

**Board Policy DJE: Purchasing**

**Status:** ADOPTED

**Original Adopted Date:** 01/12/2004 | **Last Revised Date:** 10/18/2021 | **Last Reviewed Date:** 10/18/2021

## Purchasing

The DeKalb County Board of Education (“Board”) is committed to the establishment of policies for sound fiscal management of the DeKalb County School District (“District”) in the area of procurement.

### I. BOARD GOVERNANCE

Authority to commit or spend District funds for the purchase of goods and services is vested in the Board of Education and is to be administered and managed by the Superintendent and staff in accordance with the policies, rules and regulations of the Board, the District, the Board-approved budget, the State Board of Education, and in compliance with federal and state laws.

District funds shall not be committed or spent unless there is an approved budget item and available funds in the appropriate account. All purchases for which there are not budgeted funds require the prior approval of the Board. Deficit spending is not permitted.

Staff members involved in the purchasing and procurement processes shall comply with all applicable federal, state and local laws, as well as the policies, rules, and regulations of the DeKalb County Board of Education, the State Board of Education and the Georgia Professional Standards Commission as applicable.

The Finance Division through the Purchasing Department shall be responsible for the day-to-day management of procurement and shall produce and issue purchase orders for both capital and non-capital projects. The Finance and Operations Divisions shall work cooperatively to facilitate the District’s purchasing and procurement processes.

### II. DEFINITIONS

A. As used in this policy, the term “capital project(s)” means:

1. The building, designing, altering, repairing, improving, replacing, retrofitting or demolishing of any public school structure, educational or administrative facility in the DeKalb County School District;
2. The acquisition of school sites, buildings, or other fixed assets, whether by purchase or lease purchase; or
3. The initial equipping and furnishing of educational facilities included under a capital contract.

The term “capital project(s)” does not include the routine operation, repair, or maintenance of existing structures, buildings, fixed assets, or real property.

B. The term “professional services” means services that require:

1. A degree in a particular professional field;
2. A license from a state oversight board or similar authority; or
3. The exercise of specialized skill, knowledge, creativity, or technical abilities.

Professional services may also include services rendered by an individual licensed under Title 43 of the Official Code of Georgia who is in good standing and that individual is performing that service.

Examples of professional services include: accountants, actuaries, appraisers, architects, attorneys, brokerage firms, business consultants, educational consultants, engineers, financial advisors, land surveyors, landscape architects, mental health professionals, occupational therapists, physical therapists, physicians, program managers, psychologists, public relations professionals, recruiters, researchers, real

estate appraisers, real estate brokers, speech-language pathologists, software engineers, translators, web designers, and members of state-regulated professions.

Professional services typically are better suited to a qualitative or subjective method of assessment, rather than a rigidly quantitative or objective method of assessment.

C. The term "Superintendent" means the Superintendent of the District, including the Superintendent's authorized designees.

### III. COMPETITIVE SELECTION

Competition among those seeking to do business with the District helps ensure that the District receives the best price for the goods and services it needs. The Superintendent shall adopt regulations consistent with this policy, further detailing the competitive selection of vendors.

The Board reserves the right to reject any or all bids or proposals submitted in response to any solicitation and to cancel and/or re-solicit any solicitation. The Board also reserves the right but shall not be obligated to waive technicalities and informalities for all bids or proposals submitted in response to any solicitation.

#### A. Competitive Selection Process

1. **Dissemination of Solicitation; Advertisement** – Solicitations for services or goods shall be advertised in the official legal organ of the county, on the District's procurement services website, the Georgia Procurement Registry and notification sent to a list of prospective vendors. Any other methods of advertisement including other appropriate websites identified as likely to result in additional competition may be used in addition to required advertisements, at the discretion of the Superintendent.
2. **Receipt of Responses** – Solicitation responses must be submitted in a sealed envelope or package and mailed/delivered to the address shown on the solicitation document.
3. **Response Opening** - Solicitation responses shall be opened publicly in the manner and on the date and at the time and place designated in the solicitation.
4. **Response Evaluation** – Competitive solicitations shall be evaluated based on the requirements set forth in the solicitation.
5. **Proprietary Information** - Information submitted by a respondent that is specifically marked "proprietary" shall not be disclosed by the District to other persons without prior written notification to the respondent. The District shall comply with any applicable law regarding disclosure, including the Georgia Open Records Act, O.C.G.A. §50-18-70, et seq.

