

**PROPOSED**

**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 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. and other purchases of goods and services in accordance with other provisions in this policy. 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.

~~The Superintendent shall also be authorized to approve budgeted purchases of goods and services made in accordance with an interlocal cooperative contract up to \$100,000 per vendor in the aggregate of a 12-month period.~~

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

- Options to extend a contract that would deviate from the terms of the original contract. Otherwise, the Superintendent has the authority to extend the contract. **THE SUPERINTENDENT SHALL MAKE QUARTERLY REPORTS ON CONTRACTURAL OPTIONS EXERCISED.**

~~6. Interlocal cooperative contract purchases of \$100,000 or more per vendor in the aggregate of a 12-month period or combined purchases over \$100,000 that would have been made in a single purchase regardless of the number of vendors, if procured through the normal purchasing practices.~~

**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, Superintendent** shall prepare bid specifications. All bids **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.

**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** ~~for~~ responsibility, knowledge of the product, and service, **AS WELL AS ANY OTHER FACTORS LISTED IN THE BID.**

**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 **PROCUREMENT SERVICES DEPARTMENT** Superintendent shall **FACILITATE THE EVALUATION OF RESPONSES** 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~~
- ~~2. The Superintendent 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 **PROCUREMENT SERVICES DEPARTMENT, IN COLLABORATION WITH THE REQUESTING CAMPUS/DEPARTMENT,** ~~Superintendent~~ 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** ~~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 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 ~~and not signed by the Superintendent~~ 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 directly under Board control; persons making unauthorized purchases (without properly executed purchase orders) shall assume full responsibility for all such debts.

<b>Agents for District</b>	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.
<b>Indemnification Contracts / Professional Services</b>	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.
<b>Personal Purchases</b>	District employees shall not make purchases of any kind for personal use through the District.
<b>Specifications</b>	<del>Specifications for all items to be purchased through bids shall be prepared by the Superintendent subject to review by the Board as provided in this policy.</del>
<b>Master Vendor List</b>	The <b>PROCUREMENT SERVICES</b> <del>purchasing</del> 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 <b>PROCUREMENT SERVICES</b> <del>purchasing</del> department shall obtain the names of prospective vendors by category from the master vendor list for distribution. The <b>PROCUREMENT SERVICES</b> <del>purchasing</del> department master vendor list shall supersede any department or campus vendor list. All departments and/or campuses must provide the <b>PROCUREMENT SERVICES</b> <del>purchasing</del> department with a list of all vendors to be considered by the District as potential vendors.