

PURCHASING AND ACQUISITION

CH
(LOCAL)

**Purchasing
Authority**

The Board delegates to the Superintendent 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~~ **\$100,000** 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) or CBB(LEGAL), as appropriate]

The Board delegates to the Superintendent the authority to make single, budgeted purchases of goods and services that cost up to \$100,000.

The Superintendent shall provide quarterly reports to the Board showing purchases by vendor that have exceeded \$100,000 in the aggregate. Separate, sequential, or component purchases shall not be used to circumvent the Superintendent's purchasing authority.

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.

Purchases utilizing any amount of federal funds shall comply with all applicable federal requirements. [See CBB(LEGAL)]

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. 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 or more. No amendment shall be approved that increases the original contract award amount by 25 percent of the original award.
5. Options to extend a contract that would deviate from the terms of the original contract. Otherwise, the Superintendent

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has the authority to extend the contract. The Superintendent shall make quarterly reports on contractual options exercised.

Exception for
Emergency
Contracts

In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]

The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]

Purchasing
Procedures

The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]

**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.

**Electronic Bids or
Proposals**

Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Competitive Bidding

If competitive bidding is chosen as the purchasing method, the procurement services department, in collaboration with the requesting campus/department, shall prepare bid specifications. All bid responses shall be submitted via the District's online bidding portal. If hard copy responses are provided, they must be 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 accepted or considered.

The District may reject any and all bids.

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**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 of responsibility, knowledge of the product, and service, as well as any other factors listed in the bid.

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 procurement services department shall facilitate the evaluation of responses and make a recommendation to the Board as provided in policy.

**Requests for
Proposals**

If a request for proposal is chosen as the purchasing method, the procurement services department, in collaboration with the requesting campus/department, shall prepare the request for proposals and/or specifications. All proposals shall be submitted via the District's online bidding portal. If hard-copy responses are provided, they must be 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 accepted or 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 any and/or all proposers to include the proposer(s) with the most attractive proposal after proposals are opened.

The District may reject any and all proposals in accordance with state or federal law, as applicable.

**Purchase
Commitments**

All purchase commitments shall be made by the Superintendent 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 and fully executed purchase order 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 accordance 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

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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.

Master Vendor List

The procurement services 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 procurement services department shall obtain the names of prospective vendors by category from the master vendor list for distribution. The procurement services department master vendor list shall supersede any department or campus vendor list. All departments and/or campuses must provide the procurement services department with a list of all vendors to be considered by the District as potential vendors.