In the event the District receives less than three (3) responses, a market analysis should be performed. However, there may be rare circumstances in which a market analysis is not feasible. In such instances, timely notification to all Board members is required in advance of the item being presented for Board approval.

#### B. Competitive Selection of Vendors for Capital Projects

1. Purchases or contracts with a total estimated cost of \$5,000.00 or less shall be made at the discretion of the District.
2. Purchases or contracts with a total estimated cost of \$5,000.01 to \$99,999.99 shall be made on the basis of at least two written quotations and selected based on objective criteria of performance and ability to execute.

3. Purchases or contracts with a total estimated cost of \$100,000.00 or more shall be awarded through a written competitive sealed bid process to the lowest responsible, responsive bidder or through a competitive request for proposal process where the offer deemed to be most advantageous to the District may be selected. The decision whether or not to use a competitive sealed bid or a competitive request for proposal shall be made by the Superintendent or the Superintendent's authorized designee, based on sound business judgment and the best interest of the District. Bid requests, requests for proposals or purchases must not be divided into smaller units in order to circumvent the competitive selection requirements.

4. Contracts for professional services, as defined above, shall be awarded in the manner best suited to allow a full assessment of professional abilities and other relevant criteria, while also ensuring an open and fair selection process that engenders public confidence. Competitive bidding seldom will be the best method for selecting professional services.

5. Proof of appropriate insurance shall be required for all bids or proposals on capital projects with a total estimated cost of \$100,000.00 or more, and may be required for bids or proposals with a total estimated cost of less than \$100,000.00 at the discretion of the Superintendent or the Superintendent's authorized designee. Payment, performance, and bid bonds in the amount of 5% of the bid or proposal shall be required for all capital contracts of \$100,000.00 or more, and may be required for bids or proposals with a total estimated cost of less than \$100,000.00 at the discretion of the Superintendent or the Superintendent's authorized designee.

6. Bidders on capital projects of \$50,000.00 or more are required to provide a list of subcontractors whose contracts will exceed five percent of the general contract. At the discretion of the Superintendent or the Superintendent's authorized designee, such subcontractor list may also be required from bidders on capital projects of less than \$50,000.00 and where subcontractor contracts will not exceed five percent of the general contract. Bid requests must not be divided into smaller units in order to circumvent the competitive selection requirements.

7. To the extent applicable, all capital project solicitations shall meet the requirements of Chapter 91 of Title 36 of the Georgia Code, the Georgia Department of Education Rules and Regulations applicable to capital projects, and any other applicable state and federal law.

8. Prior to issuing a request for proposal on a capital project, the Superintendent or the Superintendent's authorized designee shall obtain a letter from legal counsel stating that the proposal has been reviewed and meets the criteria required by O.C.G.A. §§ 36-91-20 and 36-91-21.

### **C. Competitive Selection of Vendors for Non-Capital Projects**

1. Purchases or contracts with a total estimated cost of \$5,000.00 or less shall be made at the discretion of the District.

2. Purchases or contracts with a total estimated cost of \$5,000.01 to \$99,999.99 shall be made on the basis of at least two written quotations and selected based on objective criteria of performance and ability to execute.

3. Purchases or contracts with a total estimated cost of \$100,000.00 or more shall be awarded through a written competitive sealed bid process to the lowest responsible, responsive bidder, or through a competitive request for proposal process where the offer deemed to be the most advantageous to the District may be selected. The decision whether to use a competitive sealed bid or a competitive request for proposal shall be made by the Superintendent or the Superintendent's authorized designee, based on sound business judgment and the best interest of the District. Purchases shall not be divided into smaller units or lesser amounts in order to circumvent the competitive selection requirements.

4. Contracts for professional services, as defined above, shall be awarded in the manner best suited to allow a full assessment of professional abilities and other relevant criteria, while also ensuring an open and fair selection process that engenders public confidence. Competitive bidding seldom will be the best method for selecting professional services.

#### **D. Exceptions to Competitive Selection**

1. All exceptions to competitive selection must be properly documented in the project and/or contract file in a manner prescribed by the Superintendent or the Superintendent's authorized designee.

2. These exceptions allow staff to select vendors without employing the competitive selection methods described above. Unless otherwise stated, however, approval at the appropriate level of authority is still required.

