

Board Policy
Purchasing

Descriptor Code: DJE

The DeKalb County Board of Education is committed to the establishment of policies for sound fiscal management of the DeKalb County School 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 Board policy and the Board-approved budget.

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 no budgeted funds require the prior approval of the Board. Deficit spending is not permitted.

Staff members involved in the procurement process 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.

The Design and Construction Department shall be responsible for the day-to-day management of procurement for capital projects. The Purchasing Department shall be responsible for the day-to-day management of procurement for non-capital projects and shall produce and issue purchase orders for both capital and non-capital projects. Both Departments shall work cooperatively with the administrator responsible for the contracting department.

II. DEFINITIONS

A. As used in this policy, the term "capital project" means:

1. The building, designing, altering, repairing, improving, replacing, retrofitting or demolishing of any public school structure or educational 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 construction contract.

The term "capital project" does not include the routine operation, repair, or maintenance of existing structures, buildings, 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 typically are better suited to a qualitative or subjective method of assessment, rather than a rigidly quantitative or objective method of assessment.

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.

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 to waive technicalities and informalities for all bids or proposals submitted in response to any solicitation.

A. 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 \$99,999.00 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 to use a competitive sealed bid or a competitive request for proposal shall be made by the Superintendent or his/her designee, based on sound business judgment and the best interest of the District.
4. Contracts for professional services, as defined above, shall be awarded in the manner best suited to allowing 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 with a total estimated cost of \$100,000.00 or more. Payment , performance, and bid bonds in the amount of 5% of the bid or proposal shall be required for all construction contracts of \$100,000.00 or more.

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. Bid requests must not be divided into smaller units in order to circumvent this policy.

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 construction projects, and any other applicable state or federal law.

8. Prior to issuing a request for proposal on a capital project, the Superintendent or his/her 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.

B. 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 of 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 to use a competitive sealed bid or a competitive request for proposal shall be made by the Superintendent or his/her designee, based on sound business judgment and the best interest of the District.

4. Contracts for professional services, as defined above, shall be awarded in the manner best suited to allowing 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.

C. Exceptions to Competitive Selection

1. All exceptions to competitive selection must be properly documented in the project file.
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. The purchase or contract is necessitated by an emergency, defined as any situation resulting in imminent danger to the public health or safety or the loss of an essential governmental service. Only the Superintendent or his/her designee is authorized to declare an emergency. Emergency purchases shall be made using whatever process will enable the purchase to be made at the least cost to the District under the circumstances. Emergency purchases of \$25,000 or more require prior approval by the Superintendent and timely notification to all Board members. Any contract or purchase awarded in an emergency situation shall be ratified by the Board as soon as practicable but not later than the Board's next regular meeting, and the nature of the emergency shall be described in the Board minutes.
 - b. The required goods or services are available from only one source, provided a reasonably diligent search has been made for other vendors or other appropriate information has been obtained to determine a vendor's sole source status. Written documentation of such determination shall be maintained in the project files. For capital improvement projects, specified equipment and materials of a proprietary nature will be identified and submitted to the State DOE Facilities Services Unit for approval, following the Guidelines for Receiving State Capital Outlay Funds 160-5-4-.16(7).
 - c. The purchase is made through contracts formally solicited and obtained by the State of Georgia, the federal government, or some other government 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.
 - d. 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 Resources.

- e. The expenditure is for special education services or other student services required by state or federal law.
- f. 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 his/her 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, video tapes, 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 System;

- (5) Instructional material listed on 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 (GDOE). A copy of the GDOE approval shall be submitted with the request to purchase these materials/items.

- g. 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.

- h. 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.

- i. The expenditure is for additional orders of like equipment, material, 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.

- j. The contract is for services to be provided by a government agency.
- k. The expenditure is for Workers Compensation and Risk Management
 insurance claims made
 under existing legal policy or contract requirements.

V. 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. Levels of Approval for Capital Projects

1. Purchases and contracts of \$99,999.99 or less require the prior approval of Superintendent or his or her designee.
2. Purchases and contracts of \$100,000.00 or more require Board approval based on the recommendation of the Superintendent.

B. Levels of Approval for Non-Capital Projects

1. Purchases and contracts with a total cost of \$99,999.99 or less require the prior approval of the Superintendent or his or her designee.
2. Purchases and contracts of \$100,000.00 or more require Board approval based on the recommendation of the Superintendent.

C. Additional Approval Provisions

1. When a vendor has separate contracts or purchases with the District, Board approval 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 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 the approval.

D. 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.

E. Local School Purchases

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

VI. 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 process without regard to race, color, sex, age, religion, disability, or national origin.

B. Purchasing Card

A purchasing card system shall be administered by the Purchasing Department. This 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 amount 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.

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

C. Requests for Information

Requests for Information may be issued by the Design and Construction Department or the Purchasing Department, whichever is applicable, 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 a subsequent Request for Proposals.

D. Requests for Qualifications

Requests for Qualifications may be issued by the Design and Construction Department

or the Purchasing Department, whichever is applicable, 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 in all respects with 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

Employees involved in the District's purchasing and procurement decisions shall act as responsible stewards of public funds. They 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.

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 or entity that is interested directly or indirectly in business dealings or is doing business with the School District.

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. Failure to make any such disclosure shall result in sanctions as determined by the Superintendent or his or her designee, up to and including prohibiting the vendor or contractor from doing business with the District, in accordance with applicable law.

Any District 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 should report that behavior to the Superintendent or his or her designee.

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, rents or leases in any form not prescribed herein. Any purchase contrary to this procedure 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 statute 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 System.
2. Has been debarred 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 protocol or the terms and conditions of a formal solicitation while it is still in process, written rationale and justification from the administrator responsible for the contracting department with approval of the Board's legal counsel shall be required before any bidder or vendor may be disqualified under this policy. Disbarment citations shall be issued in writing.

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 his 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 rebid, the vendor who withdrew his bid shall not be permitted to submit a new bid on the project.

VII. INSURANCE

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

VIII. 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.

DeKalb County Schools

Date Adopted: 1/12/2004

Last Revised: 3/21/2012

Georgia Code	Description
O.C.G.A. 20-02-0109	<u>Duties of superintendents</u>
O.C.G.A. 20-02-0168	<u>Distribution of federal funds; summer school programs; year-round operation</u>
O.C.G.A. 20-02-0501	<u>Noncompliance with rules re: contracts/purchases over \$100</u>
O.C.G.A. 20-02-0503	<u>Purchasing educational information, literature and services</u>
O.C.G.A. 20-02-0506	<u>Authority to enter into multiyear lease, purchase or lease purchase contracts</u>
O.C.G.A. 50-05-0070	<u>Purchases for county boards of education</u>

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.