

PURCHASING AND ACQUISITION

CH
(LOCAL)

The Board delegates to the Superintendent or designee the authority to determine the method of purchasing, in accordance with CH(LEGAL), and to make budgeted purchases for goods and services as provided in this policy [see PURCHASING AUTHORITY, below].

Purchases valued at \$50,000 or more in the aggregate of a 12-month period shall be preceded by a formal procurement process to the full extent required by law. [See CH(LEGAL)]

PURCHASING
AUTHORITY

The Board delegates to the Superintendent the authority to make budgeted purchases of goods and services that cost up to \$100,000 and other purchases of goods and services in accordance with other provisions in this policy.

The Board also delegates to the Superintendent the authority to make budgeted sole-source purchases of water, wastewater, electricity, and natural gas services from government-owned or government-regulated utilities.

The Superintendent shall also be authorized to approve budgeted purchases of goods and services made in accordance with an interlocal cooperative contract up to \$250,000 per vendor in the aggregate of a 12-month period.

Purchases utilizing any amount of federal funds shall comply with all applicable federal requirements.

Purchases utilizing grant funds shall comply with any applicable requirements of the grant.

Unless otherwise provided in this policy, the following shall require Board approval:

1. Contracts for goods and services, regardless of amount, that require Board approval in accordance with state law.
2. Purchases of goods and services that cost \$100,000 or more.
3. Sole-source purchases.
4. Fees for professional educational services:
 - a. If the fee is \$100,000 or more per vendor and a documented competitive process has been used; or
 - b. If the fee is \$50,000 or more per vendor and a documented competitive process has not been used.
5. Amendments to contracts for non-construction goods or services if the cost of the amendment, or aggregate costs of all amendments to the contract, result in an increase of \$50,000

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or more. No amendment shall be approved that increases the original contract award amount by 25 percent of the original award.

6. Options to extend a contract, ~~at the discretion of the District, that were included as part of the original contract award.~~
THAT WOULD DEVIATE FROM THE TERMS OF THE ORIGINAL CONTRACT. OTHERWISE, THE SUPERINTENDENT HAS THE AUTHORITY TO EXTEND THE CONTRACT.
7. Interlocal cooperative contract purchases of \$250,000 or more per vendor in the aggregate of a 12-month period or combined purchases over \$250,000 that would have been made in a single purchase regardless of the number of vendors, if procured through the normal purchasing practices.

AUTHORIZED
PURCHASES

Authorized District employees in charge of a department or school budget may purchase items included in their approved budget, in accordance with administrative procedures subject to Board approval requirements. [See CH(LEGAL)] All purchase orders must be authorized prior to actual purchase.

COMPETITIVE
BIDDING

If competitive bidding is chosen as the purchasing method, the Superintendent or designee shall prepare bid specifications. All bids shall be submitted in sealed envelopes, plainly marked with the name of the bidder and the time of the bid opening. Bids shall be opened at the time specified. All interested parties shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

The District may reject any and all bids.

BIDS NOT REQUIRED
BY LAW

For bids that are not required by law, the Board shall accept the bid that it deems to be in the best interest of the District. Quality and suitability of the product, and not price alone, shall be considered in the acceptance of bids. Consideration shall also be given to the bidder's references and record for responsibility, knowledge of the product, and service.

SOLE SOURCE

Personal and professional services should ordinarily not be recommended to the Board for purchase on a "sole-source" basis but rather should be preceded by some type of competitive procurement, such as a request for proposals or a request for qualifications pursuant to the professional services procurement act.

Regarding purchases of personal property, the fact that a particular item is covered by a patent or copyright should be but one factor in determining if the purchase falls under the sole-source exemption

to procurement requirements. The administration should recommend the purchase of such items on a sole-source basis only if there is no other like items available for purchase that would serve the same purpose or function and only if one price for the item is available because of exclusive distribution or marketing rights. The District administration shall obtain and retain documentation that clearly delineates the reasons that qualify the purchase to be made on a sole-source basis from the vendor and/or from other reliable sources. When considering whether a certain provider is the "sole source" of a particular good or service, the administration shall determine whether:

1. The vendor is the sole person or entity in the world legally entitled to provide the particular good or service to the District; and
2. The particular good or service has functional equivalents that can be obtained from other sources and provide supporting information and/or documentation for such determinations.