3. Use of the competitive selection measures described above is not required when:

a. **Emergency Purchases.** The purchase or contract is necessitated by an emergency, defined as any situation that threatens to jeopardize the health, welfare or safety of students, staff, the District or the public or the loss of an essential District service, including but not limited to interruption of the instructional program. Such emergency purchases shall be made with as much competition as is practicable under the circumstances. Emergency purchases of \$25,000.00 or more require prior approval by the Superintendent or the Superintendent's authorized designee and timely notification to all Board members. Not later than the Board's next regular meeting following the emergency purchase, any contract or purchase awarded in an emergency situation shall be ratified by the Board and the Board shall receive a written report describing the nature of the emergency, a listing of goods and services procured under the contract or purchase, the selection process for the provider, the name of the provider and the amount of the purchase, all of which shall be described in the Board minutes.

b. **Sole Source.** The required goods or services can only be obtained from one source in the marketplace. Such goods or services will usually be of a unique nature and have performance characteristics that can only be obtained from that source. Written documentation of such determination, in a manner prescribed by the Superintendent or the Superintendent's authorized designee, shall be maintained in the project and/or contract files. For capital improvement projects, specified equipment and materials of a proprietary nature will be identified and submitted to the State DOE Receiving State Capital Outlay Funds 160-5-4-.16(a)(8).

c. **Single Source.** The required goods or services can only be obtained from one source among others in a competitive marketplace for a substantial reason such as compatibility or standardization provided a reasonably diligent search has been made for other vendors or other appropriate information has been obtained to determine a vendor's single source status. Written documentation of such determination, in a manner prescribed by the Superintendent or the Superintendent's authorized designee, shall be maintained in the project and/or contract files. For capital improvement projects, specified equipment and materials of a proprietary nature will be identified and submitted to the State DOE Receiving State Capital Outlay Funds 160-5-4-.16(a)(8).

d. The purchase is made through contracts formally solicited and obtained by the State of Georgia, or any other political subdivision of the State of Georgia, the federal government, or some other governmental agency. The Purchasing Department shall be authorized to make purchases through inter-governmental and educational cooperatives, alliances and consortiums to achieve cost savings and administrative

efficiencies based on economies of scale.

e. The expenditure is for personal employment services rendered by full-time or part-time employees who are under the control of the Board and are paid wages for their service. Employment of personnel is handled by the Department of Human Capital Management.

f. The expenditure is for special education services or other student services required by state or federal law.

g. The purchase is for instructional materials or programs selected in accordance with Board Policy IFA or selected by qualified professional personnel, based on sound pedagogical judgment and the best interest of the District, and acting at the direction of the Superintendent or the Superintendent's authorized designee. The types of instructional materials and programs covered by this exception include:

(1) Instructional programs and textbooks;

(2) Supplemental materials needed for instruction in the school such as films, slides, videotapes, CDs, DVDs, educational kits, posters, displays, games, computer software, software licenses, subscriptions, newspapers, periodicals, library books, reference materials, or other instructional material purchased from the publisher, distributor, or agent.

(3) Test, test preparation, and test scoring services of a standardized examination purchased from the publisher or licensed agent;

(4) Membership in various educational or related organizations, agencies or services providing direct benefits to the District;

(5) Instructional material listed in the K-12 Curriculum Supplemental Materials Catalog;

(6) Professional training programs for staff, the selection of which is left to the professional judgment of the administrator responsible for the professional development of the personnel attending or participating; and

(7) Mandated testing, instructional programs, and instructional materials approved by the Georgia Department of Education (GaDOE). A copy of the GaDOE approval shall be submitted with the request to purchase these materials\items.

h. The purchase is a continuation of an existing purchase agreement, bid, request for proposal, time and material contract, rental, lease, or purchase order duly authorized by the Board or its agent.

i. The expenditure is for maintenance services from the original vendor or an authorized agent of the original vendor and these services cannot be competitively bid.

j. The expenditure is for additional orders of like equipment, materials, supplies, services, rentals, or leases previously approved, provided the additional order is at the same or a lower price, or the original contract included an automatic price adjustment based on the Consumer Price Index or the Producer Price Index for commodities or services.

k. The contract is for services to be provided by a government agency.

l. The expenditure is for Workers Compensation and Risk Management insurance claims made under existing legal policy or contract requirements.

