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