

CONTRACTS WITH THE BOARD

Policy: 6420/8460

The Board of Education is the sole entity authorized to execute formal contracts between the school system and any firm or person offering to provide apparatus, materials, equipment, or supplies (referred to herein as “goods”) or services of any kind to the school system. Creditors are on notice that the Board may choose not to honor contracts entered into by school or school system officials without authority to enter into contracts.

This Policy applies to all contracts entered into by the Board except for contracts related to real estate, construction, or construction repair.

A. Superintendent’s Authorization to Enter into Contracts

No contract requiring the expenditure of funds may be entered into unless the total annual budget adopted by the Board authorizes the expense and there is a sufficient unencumbered balance to pay the amount to be disbursed.

Unless otherwise prohibited by statute or regulation, the Superintendent or designee is authorized to enter into contracts or approve amendments to contracts for architectural, engineering, surveying, or construction management at-risk services for less than \$500,000 and all other contracts for services for less than \$350,000. Change orders to construction contracts are covered by policy 9030.

[The total value of a contract or expenditure shall not be divided to avoid requiring Board approval.](#)

The Superintendent may delegate their authority to enter contracts to administrators within the school system and is directed to adopt regulations specifying such authority. However, the Chief Finance Officer (CFO) must ensure compliance with all applicable state law for all lease-purchase agreements.

B. Preaudit Certification

If an obligation is reduced to a written contract or written agreement requiring the payment of money or is evidenced by a purchase order for supplies and materials, the written contract, agreement, or purchase order will include on its face a certificate stating that the instrument has been pre-audited to assure compliance with State law. No preaudit is required for (1) an obligation, or a document related to the obligation, that has been approved by the Local Government Commission; (2) payroll expenditures, including employee benefits; or (3) electronic payments made in compliance with rules adopted by the Local Government Commission.

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C. Standard Contract Terms

The Superintendent shall develop processes for contracting and required contract provisions, depending on the type of contract. Contracts will contain all provisions required by State law, and, in cases where the contract is using Federal funds, Federal law. This requirement includes contracts in which the Board has no payment obligation but is rather receiving funds or services, including but not limited to the requirements of [Article 6 of Chapter 147 of the General Statutes](#).

The Board's payment obligation under any contract that extends beyond the current fiscal year is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. All time and materials contracts must contain a maximum amount which the total charges to the Board may not exceed.

All contracts entered into by the Board involving direct interaction with students (regardless of whether such interaction occurs online or in person) must include a provision requiring the contractor to conduct background checks on the contractual personnel, including an annual sex offender registry check, and provisions requiring the contractor to maintain the confidentiality of student information.

All contracts for procurement of instructional materials, as defined in policy 3200, Instructional and Supplementary Materials, must include a clause granting the Board the license to produce copies of instructional materials in formats accessible to students with disabilities (such as large print or audio) for use in the school system.

D. Enforceability of Contracts

An obligation incurred in violation of the requirements of this Policy or of State law is invalid and may not be enforced. The CFO shall establish procedures in accordance with any rules adopted by the Local Government Commission to assure compliance with statutory requirements and this Policy.

Legal References: [G.S. 64 art. 2](#); [115C-36](#), [-47](#), [-264](#), [-440](#), [-441](#), [-522](#), [-528](#); [143-49](#) and [art. 8](#); [147 art. 6E](#), [art. 6G](#)

Cross References: Board Member Conflict of Interest [\(policy 2121\)](#), [Instructional and Supplementary Materials \(policy 3200\)](#), [GCS Accessibility Statement](#)

Adopted: January 14, 2025

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