#### **IV. REQUIRED LEVELS OF APPROVAL**

The appropriate level of approval is required for all contracts and purchases, including those that fit within an exception to the competitive selection measures. All contracts and purchases for capital and non-capital projects require approval at the following levels before obligating the District:

##### **A. Independent Contractor Agreements**

1. Independent contractor agreements with a total cost of \$49,999.99 or less require the prior approval of the Superintendent or the Superintendent's authorized designee, with the exception of certain local school purchases as set forth in Policy DJEG or other exceptions set forth explicitly in Board Policy of Administrative Regulations.
2. Independent contractor agreements with a total cost of \$50,000.00 or more require Board approval based on the recommendation of the Superintendent.

##### **B. Levels of Approval for Capital Projects**

1. Purchases and contracts with a total cost of \$99,999.99 or less require the prior approval of the Superintendent or the Superintendent's authorized designee, with the exception of certain local school purchases as set forth in Policy DJEG or other exceptions set forth explicitly in Board Policy or Administrative Regulations.
2. Purchases and contracts with a total cost of \$100,000.00 or more require Board approval based on the recommendation of the Superintendent.

##### **C. Levels of Approval for Non-Capital Projects**

1. Purchases and contracts, excluding independent contractor agreements, with a total cost of \$99,999.99 or less require the prior approval of the Superintendent or the Superintendent's authorized designee, with the exception of certain local school purchases as set forth in Policy DJEG or other exceptions set forth explicitly in Board Policy or Administrative Regulations.
2. Purchases and contracts, excluding independent contractor agreements, with a total cost of \$100,000.00 or more require Board approval based on the recommendation of the Superintendent.

##### **D. Additional Provisions**

1. When a vendor has separate contracts or purchases with the District, Board notification via the vendor spend report is required when the total of all contracts and purchases with that vendor would exceed \$100,000.00 in any fiscal year.
2. Contracts that are renewed or increased pursuant to change order, contract amendment, or revised purchase order require approval at the appropriate level based on the new contract total.
3. Purchases shall not be divided into smaller units or lesser amounts in order to circumvent the required level of approval.
4. All purchases and contracts under \$100,000.00 shall be reported to the Board monthly for information only, reflecting vendor, goods or services purchased, amount of purchase, and the name(s) of staff member(s) who signed/provided the approval.
5. The following types of purchases are strictly prohibited:

- a. Goods or services not directly related to job responsibilities or other official District business (i.e., personal purchases);
- b. Alcoholic beverages or products; and
- c. Tobacco products.

**E. Special Education and other Legally Mandated Student Services**

Expenditures for student services that are required by state or federal law will not require the use of competitive selection measures or the prior approval of the Board, provided there are budgeted funds available and the expenditures are included in the report of expenditures sent to the Board monthly for information only.

**F. Local School Purchases**

Local schools are authorized to purchase goods and services subject to monetary limits and other restrictions imposed by this Board Policy DJE and Board Policy DJEG and the Superintendent.

**V. PROVISIONS APPLICABLE TO ALL CONTRACTS AND PURCHASES**

**A. Equal Opportunity**

All vendors and contractors shall have an equal opportunity to participate in the District's purchasing and procurement processes without regard to race, color, sex, age, religion, disability national origin, ethnicity, veteran status, sexual orientation, gender identity or expression, genetic information or any other status or basis protected by applicable laws.

All vendors and contractors doing business with the District shall provide all persons with equal opportunity without regard to race, color, sex, age, religion, disability, national origin, ethnicity, veteran status, sexual orientation, gender identity or expression, genetic information or any other status or basis protected by applicable laws.

All procurements shall be awarded with the goal of upholding inclusive practices in the District's competitive solicitation process. The Superintendent is authorized to develop administrative regulations necessary to carry out the goals of inclusive and diverse practices among District vendors.

**B. Purchasing Card**

A purchasing card system shall be administered by the Purchasing Department and Purchasing Manager or designee. The system shall allow purchases to be made by persons outside of the Purchasing Department who have been approved to use the purchasing card. Specific limits as to dollar amounts per purchase, dollar amount per month and types of products or services to be purchased shall be followed as outlined in the Purchasing Card Guidelines and other policies and procedures of the District's Purchasing Card Program.

Purchasing cards may be issued to elected or appointed members of the Board of Education, department heads, executive level staff, or school/division heads. The card shall be used solely for the purpose of purchasing items and services that are directly related to the duties of the DeKalb County Board of Education and the DeKalb County School District, in accordance with Regulation DJE-R(1) and in accordance with the policies and procedures of the District's Purchasing Card Program.