For example:

- Example A: If Vendor A is the local supplier for Product X, but there are other distributors for Product X not prohibited by the manufacturer or by law from selling Product X to the District, then a purchase of Product X from Vendor A shall not be made on a "sole-source" basis.
- Example B: If Vendor B is the only authorized dealer of Product Y in the state of Texas but Product Z is the functional equivalent of Product Y and is available from Vendor C, then a purchase of Product X from the vendor shall not be made on a "sole-source" basis.

DELEGATION

At its discretion, the Board may delegate to the Superintendent or other staff the authority to accept or reject bids on purchases of goods or services not required by law to be bid. On bids required by law, the Superintendent or designee shall evaluate the bids and shall make a recommendation to the Board as provided in policy.

QUOTES ON
PERMISSIVE BIDS

Unless waived in writing by the Superintendent, even if not required by law [see CH(LEGAL)], for all purchases valued at more than \$10,000 and less than \$50,000 in the aggregate for each 12-month period:

1. Written or telephone quotes shall be obtained from three vendors and tabulated by the Superintendent or a designee from the purchasing department; and

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2. The Superintendent or designee from the purchasing department shall approve:
 - a. The selection of the vendor; and
 - b. The related purchase order for which quotes have been obtained if the expenditure is expected to exceed \$10,000.

REQUESTS FOR PROPOSALS

If a request for proposal is chosen as the purchasing method, the Superintendent or designee shall prepare the request for proposals and/or specifications. All proposals shall be submitted in sealed envelopes, plainly marked, with the name of the proposer and the due date and time of submittal. Proposals received after the specified time shall not be considered. Proposals may be withdrawn prior to the scheduled time for submittal. In contrast to competitive bidding, clarifications and changes in the content of a proposal and in prices may be negotiated with all proposers or with the proposer(s) with the most attractive proposal after proposals are opened. All negotiations and all "best and final" offers shall cease two days before the recommendation or the Board agenda item(s) is sent to the Board.

The District may reject any and all proposals.

EDUCATIONAL PROFESSIONAL SERVICES

An administrator may enter into, and determine the appropriate fees per vendor for, agreements with education professional service providers if the total fee is less than \$5,000. Fees per vendor in excess of \$5,000 must be approved by the Superintendent or the chief financial officer, and by the Board, as required in this policy, prior to finalizing the contract. Fees shall be established at the time of finalizing the contract.

PURCHASE COMMITMENTS

All purchase commitments shall be made by the Superintendent or designee on a properly drawn and issued purchase order, with the following exceptions:

1. A District credit card as outlined in the administrators' reference guide; or
2. A direct payment as outlined in the administrators' reference guide.

All regular creditors of the District shall be notified that purchase commitments made without a properly drawn purchase order and not signed by the Superintendent or designee shall not be honored by the District.

RESPONSIBILITY FOR DEBTS

The District shall be responsible for debts incurred in the name of the District so long as those debts are for purchases made in ac-

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cordance with adopted Board policy and current administrative procedures regarding purchasing and expending. The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control; persons making unauthorized purchases (without properly executed purchase orders) shall assume full responsibility for all such debts.

AGENTS FOR
DISTRICT

The District shall not be responsible nor liable for the payment of any commission, fee, or compensation to any broker, agent, or representative who undertakes to perform services for the District in the absence of a written agreement to do so.

INDEMNIFICATION
CONTRACTS /
PROFESSIONAL
SERVICES

No District employee shall be authorized to bind the District or any department or campus of the District to indemnification and/or to hold harmless agreements for the benefit of any outside party in any contract signed on behalf of the District, department, and/or campus, unless otherwise specifically approved by the Board.

PERSONAL
PURCHASES

District employees shall not make purchases of any kind for personal use through the District.

SPECIFICATIONS

Specifications for all items to be purchased through bids shall be prepared by the Superintendent or designee subject to review by the Board as provided in this policy.

MASTER VENDOR LIST

The purchasing department shall maintain a master vendor list of each vendor, by product category, who has requested to be considered by the District as a potential vendor. Upon the issuance of a quote, a request for proposal, or a competitive bid, the purchasing department shall obtain the names of prospective vendors by category from the master vendor list for distribution. The purchasing department master vendor list shall supersede any department or campus vendor list. All departments and/or campuses must provide the purchasing department with a list of all vendors to be considered by the District as potential vendors.