Prior to the use of the purchasing card, the authorized user shall sign and accept an agreement with DeKalb County School District that they will use such cards only in accordance with the policies and procedures of the DeKalb County School District and applicable guidelines. There shall be a per transaction limit of \$5,000.00 on the purchasing cards.

The following types of purchases are strictly prohibited:

1. Personal purchases or cash withdrawals.
2. Cash advances.
3. Transactions beyond the daily expenditure limit as determined by the Purchasing Department

and the monthly expenditure limit of \$20,000.00.

4. "Multiple swipes" to enable a single purchase over \$5,000.00 or to evade the per-transaction limit of \$5,000.00. Multiple swipes are defined as multiple purchases made by the same cardholder, on the same day, from the same vendor, to enable a single purchase. The invoice total must correspond to the transaction amount total for each vendor.

5. Equipment purchases exceeding \$999.99. The purchasing card cannot be used to purchase electronic tablets, computer hardware, smart watches smart phones, or similar equipment.

6. Sales tax. The DeKalb County Board of Education's tax-exempt number is printed on the front of each purchasing card. In the event sales tax is charged in error, a reimbursement check must be submitted immediately by the cardholder.

7. Gift cards, stored value cards, calling cards and similar products.

8. Furniture purchases.

9. Food or gratuity purchase, with the exception of purchases set forth in Regulation DJE-R-(1).

10. Data plans, software, or applications for non-District issued devices.

11. No professional services.

The Purchasing Manager or designee shall periodically, but not less than annually, conduct audits of the purchasing card program to ensure that purchases made are related to the duties of the DeKalb County Board of Education and the DeKalb County School District.

Misuse of a purchasing card constitutes a serious breach of the public trust. Cardholders, program users, or others who knowingly, or through willful neglect, fail to comply with the purchasing card program may be subjected to suspension or termination of account privileges or other disciplinary action, up to and including termination of employment and other civil or criminal penalties to the fullest extent of the law.

### **C. Requests for Information**

Requests for information may be issued by the Purchasing Department to acquire information from market participants before soliciting bids or proposals. Contracts shall not be awarded based on Requests for Information. Requests for Information, however, may become the basis for subsequent Request for Proposals.

### **D. Requests for Qualifications**

Requests for Qualifications may be issued by the Purchasing Department as needed to establish a pool of qualified suppliers of goods and services.

### **E. Multi-Year Contracts**

Multi-year contracts with vendors are permissible, provided they comply with O.C.G.A. § 20-2-506 and any other applicable state and federal laws as well as Board policies and any restrictions imposed by the Superintendent. Any renewal or extension of a multi-year agreement must have the approval of the Board if the cost of the renewal or extension will be \$100,000.00 or more.

### **F. Purchasing Ethics**

All employees shall purchase and procure goods and services and maintain vendor/supplier relationships in an ethical manner and shall act as responsible stewards of public funds. Employees shall not use any information gained in the performance of their duties to advance their own or any other person's financial or private interests. The Superintendent provides the expectations listed below with the full knowledge that the good judgment of each employee is essential, and that no list of rules or guidelines can provide direction for all circumstances that arise. Employees who have questions about a potential ethical concern, or any employee who observes or has reason to believe that Board policy has been violated or that unlawful conduct has

occurred or is occurring in connection with the procurement of goods or services for the District, must report the situation or concern to the immediate supervisor, the Chief Financial Officer, the Chief Legal Officer and/or the Superintendent. Employees who violate procurement ethics expectations shall be subject to disciplinary action, up to and including termination, and may be subject to civil and criminal penalties as applicable, to the fullest extent of the law.

Expectations of employees involved in the purchasing and procurement processes are as follows:

1. District employees shall not solicit or knowingly accept any gift, gratuity, loan, special discount, entertainment, transportation, lodging, meals, favor, promise of future employment, or any economic opportunity, except those of value less than \$100.00 from any individual, entity, vendor or supplier that is interested directly or indirectly in business dealings or is doing business with the District, except in the following situations:
  - o Meetings/conferences where goods or services are conveyed to all attendees and in the best interest of the District, as determined by the Superintendent;
  - o Goods that are divisible among employees or otherwise shared in the office environment;
  - o Gifts, per occurrence, that are naturally divisible may be accepted on behalf of the District but must be shared with, made available to, or presented to co-workers and/or the entire department. Examples of such gifts are as follows: flowers, food/gift baskets, art, advertising items, and instructional products.
2. Employees may not change the weightings or criteria after receiving bids or proposals unless legitimate, new information has been discovered, documented appropriately, and approved by the Purchasing Manager or designee.
3. Employees may not release records that contain cost estimates and/or pending, rejected, or deferred bids or proposals until the final award of the contract is made, or the project is terminated or abandoned. If such records are requested and subject to release, such release shall be done in accordance with the Georgia Open Records Act.
4. If an employee, the employee's relative, or a friend owns, manages, or sells for a vendor/supplier, the employee must recuse him/herself from decisions involving that vendor/supplier and should not access related information unavailable to competing vendors/suppliers.
5. If an employee has additional employment outside of the District, it must not conflict with, or appear to conflict with the interests of the District.

If an employee of the District is interested in doing business with the District as a vendor, the business dealing in which the employee is or seeks to become a vendor is allowable if the related vendor work being performed by such employee is outside of the employee's normal working hours and outside of the employee's area or department of work related to their employment with the District. Further, such business dealing must also be disclosed in writing to the Chief Human Capital Management Officer, the Purchasing Department and their immediate supervisor no more than 10 business days after the commencement of such employment.

The District seeks to ensure the effective and efficient operation of the school district by doing business exclusively with companies and individuals who are ethical, honest, and responsible. All vendors and contractors seeking to do business with the District must disclose to the District, at the time of bid or proposal and ongoing thereafter as requested by the Superintendent, all employees of the vendor who are employed by the District. Vendor contracts will be terminated if the vendor, subcontractors, or vendor subsidiaries are involved in unethical behavior with any District employee. The Board may exclude any individual or company from contracting with the District for a period of no more than three years, who is disqualified pursuant to this policy or who appears on any suspended, excluded or debarment list issued by an agency of the federal, state or local government. Failure to make any such disclosures shall result in sanctions as determined by the Superintendent up to and including prohibiting the vendor or contractor from doing business with the District, and in accordance with applicable law.

Violation of purchasing ethics constitutes a serious breach of the public trust and may result in termination of employment and/or referral to law enforcement authorities.

#### **G. Unauthorized Purchases**

Employees shall be prohibited from purchasing equipment, material, supplies, services, rentals or leases in any form not prescribed herein. Any purchase contrary to the procedures set forth and/or referenced herein shall be null and void and the Board shall not be bound thereby.

## **H. Disqualification of Bidders or Vendors**

A bidder or vendor may be disqualified from the award of a specific contract or from bidding on future contracts with the District if it is determined that the bidder or vendor, including the owners, officers, principals, or other individuals having a controlling interest in the business entity, has committed one or more of the following violations:

1. Has been convicted, at any time under any state or federal status, of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, antitrust or any other offenses indicating a lack of business integrity or business honesty which currently and directly affects its responsibility as a vendor with the District.
2. Has been debarred or disqualified from bidding on or making proposals to any federal, state, or local governmental entity or agency.
3. Has willfully failed to perform, without good cause, in accordance with the terms and conditions of one or more contracts, or has a recent record of such conduct, with the District.
4. Has willfully violated the protocol or the terms and conditions of a formal solicitation while it is still in process.
5. Has a recent, documented record of unsatisfactory performance on one or more contracts with the District or some other business entity.
6. Has submitted any false certification, bond, license, insurance information, or any other required contract documentation to the District.
7. Has failed to cooperate with a District investigation.
8. Has committed any other action of a serious or compelling nature that may adversely impact the operation or reputation of the District.

With the exception of a willful violation, of the terms and conditions of a formal solicitation while it is still in process, written rationale and justification from the Superintendent or the Superintendent's authorized designee, shall be required before any bidder or vendor may be disqualified under this policy and/or the implementing regulations. The Board authorizes the Superintendent to adopt and issue administrative regulations consistent with this Policy further detailing the disqualification process.

## **I. Withdrawal of Bids**

1. If, after bids are opened, the low bidder claims an appreciable error in the preparation of the bid and can support such claim with evidence satisfactory to the administrator responsible for the contracting department in collaboration with the Purchasing Department, the low bidder shall be permitted to withdraw the bid.
2. The District may convene a panel to review the bid before determining whether the low bidder made an appreciable error in the preparation of the bid as claimed. Costs incurred in connection with the review shall be borne by the bidder seeking to withdraw.
3. Action on the remaining bids shall be considered as though the withdrawn bid had not been received.
4. If the project is re-bid, the vendor who withdrew his bid shall not be permitted to submit a new bid on the project.

## **VI. INSURANCE**

When an insurance contract is to be purchased or renewed, specifications shall be prepared and presented to the Board for approval. The approval specifications shall be used to obtain quotes or bids for the necessary insurance.

## VII. IMPLEMENTING REGULATIONS

The Superintendent shall adopt administrative regulations for the day-to-day implementation of this policy. Regulations applicable to capital projects shall be consistent with Chapter 91 of Title 36 of the Georgia Code and any other applicable law.

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Note: To access the policy references, click here [State of Georgia Terms and Conditions](#)(<https://simbli.eboardsolutions.com/SU/amlgTZiB9plushNjl6WXhfiOQ==>) and close the LexisNexis tab, which will return you to the policy. Click on the links below to be taken to each specific code. **You should only have to do this one time per session.**

### State References

	Description
O.C.G.A. 20-02-0109	Duties of local school superintendents; reporting - <a href="https://simbli.eboardsolutions.com/SU/UawycIBGZyBplus34520esQVg==">https://simbli.eboardsolutions.com/SU/UawycIBGZyBplus34520esQVg==</a>
O.C.G.A. 20-02-0168	Distribution of federal funds; combined purchase of supplies and equipment; minimum school year; summer school programs; year-round operation - <a href="https://simbli.eboardsolutions.com/SU/6AyAplusVXeAczA1DJgDXzonw==">https://simbli.eboardsolutions.com/SU/6AyAplusVXeAczA1DJgDXzonw==</a>
O.C.G.A. 20-02-0506	Definitions; authority to enter into multiyear lease, purchase or lease purchase contracts - <a href="https://simbli.eboardsolutions.com/SU/LXSYui61IGsVPzslshQ8Q5NSA==">https://simbli.eboardsolutions.com/SU/LXSYui61IGsVPzslshQ8Q5NSA==</a>
O.C.G.A. 20-02-0520	Acquiring and disposing of school sites; building, repairing, renting, and furnishing schoolhouses - <a href="https://simbli.eboardsolutions.com/SU/KlhURxPdDaDykslshCVQ7hpVg==">https://simbli.eboardsolutions.com/SU/KlhURxPdDaDykslshCVQ7hpVg==</a>
O.C.G.A. 20-02-1014	Purchases to be at lowest price offered other schools - <a href="https://simbli.eboardsolutions.com/SU/a8277plusGWtlfXolan1wVyWA==">https://simbli.eboardsolutions.com/SU/a8277plusGWtlfXolan1wVyWA==</a>
O.C.G.A. 36-80-0027	Advertisement of bid or proposal opportunities in Georgia Procurement Registry - <a href="https://simbli.eboardsolutions.com/SU/Gj1I3OnrIWu6YmHr2VslshXQg==">https://simbli.eboardsolutions.com/SU/Gj1I3OnrIWu6YmHr2VslshXQg==</a>
O.C.G.A. 36-91-0020	Written contract required; advertising; competitive sealed bidding; timing of addendums; prequalification - <a href="https://simbli.eboardsolutions.com/SU/YFxtKmKbv7Z2AfJdR6l30Q==">https://simbli.eboardsolutions.com/SU/YFxtKmKbv7Z2AfJdR6l30Q==</a>
O.C.G.A. 50-05-0070	Purchases for county boards of education - <a href="https://simbli.eboardsolutions.com/SU/pN5ZbslshPxUslshopmnq4J2YChQ==">https://simbli.eboardsolutions.com/SU/pN5ZbslshPxUslshopmnq4J2YChQ==</a>

### Federal References

	Description
02 CFR 200.318	General procurement standards - <a href="https://simbli.eboardsolutions.com/SU/l4bglMaxmMtzU1plusFc5Mslsh8A==">https://simbli.eboardsolutions.com/SU/l4bglMaxmMtzU1plusFc5Mslsh8A==</a>
02 CFR 200.322	Domestic preferences for procurements - <a href="https://simbli.eboardsolutions.com/SU/U3QEZWgDnB1unYz5X9geSQ==">https://simbli.eboardsolutions.com/SU/U3QEZWgDnB1unYz5X9geSQ==</a>
07 CFR 210.21	Procurement-School Nutrition - <a href="https://simbli.eboardsolutions.com/SU/kzSmr6MhwofKdGGoEclW4w==">https://simbli.eboardsolutions.com/SU/kzSmr6MhwofKdGGoEclW4w==</a>